

**KIRKLEES  
UNITARY DEVELOPMENT PLAN  
INSPECTOR'S REPORT  
VOLUME I**

**Report into Objections to the Unitary Development Plan**

**Inspector: D G Baldock MA DipTP DMS MRTPI  
Assistant Inspector: S M Rolstone BSc MA MRTPI  
Period of the Inquiry: 25 April 1995 to 26 September 1996**

# CONTENTS

		Page
<b><u>VOLUME I</u></b>		
Chapter L1	LAND NEED AND SUPPLY .....	1
Chapter 1	PART I - STRATEGIC FRAMEWORK .....	21
Chapter 2	DEVELOPMENT FRAMEWORK .....	27
Chapter 3	NATURAL ENVIRONMENT .....	42
Chapter 4	BUILT ENVIRONMENT .....	53
Chapter 5	ENVIRONMENTAL PROTECTION .....	65
Chapter 6	MINERALS .....	80
Chapter 7	WASTE DISPOSAL .....	94
Chapter 8	TRANSPORT .....	114
Chapter 9	DERELICT AND NEGLECTED LAND .....	159
Chapter 10	BUSINESS AND INDUSTRY .....	163
Chapter 11	HOUSING .....	179
Chapter 12	COMMUNITY FACILITIES .....	196
Chapter 13	SHOPPING AND SERVICE USES .....	202
Chapter 14	RECREATION .....	224
Chapter 15	HUDDERSFIELD TOWN CENTRE .....	241
Chapter 16	MONITORING AND REVIEW .....	256

## **VOLUME II**

Chapter 17	GREEN BELT SITES IN STATUTORY LOCAL PLAN AREAS .....	257
	Area 1 .....	259
	Area 7 .....	267

	Area 8 .....	274	
	Area 9 .....	283	
	Area 10 .....	295	
	Area 11 .....	307	
	Areas 12 & 13 .....	329	
	Area 14 .....	336	
Chapter 18	GREEN BELT SITES IN AREAS WITH NO STATUTORY LOCAL PLAN .....		383
	Areas 2 & 3 .....	384	
	Area 4 .....	417	
	Area 5 .....	431	
	Area 8 .....	448	

### VOLUME III

Chapter 19	BUSINESS AND INDUSTRY SITES .....		451
	Area 1 .....	452	
	Area 3 .....	454	
	Area 4 .....	456	
	Area 5 .....	462	
	Area 8 .....	466	
	Area 9 .....	481	
	Area 10 .....	483	
	Area 11 .....	485	
	Area 12 .....	495	
	Area 14 .....	496	
Chapter 20	HOUSING SITES .....		498
	Area 1 .....	499	
	Area 2 .....	505	
	Area 3 .....	512	
	Area 4 .....	520	
	Area 5 .....	524	
	Area 6 .....	532	
	Area 7 .....	533	
	Area 8 .....	541	
	Area 9 .....	557	
	Area 10 .....	572	
	Area 11 .....	577	
	Area 12 & 13 .....	592	
	Area 14 .....	594	

Chapter 21	URBAN GREENSPACE AND GREEN CORRIDORS	603
	Area 1 .....	604
	Area 3 .....	608
	Area 4 .....	613
	Area 5 .....	619
	Area 7 .....	622
	Area 8 .....	626
	Area 10 .....	636
	Area 11 .....	640
	Areas 12 - 14 .....	644
Chapter 22	MISCELLANEOUS SITES .....	655

## APPENDICES

Appendix A	INDEXED LIST OF OBJECTIONS
Appendix B	INDEXED LIST OF COUNTER OBJECTIONS
Appendix C	LIST OF SUPPORTING REPRESENTATIONS
Appendix D	LIST OF REPRESENTATIONS SUPPORTING PROPOSED CHANGES
Appendix E	SCHEDULE OF CORE DOCUMENTS
Appendix F	COUNCIL STATEMENTS OF CASE
Appendix G	OBJECTORS' DOCUMENTS
Appendix H	INQUIRY APPEARANCES
Appendix I.1-3	HOUSING RTS - APPEARANCES, DOCUMENTS AND OBJECTORS REPRESENTED
Appendix J.1-3	BUSINESS AND INDUSTRY RTS - APPEARANCES, DOCUMENTS AND OBJECTORS REPRESENTED
Appendix K	CHANGES TO THE PLAN RECOMMENDED AS MODIFICATIONS
Appendix L	ABBREVIATIONS USED IN THE REPORT
Appendix M	ALLOCATION B8.16 - RECOMMENDED BUFFER ZONES
Annexes A-L	LISTS OF OBJECTIONS REPORTED IN SPECIFIC SECTIONS

# CHAPTER L1 - LAND NEED AND SUPPLY

This chapter is in three parts. The first two are concerned with the overall land requirements for business and industry and housing during the plan period to 2006. The final section looks at the implications of requirements beyond the plan period in relation to safeguarded land (provisional open land or POL) and the Green Belt. Some of the issues are directly related to policies in the plan and these are identified in each section. Others form the background against which policies and in particular the allocation of sites dealt with elsewhere will be considered.

## **L1.1 LAND FOR BUSINESS AND INDUSTRY**

### **POLICY B2**

Objections:	0008 J Burnhill	0092 R Hudson	0093 M G Hudson
	0094 T C Bellerby	0095 P A Bellerby	0096 A Bellerby
	0097 M W Jackson	0098 V K Symons	0099 A Kenny
	0100 P Wallwork	0101 D Cox	0104 J Sugden
	0111 T Eakin	0112 N M Hester	0215 M Smith
	0216 A Jones	0218 R A Dosssett	0257 BGM Plastics Ltd
	0258 Mitral Systems Ltd	0777 K Whiteoak	0964 J C Mason
	0965 D Wood	0966 G Hirst	1098 Savile Estates
	1340 Semley Properties	1449 N Mackenzie	2250 T E Newsholme
	2375 England Land Trust	2384 K Hall	2385 N Jowett
	2386 B Crank	2387 J Wood	2502 Tetley Pub Company
	2567 J E Stainsby	2578 Kalon Group plc	2605 A Livesey
	2653 H Armitage	2654 D Broster	2806 Lindley Moor Action Group
	2840 Mr & Mrs Hughes	2848 Holme Valley Civic Society	2851 Armitage Hewett & Hellowell
	2855 Mid Yorkshire Chamber of Commerce		2943 T Clough
	2955 White Rose Development Enterprises		2956 R Farrar
	3804 JMV Developments	5494 Kirklees Green Party [PC]	

L1.1.1 The objections listed include those represented at the RTS or which were catalogued by the Council to Chapter 10 or B1 and which made representations about overall land requirements. In addition, in pursuance of many of the objections to specific business and industry allocations or which seek an allocation on a specific site the question of overall land requirements was raised. Points of general relevance from these objections are also taken into account in this section, but the site specific arguments concerning individual allocations or sites are considered on their merits in the appropriate later sections of the report.

### **Issues**

- L1.1.2 The principal issues are whether:
- the plan makes sufficient provision having regard to the requirements of business and industry and the degree to which allocated sites are constrained;
  - the balance of allocations between re-cycled land and greenfield sites is appropriate;
  - the release of Green Belt land and the balance of allocations between the main urban centres, the motorway corridor and the rural areas is justified;
  - the allocations provide a satisfactory range of size of sites;
  - appropriate provision is made for business parks and distribution uses.

## Conclusions

### **Does the plan make sufficient provision having regard to the requirements of business and industry and the degree to which allocated sites are constrained?**

L1.1.3 The deposit plan allocates land totalling 268ha. Following the Council's proposed changes and further changes, the allocations total 274ha. In considering the allocations it is this latter situation which is addressed. Some sites have been developed already, but should still be taken into account as it is the supply from the base date of the plan which is relevant. Of the 274ha allocated, just over 100ha is on new sites. The remaining sites brought forward from previous commitments are categorised by the Council according to their availability. Sites totalling 60.4ha are defined as category F (constrained) and 3.6ha as category E (landlocked) [KB/BRT/9]. Analysis by the Council, in the absence of a promised joint study with objectors, is that 59.9ha of this land has been developed or is likely to be developed by 2006 [KB/BRT/9], leaving about 4ha not expected to make a contribution to the supply. This analysis is persuasive as it has not been contested and is assisted by a survey of owners and by an appraisal of the individual sites, detailing measures taken or in programmes to overcome the constraints. The analysis also covers all but two sites of the 45ha of allocated land which is derelict land to be reclaimed.

L1.1.4 Category D are sites being held by owners for their own purposes or where intentions are unknown. Land earmarked for the holding firm may not be available to the wider market, but it plays a role in meeting the needs of local firms for expansion, an aim of the allocations and a type of development included in past take-up rates. To exclude it from the supply would therefore be inconsistent. Land which has been identified on the ELSR since before 1988 accounts for 140ha. Of this, 42ha are the remaining parts of larger sites, reflecting the pace of development rather than an inherent unsuitability of the site. A further 29ha are identified as Category F or E so have been included already in the detailed analysis. About 23ha are in category B, defined as where there is permission for a specific firm and it seems likely development will proceed. About 46ha of older sites remain to be considered. Whilst sites identified but remaining undeveloped for a long time may be developed in the future, there must be a question mark over their attraction to developers. It would be reasonable to exercise caution by reducing the likely contribution from these latter sites by half, i.e. about 23ha. Thus, overall the allocations should be regarded as giving a realistic supply of about 247ha.

L1.1.5 Some allocated land could be lost to other uses over the plan period. The rate of loss has been historically low at about 11ha over a 9 year period [KB/BRT2/1]. Of this 11ha about 9ha went to retail use and policy S4, supported by section 54A, will act to staunch this. At the RTS the Council surmised that similar considerations to policy B4, as intended in the proposed changes and which relates to premises and sites with established business and industrial use, could be applied to allocated sites. However, there is nothing in the plan to suggest such an approach. Unlike existing premises, which may include those no longer suitable for business and industry, the allocated sites are included because the Council identifies them as being so suited. Preparation of the plan provides an opportunity for unrealistic allocations to be challenged. The justification for similar considerations to be applied is therefore weak. Furthermore, those sites which could be most affected by such considerations will be those with least attraction to industrial developers, for which an allowance has already been made above. Thus, the most likely effect of the new planning

policy context will be to reduce the rate of loss. I do not consider loss to other uses will be significant in further reducing the realistic supply of land for business and industry.

L1.1.6 The strategic Part I Policy B1 indicates that the provision of land is one of a number of ways in which the employment needs of the district will be met. The land is intended to accommodate the requirements of existing Kirklees businesses and the establishment of new businesses. The period for which the requirements are intended to be accommodated is not set out in the plan and neither RPG2 nor RPG12 advise on the matter. The Council has subsequently indicated that it is looking to 2006. I agree with the Council and many of the objectors that it would be sensible to adopt this period. It would correspond with that for which the plan addresses housing land requirements, would be long enough to aid certainty and would fall within the range of periods - 15 years for Part I policies and 10 years for Part II proposals - advised in PPG12.

L1.1.7 The plan does not set a target for employment and neither the Council nor the objectors advocate an approach to translate employment needs into floor space or site area. The report to the DoE "Employment Densities in Urban Planning" [KB/BRT/7] highlights the wide range of densities which militate against such an approach. The requirement or demand for land, whether by local businesses or firms contemplating a move into the district, is not clear. Objectors [0505, 2840 & 1114] take the view that the market is not constrained by administrative boundaries. This view is supported by information which the objectors provide, showing enquiries are in the main from firms considering West Yorkshire or South Yorkshire locations, rather than an area of search confined to Kirklees. It is also consistent with the conclusion of the appeal Inspector [KB/BRT/6]. As the objector [2840] acknowledges the reliability of information from enquiries is also reduced as only a small proportion prove to be active and enquiries may be carried over from year to year.

L1.1.8 The average annual take-up rate of industrial land over the 10 year period, 1984 to 1994, was about 13 ha. This period, encompassing both a recessionary and a more buoyant period, is representative of the economic cycle. A longer period of 15 years before 1994 would include two recessionary periods identified by the objectors [2955 & 2956] and be less representative. A shorter period would be unrealistic since business and industrial land take-up is extremely volatile [Figure 1.4a in CD42]. Whilst the highest single annual past take-up rate was clearly achieved, this is a very different proposition from demonstrating that such a level could be sustained on a continuing basis. Similarly reliance on the picture advanced by a number of objectors, of existing low demand from industrialists for new premises because of present and foreseeable poor economic circumstances, should be avoided. This picture is not consistent with the evidence of recent industrial land take-up [CD42 and BRT/02032/3]. Even if correct, to rely on a pessimistic forecast would undesirably constrain land supply in the event of changed fortunes.

L1.1.9 The density of development can affect the quantity of land needed. However, although a trend to lower density developments allowing more landscaping and higher environmental quality is described by some objectors, no hard evidence on changes in site density is given and neither is information on trends in job densities. Bearing in mind the aim in policy B1 of providing land is to aid meeting employment needs, employment potential is also important. Higher quality development may well be allied to mixed use or office parks, which tend to give lower floorspace per employee and where multi-storey built form may be used [BRT/00536/3]. It is by no means clear that lower site coverage

correlates with lower floor space or lower job provision and therefore a requirement for more land to meet the employment aim. There are insufficient grounds to justify or quantify an adjustment to past rates of land take-up on the basis of site densities.

L1.1.10 Objectors attending the RTS argue that limitations in the range, size, quality and location of sites in the past deterred developers, depressing the take-up from what could have been achieved and indicating that considerably more land should be allocated. Whilst, as the Council acknowledges, it is likely there is an element of latent demand, I am not satisfied it is substantial. Comparisons with take-up rates in other West Yorkshire authorities [BRT/02032/1 and CD42], reflect differences in the characteristics of the districts as well as in the respective land availability situations. Whereas in Calderdale, with which the objector [2855] drew particular comparison, new land availability fell sharply in the period leading up to the plan, in Kirklees the quantity of land identified in the ELSR was maintained at around 200ha from 1989 to 1994 [CD42]. Unlike Calderdale, specific examples are not given of firms moving away and of opportunities for firms to move into the district being lost. Indeed Kirklees could have benefited in the past from inflated demand because of the poorer land availability in its neighbouring authority, a situation unlikely to continue if the recommendations there for increased allocations are followed. Although I do not doubt that some of the available land was unattractive for business or industrial developers, even at its lowest 36% of the land on the Kirklees ELSR was on sites above 4ha and it seems to me that the land supply did provide a range of opportunities. These were not always taken up. Had there been evidence of more buoyant demand, the development of acknowledged prime industrial sites accessible to Junction 27 of the M62 for non-industrial uses, including retail, leisure and food and drink purposes, might not have occurred and any ground restraints there overcome for industrial rather than non-industrial uses.

L1.1.11 Although the level of latent demand should not be overestimated, the experience in the Wakefield district quoted by several objectors shows there is a market for business and industrial development when suitable land is allocated. An objective of the plan is to strengthen and broaden the economic base. Opportunities to attract new investment are important to achieve this and to prevent an imbalance of employment opportunities, which would lead to unsustainable patterns of travel out of the district. It is therefore appropriate to make allocations above the level of past take-up rates and the view of some objectors that there should be no further allocations until the large number of existing vacant premises are used is not realistic. Existing premises cannot cater for all sectors of demand and may not be suitable for the purposes of firms looking to relocate or establish in the district. Both commercial and industrial premises on the market showed an increase between 1991 and 1994. However, there was also a drop in the average size available, indicating in particular a potential lack of interest in smaller premises which make up the greater proportion of those now available [CD42]. Limiting the allocation of new land would conflict with PPG4, PPG12, RPG2 and RPG12 advice to ensure a good supply, choice and range of sites.

L1.1.12 Past take-up rates include all land removed from the ELSR when developed for business and industrial uses. The ELSR includes unallocated sites, so there is an element of what could be termed "windfall" sites. Between 1989 and 1994, land supply remained at around 200ha and about 58ha was developed. Over that period no local plans were adopted to allocate new sites, so this gives an indication of the scale by which this "windfall" element contributed to the take-up rate recorded. During the inquiry, reference was made to specific unallocated sites coming forward to provide redevelopment opportunities, such as the Rest

Assured site in Birstall Smithies and North Bierley Hospital. This strongly indicates the continuation of this element. I agree with the Council that to encourage new investment an identifiable range and choice of sites is needed. Thus, reliance on "windfall" opportunities is not a substitute for allocation of specific sites which give certainty to potential inward investors. Nevertheless, it would be inconsistent to ignore the fact that they contribute to past take-up rates and they should be used to temper the understanding of the requirement side of the equation. Bearing this in mind, I consider the level of allocations which after adjustment for constraints gives an allowance to 2006 of some 78ha above past take-up rates, or an increase of some 46%, is sufficient to provide for increased success in attracting development and for greater choice.

### **Is the balance of allocations between re-cycled land and greenfield sites appropriate?**

L1.1.13 RPG12 advises that new development should be concentrated as far as possible on re-cycled or derelict land in the urban fabric. Both re-cycled sites and derelict land are represented in the allocations. The plan identifies a hard-end use for 108.4ha (42%) of the derelict land to be reclaimed, including about 45ha for business and industry. The reclamation target is above the grant funded programme level and envisages input from other sources. In view of this and as soft-end uses are also vital to the improvement of the urban environment, a significantly greater use of derelict land for business and industry would not be feasible.

L1.1.14 The topography and history of industrial processes in this district concentrated along the river valleys means that much of the potential land for re-cycling is not in the form of large, flat sites nor well placed for modern access requirements. However, these locations do benefit from a readily accessible workforce, as populations grew up around the traditional industries, and firms do function there. Resources, in particular City Challenge and SRB programmes, are being channelled to improve access, infrastructure and the image of these traditional industrial areas. Thus, the concerns of some objectors, that these sites are so unattractive to developers as to be undevelopable, are being addressed by the Council and do not indicate that less reliance should be placed on re-cycled land. Other objectors drew attention to under-used or vacant sites, in particular along the railway line in Mirfield and associated with old mill premises in Batley, which are not allocated. The lack of allocation would not prevent them coming forward as "windfall" sites. That element has been taken into account as discussed above and, since arguments are also advanced in favour of redevelopment for other uses mainly for housing and there is no information on owners' intentions, increased reliance on such sites would not be realistic.

### **Is the balance of allocations between the main urban centres, the motorway corridor and the rural areas appropriate?**

L1.1.15 Accessibility to the M62 is seen in the plan as attractive to both local and inwardly investing firms and as beneficial in avoiding HGV movements through built-up areas. The importance of motorway accessibility in attracting or retaining businesses is a matter for debate. A 1991 paper for the European Conference of Ministers of Transport indicates that transport is a secondary criterion in company location strategy [B8.1/00415/9]. However, evidence specific to this region is more supportive to the plan approach. RPG12 indicates that locations with good access to the M62 are attractive and improvements to the M62 are likely to result in increased demands for industrial development. Where land has

been made available near junction 27 of the M62, over 139,000 sq m (1.5m sq ft) of industrial building has been built and taken up over the last 6 years [CG21/00384/7]. A 1987 case study in Wakefield reports that the most dynamic element in the industrial and commercial property market was the estates near the M1 and M62, at a time when development of industrial land in locations less accessible to motorways was limited despite its cheaper land values [BB5/00909/1]. It is within this regional context that Kirklees must operate and provide attractive sites. Also, given the constrained nature of the road network in much of the urban area, limiting HGV movements there is undoubtedly of environmental benefit.

L1.1.16 Objectors at the RTS consider that sites within about 5 to 10 minutes drive time of a motorway junction can be regarded as accessible. This view is supported by "Distribution 2000" [BRT/00536/2]. The nature of the road link as well as the distance is important in journey times. On links giving speeds as low as 15mph, a conservative urban average, a range of up to 4km is possible. On this basis, 128ha or 47% of allocated land is accessible to the M62, [KB/BRT/10].

L1.1.17 With regard to whether further motorway accessible provision should be made, an argument is made for two-thirds of allocations to be in such locations. However, no rationale for this distribution is given and a number of factors tell against further provision. In Kirklees further motorway accessible sites, as defined at the RTS, must impinge on the Green Belt. Vacant premises drawn to my attention include, as well as older traditional mills, premises on relatively modern estates near junction 27 of the M62, demonstrating that allocating land in such locations is not a panacea for achieving a match between supply and firms' requirements. It also indicates there is scope in addition to allocations for interested developers to pursue either upgrading of premises or re-development in such locations. "Distribution 2000" deals with companies in the distribution sector who may be expected to be particularly sensitive to motorway accessibility. It indicates that there is not a definite cut-off point of attraction. 50% of firms are reported as seeking drive times to motorway junctions of up to 10 minutes, but a further 17% would accept up to 15 minutes and a further 17% up to 20 minutes. Thus, more widespread allocations in the plan will also be capable of attracting firms.

L1.1.18 Another factor against additional motorway accessible allocations is the potential impact on the motorway function. The HA has highlighted a need for further detailed assessment of traffic impact near motorway junctions. It is by no means clear that additional allocations in such locations would not run contrary to PPG13 advice to ensure the national and strategic role of motorways is not undermined. This advice points to avoidance of those locations where local traffic is generated onto the motorway. To some extent that effect is unavoidable in Kirklees due to the intertwined nature of the M62 with urban areas. Nevertheless sites at the extreme range of attraction for industrialists or distribution operators, that is within the urban areas and beyond the 10 minute access corridor, are likely to make commuting by utilising a short stretch of the motorway less convenient.

L1.1.19 The land most accessible to the M62 is in the Heavy Woollen area, and to a lesser extent in North Huddersfield. Motorway accessibility, coupled with the need for regeneration and identification of about 31ha of derelict land suitable for reclamation to business and industry use in the Heavy Woollen area, is a major factor in the high proportion of allocations, about 59%, in that part of the district. Also bearing in mind that

unemployment levels are generally higher in the northern part of the district than in the Huddersfield travel to work area, the concentration of land for business and industry in the Heavy Woollen area is not disproportionate nor unreasonable. Allocations in the rural areas including the Colne Valley, make up about 15% of the land supply. This is not dissimilar from the distribution of industrial land take-up between 1984 and 1994 when about 12% occurred there [CD42]. I therefore do not consider the allocations are unreasonably skewed towards the rural areas compared with demand. The distribution of the allocations across the district is satisfactory.

### **Do the allocations provide a satisfactory range of size of sites?**

L1.1.20 Some objectors advocated "critical mass sites" of 20 to 40ha. Whilst economy of scale in infrastructure provision can make larger sites more viable, sites of much smaller size have been successful in this district showing that inward investment can be attracted over a wider range of site size. The experience of the Council is that where large sites have been provided they have generally been developed in smaller plots. The objector [2851] also cites requests for sites in the 0.5 to 5ha range to provide relocation opportunities for individual firms. Of the allocations 170ha or 62% of the land is on sites of above 4ha and 2 sites, all accessible to the M62, are above 20ha (B8.1 and B10.1) with a further group totalling above 20ha at B11.1-4, 18 and 19. The allocations give a good range and choice of size covering a full cross-section of likely demand.

### **Is the release of Green Belt land justified?**

L1.1.21 RPG2 acknowledges that the plan gives the opportunity, exceptionally, to review Green Belt boundaries where economic regeneration may be constrained by a lack of suitable industrial sites, whereas RPG12 advises that the maintenance of the Green Belt in the conurbations should be a prime objective. Of the allocations, 6 involve release of Green Belt land. One of these is a relatively minor adjustment (part of B14.3) and another is related to the specific circumstances of the adjoining firm (B13.1). The basis for the release of the remaining 4 areas of Green Belt advanced by the Council is principally to provide opportunities for development in locations with ready access to the M62.

L1.1.22 The bulk of this motorway related land has been found within the main urban framework. However, without those sites in the Green Belt it would fall from about 128ha to about 95ha or about 34% of total allocations. The range of site size in motorway accessible locations would also suffer, with 3 less sites above 4ha and sites above 20ha reducing from 2 to one. Also without the release of Green Belt the distribution of sites above 4ha across all the motorway junctions presently provided by the allocations would be lost. The resulting situation would not ensure adequate availability of attractive and developable sites at appropriate locations as sought by RPG12 in all areas. Bearing in mind the absence of specific realistic alternative opportunities, I do not believe that the sites in the Green Belt could be replaced by sites within the urban framework, with an equivalent level of accessibility and development potential in the plan period and which are not of value in the Council's open land survey. Indeed, even additional sites with less accessibility but on the motorway side of the main urban areas and therefore attractive to relocating firms, such as along Leeds Road, Huddersfield, would create unacceptable loss of valuable open land. There 3ha of playing fields are already allocated for business and industry and there is no

spare land other than further playing fields. Thus, this broad degree of release of Green Belt land is justified.

### **Is appropriate provision made for business parks and distribution uses?**

L1.1.23 The Council has identified that the type of businesses suited to sites restricted to Class B1 use for low density, high quality development are poorly represented in the district. There is scope for diversifying the economy by the provision of suitable sites. In addition to locations on the fringe of the Huddersfield commercial centre, objectors [1340, 2840, 2955 & 2956] cite some office demand for out of town, regionally accessible sites. However, whereas Leeds has a growing reputation in the office sector, there is no evidence of strong demand for business parks in Kirklees and PPG4 advice should also be heeded. This is that it is particularly important to encourage location of this type of development, which is likely to have high employment density, where it can be served by energy efficient modes of transport. Thus it would be overambitious to seek many such sites and unreasonable to encourage the peripheral, motorway related demand cited. A moderate level of provision would be appropriate. This would be given by that proposed, of 2 sites restricted to B1 use (B8.16 & B14.9) and office development areas identified in the Huddersfield Town Centre inset plan, together with B8.15, allocated for high technology uses in the HLP as discussed at IR 19.11. A greater supply would not be necessary.

L1.1.24 Distribution uses within class B8 are excluded from 5 sites. Despite changes described in the characteristics of distribution and examples of greater office content, the research evidence produced [KB/BRT/7, BRT/00536/2 and BRT/00536/3] indicates that such uses can be expected to produce lower job densities. The potential low density of employment is reinforced in PPG4 at paragraph 12 on distribution facilities. Given the limited opportunity to provide large, accessible sites attractive to industrial developers in this district the principle of excluding B8 uses in some cases to encourage business and industrial use of a type to give higher employment levels is justified. However, the extent to which some limitation on such sites is pursued must be tempered by the benefits of guiding HGV traffic generation, a major feature of distribution uses, away from urban areas and more directly onto the motorway or trunk road network. The appropriateness of the restriction on allocation B8.1 is considered at IR 19.9.

L1.1.25 The objector [2955 & 2956] suggests limitation on B8 uses on sites in inner areas where the road network is less suited to HGV movements. There is some merit in this approach which would reflect national guidance to discourage unacceptable congestion. However, irrespective of policy limitations, the plan allocations in the inner areas, generally on smaller sites, would be less attractive to the market for main distribution centres and differences in HGV generation between local depots and industrial uses are likely to be less marked. Also a number of allocations in inner areas are close to rail lines and waterways, so transport potential in that respect should not be overlooked. The case for greater limitations on B8 uses is not compelling and, as the plan through policy T10 would facilitate control of the impact of HGV movements in highway and environmental terms, modification is not justified.

L1.1.26 "Distribution 2000" [BRT/00536/2] points to increased demand for warehousing at the two extremes of the size spectrum, due to a policy of centralization coupled with a network of smaller satellite depots. PPG4 advice on extensive distribution parks is that

wherever possible they should be away from urban areas where the nature of traffic is likely to cause congestion and capable of access by rail and water transport. It is acknowledged that there is an absence in Kirklees of opportunities for sites both away from the urban areas and capable of rail or water access. In view of that and better opportunities, including the two Channel Tunnel rail freight terminals, elsewhere in the region, it would be unrealistic for the plan to seek to serve more than the demand at the smaller end of the spectrum. The range of sizes for satellite depots and local storage in "Distribution 2000" indicates sites of about 0.8ha to 1.5ha. Even with limitations on B8 use appropriate in principle as discussed above, there are sufficient unrestricted allocations in that range so specific provision for distribution uses is not necessary.

**Overall conclusions**

L1.1.27 The degree to which the market is to be engaged has to be balanced with other priorities, including environmental considerations and protection of the Green Belt. I consider that the balance which the plan aims to achieve is reasonable. The degree of reliance by the Council on measures, in particular the City Challenge and SRB initiatives, to bring about regeneration and improvement in the suitability of urban areas for business and industry demands is not unrealistic. I am not persuaded that there is justification for modification to the general quantity, nature or distribution of allocations. Consideration of site specific points leads me elsewhere to recommend a number of modifications, mainly to the size of buffer zones, which would affect the estimated developable area for business and industry. These modifications largely cancel each other out in terms of the overall area available, which would alter by only about 1ha. The situation is not therefore significantly disturbed.

**Recommendation**

L1.1.28 No modification to the general approach and broad level of allocations of land for business and industry.

\*\*\*\*\*

**L1.2 LAND FOR HOUSING**

**POLICY H5 THE HOUSING REQUIREMENT**

<p>Objections:</p> <p>0440 Kirklees Green Parties          0578 Clive Brook Associates          1096 Kenneth Hall (Builder)          1448 Trustees of D Stubble (dec'd)          2166 Hassall Homes          2212 P M Plant          2291 Diocese of Wakefield          2383 Mr and Mrs Moorhouse          2613 Hassall Homes          2955 White Rose Development Enterprises          3802 JMV Developments</p>	<p>0513 Fairclough Homes          0992 Brighthouse Estate Co          1162 GS Planning &amp; Development          1577 Peacock &amp; Smith          2167 Victor Homes          2213 Joshua Tetley &amp; Son          2332 Victor Homes          2611 Diocese of Wakefield          2614 Diocese of Wakefield</p>	<p>0514 House-Builders Federation          0998 Kendon Packaging plc          1376 Eric Roberts &amp; Sons          2072 Mr and Mrs Campbell          2168 Victor Homes          2290 Orion Homes          2369 Bellway plc          2612 Mr E Brooke          2618 Redrow Homes          2956 Mr R Farrar</p>
---	--	--

## POLICY H6 AND PARAGRAPH 11.30 *THE HOUSING LAND SUPPLY*

Objections:	0513 Fairclough Homes	0578 Clive Brook Associates	0992 Brighthouse Estate Co
	0993 Shevill & Bradd Ltd	1096 Kenneth Hall (Builder) Ltd	1097 Yorkshire Water Estates
	1158 Kenneth Hall (Builder) Ltd	1162 G S Planning & Development	1317 Kenneth Hall (Builder) Ltd
	1318 Mrs P Webb	1376 Eric Roberts & Sons	1577 Peacock & Smith
	1887 E C Booth	1889 Petrian Construction	2166 Hassall Homes
	2167 Victor Homes Ltd	2212 P M Plant	2213 Joshua Tetley & Son
	2290 Orion Homes	2291 Diocese of Wakefield	2347 Huddersfield NHS Trust
	2356 R Salvini	2369 Bellway plc	2375 England Land Trust
	2376 H S Woodhead	2608 Flockton Green Working Mens Club	2612 Mr E Brooke
	2618 Redrow Homes	2774 Edward Fielding	2840 Mr & Mrs Hughes, Mr & Mrs Ives
	2986 Gradequick Ltd	3801 J M V Developments	5483 House-Builders Federation [PC]

### Issues

L1.2.1 This section deals with objections directed at the housing land requirement and the adequacy of the identified supply. Those objections to policy H6 which relate only to the arguments for allocating a particular site are reported exclusively where that site is considered. Some H6 objections refer to the distribution of provision within the district and these arguments are dealt with at IR 11.2.

L1.2.2 The principal issues relevant here are:

- how many dwellings should the plan make provision for;
- are the assumptions made in the plan about the supply of land appropriate; and
- is modification to the supply necessary, having regard to the effect of recommendations elsewhere in the report?

### How many dwellings should the plan make provision for?

#### Calculation of the requirement

L1.2.3 The Council has chosen a longer plan period in this respect, to 2006, than was the subject of RPG2. This resulted in the re-calculated requirement of 12,400 dwellings contained in policy H5, repeating the same general method but using the 1989-based projections and information from the 1991 Census. I see no need to repeat the relevant time period in the policy because this is explained in the reasoned justification. [0440] argues in general terms that the requirement is inflated and would encourage an unsustainable level of development but there is no evidence which would justify failing to make provision locally for forecast population and household growth, which is one of the principles in RPG12. A number of elements in the calculation are disputed and it is necessary to consider whether there are grounds to substitute a different figure.

L1.2.4 Some objectors express concern about the general method and its underlying assumptions (albeit principally in the context of how to respond to the latest projections). There is argued to be a substantial element of uncertainty and potential error by deriving the requirement from the difference between the number of dwellings in the base year and a projected number of households. The effect in the plan is that a substantial part of the requirement is derived from the assumption that full provision will be made for shared and concealed households, amounting to some 5,300 dwellings (including an allowance for vacancies). I am doubtful whether this is realistic since it takes no account of the factors which have produced this imbalance and whether there are grounds to expect such a

substantial change during the plan period. Nevertheless the Council rightly stresses that it is simply repeating the method in regional guidance.

L1.2.5 The Council has assumed that the vacancy rate will remain unchanged at 5%, whereas some objectors support the adoption of a lower rate in accordance with regional guidance. This reflects current housing policy but the speed and scale of the effect on the local housing market is difficult to predict. The Council's approach is cautious, so that taking this factor in isolation there might be grounds for an adjustment. Demolitions and conversions are a small component of the overall figure. I am not convinced by the arguments that variations in these figures would be likely to produce a net increase in the estimated requirement. There is little local evidence to suggest an increase in demolitions and policies in the plan encourage conversions for residential use, which are strongly supported in RPG12. Again, the Council's approach has been cautious, so that the outcome in these respects is more likely to increase the number of dwellings available.

L1.2.6 I see no necessity to adjust the requirement because of the probable increase in student numbers at the University. The household projections are trend-based, so that the continuation of previous growth will be built-in. Future increases will not be exceptional and will coincide with the substantial provision of student accommodation at Storthes Hall.

L1.2.7 In so far as some of the above factors suggest an adjustment in the requirement, these would lead to a reduction. The only contrary factor is the number of recorded completions in the period 1991-93. The figures both for earlier and later years lend some support to the view that improved recording produced a temporary catching-up effect, with dwellings actually completed earlier being incorporated within the critical two year figure.

L1.2.8 Whereas in many respects I find the Council's approach to the calculation of the requirement sound, where more realistic assumptions might be justified the net effect would be to reduce the overall new dwelling requirement. To do so would be contrary to the implications of more recent projections, which I consider in the next section, and would be liable to make the plan less effective.

#### The effect of the 1992-based projections and revised Regional Guidance

L1.2.9 The figures for housing provision 1991-2006 in RPG12 are based upon the advice of the Regional Planning Conference prepared in December 1993. Annual provision of 1,100 dwellings in Kirklees is suggested as a guideline, not "a firm target or limit". Adjusted for completions 1991-93, so as to coincide with the plan's base date, this would suggest total provision for some 14,000 dwellings. More recent calculations have taken into account the 1992-based population and household projections. Repeating the same method of calculation, the Council suggests that these would produce a requirement for 25,000 dwellings to 2006, whereas the alternative calculation of the HBF gives a figure of 19,700.

L1.2.10 Whether to take into account the latest projections and their implications has arguably been the most controversial and fundamental subject debated at the inquiry. Criticism of components such as migration assumptions are part of this general argument. Whichever method of calculation is favoured, the scale of the requirement would be likely to absorb all suitable POL and to require a major review of the Green Belt, both to satisfy the need for land within the plan period and to establish longer term enduring boundaries.

The determined arguments of objectors to the plan point out the considerable disadvantages of adopting a plan which will need immediate major review, arguments which are to some extent supported by advice in PPG12 and RPG12.

L1.2.11 The Council emphasises the importance of undertaking the necessary review in a context provided by updated regional guidance. RPG12 endorses that approach by confirming that there is to be an early review and rolling forward of the housing provision figures to 2016, taking into account the 1992-based projections.

L1.2.12 Fundamentally I see the choice as being to proceed towards early adoption of the plan or beginning the comprehensive review. I am not convinced by the arguments made for reducing the period for housing provision to 2001 because this would be contrary to the thrust of regional guidance and the principles underlying national guidance in PPG12. My conclusions are based on the assumption that an immediate comprehensive review would delay adoption of the UDP for two years or more. When the Council makes its decision that assumption may not be correct, in which case the balance of the arguments could be different. However, on the information available to me, I believe that it would be preferable to work towards early adoption of the plan and that the delay which would result from carrying out a full scale review before this occurred would be undesirable, a conclusion which is consistent with the advice in paragraph 4.19 of PPG12.

L1.2.13 This conclusion precludes incorporating the 1992-based projections. I do support a more limited modification based upon the latest regional guidance, which is derived from the Council's own forecasts, resulting in a modest increase in the housing requirement. This is a reasonable and necessary modification which would have the advantage of making the plan more robust until the necessary review has been carried out. Some objector's query specifically the allowance for household growth post-2001 in the Council's calculations. Bearing in mind that the requirement in policy H5 covers the whole period and that there are no phasing provisions, this argument has little force.

#### **Are the assumptions made in the plan about the supply of land appropriate?**

L1.2.14 Provision consists of allocated sites of 0.4 ha and above and allowances for small and windfall sites. The Joint Study with the HBF has agreed figures in each category, so that it is reasonable to place considerable reliance on the estimates made in the plan. All the allocated sites have been agreed to be appropriately included as potential housing sites, as have the capacity figures, whether determined by individual site assessment or by applying a general density of 25 dwellings per ha. Sites were also sub-divided on the basis of when development was likely, those most constrained being defined as low potential and not available until after March 2003 (this includes both whole sites and part of those sites where a slow rate of development is envisaged). Some objectors seek the inclusion of more detailed information in the plan, such as the status of sites and constraints affecting the timing of development. Given the level of agreement in the Joint Study and the availability of further information there and in other published sources, adding to the content of the plan would introduce unnecessary additional detail.

L1.2.15 Capacity in low potential sites amounts to some 500 units. The Joint Study acknowledges that the contribution from these sites will extend beyond 2006, which is referred to in para 11.30 of the plan and noted by several objectors. There is disagreement

as to the extent to which capacity on these sites should be taken into account in assessing provision made to 2006. For phased sites, on which it is the rate of development rather than an absolute constraint which applies, continuation of past trends between 2003 and 2006 was accepted on behalf of the HBF at the RTS, adding 76 units to give an aggregate supply of 14,360. On balance, I agree that it would be right to uphold the conclusions of the Joint Study that the remainder of the low potential sites cannot be relied on as part of the supply to 2006. I have taken into account the conclusions of Roger Tym & Partners in their study of housing land availability concerning the effect of ownership and marketability factors in delaying the development of sites and proposing that a discount should be applied to theoretical supply if agreement between housebuilders and the local authority cannot be reached. Where agreement has been achieved, as here, it is right to give that judgement considerable weight, particularly if one consequence is that a general discount of supply is not to be used. This will necessitate a modification to paragraph 11.30.

L1.2.16 Although the density assumption has been criticised, recent experience indicates an increase over historic rates, so that the figure adopted for the Joint Study represents a balanced estimate. The dwelling capacity on identified small sites included in the plan's estimate of total supply also derives from the Joint Study. The figure for windfall sites of up to 1 ha assumes a steady reduction in the supply compared with the historic rate, so that by 2002-3 the rate would be about 50% of that at the start of the plan period. It is difficult to estimate the extent to which the existence of a comprehensive adopted plan and the restraint of Green Belt boundaries will diminish availability from this source. Nevertheless RPG12 gives priority to the recycling of vacant, under-used and previously developed land within urban areas and economic change is likely to lead to a continuing demand to redevelop sites for alternative uses, so that the assumption made in the plan is reasonable. PPG3 advises that plans will convey greater certainty the more sites they specifically identify for housing but I do not regard the proportion of windfall provision here as leading to an unreasonable degree of uncertainty.

**Is modification to the supply necessary, having regard to the effect of recommendations elsewhere in the report?**

L1.2.17 The revised requirement for 14,000 dwellings, derived from RPG12, compares with an estimated supply of 14,360. The net effect of recommendations on individual sites would be to leave the latter figure virtually unchanged. This excludes any additional capacity from site MF12 and also deducts the capacity formerly assumed on H9.12 because of the constraints which may delay development of that land. Thus the level of allocations and consequent estimated supply are appropriate for the requirement which I recommend to be incorporated in the plan.

**Recommendations**

L1.2.18 (i) modify policy H5 to read:

PROVISION IS MADE FOR THE CONSTRUCTION OF 14,000 DWELLINGS

(ii) modify paragraph 11.30 to incorporate the housing supply figures agreed in the Joint Study together with an additional contribution from phased sites of 76 units.

\*\*\*\*\*

## **L1.3 SAFEGUARDED LAND, THE GREEN BELT AND LONG TERM NEEDS**

### **Issues**

#### **L1.3.1 These are:**

- i. is the definition and range of acceptable uses for POL appropriate having regard to national guidance;
- ii. what should be the "base" boundary of the Green Belt against which to consider additions or deletions; and
- iii. will Green Belt boundaries endure or should further releases be made from the Green Belt to provide additional long term land?

### **POLICY D5 AND PARAGRAPHS 2.15 - 2.18 PROVISIONAL OPEN LAND**

#### **L1.3.2**

**Objections:**

0578 Clive Brook Associates  
1374 Eric Roberts & Sons  
1992 D G Johnston  
2005 Holme Valley Civic Society  
7006 Holme Valley Parish Council

1162 GS Planning and Development  
1855 Morton International Ltd  
2002 Rural Development Commission  
5679 David Wilson Estates [PC]

Objection [1866] to policy D8, from the Mid-Yorkshire Chamber of Commerce, has also been taken into account here.

#### **Is the definition and range of acceptable uses for POL appropriate having regard to national guidance?**

L1.3.3 POL is intended to be protected from development which would prejudice the possibility of comprehensive development in the long-term (by policy D5). POL was identified following a survey of urban open land, excluding land allocated for built use in a local plan. Some open land was then designated for development and the most valuable areas were protected as urban greenspace. In the Council's words, the designation of POL arose from the requirement to provide land which might accommodate development in the longer term. Land with no role for any of these purposes was shown unallocated.

L1.3.4 The concept of safeguarded land is dealt with in more detail in PPG2, issued in January 1995. The advice suggests that sites should be genuinely capable of development when needed and should have been selected having regard to their suitability in terms of sustainable development and other criteria. Policies should protect the land from permanent development, pending a decision on release following a plan review, and should also safeguard valuable landscape and wildlife features.

L1.3.5 The Council states that all POL sites are capable of development, although there are also said to be constraints which may be removed over time. The reasoned justification explains that detailed examination is required to determine the practicality of development. Although this suggests that there may be some uncertainty about the feasibility of development, safeguarded land will be required well beyond 2006 as well as more immediately, giving the opportunity to remove constraints. Uncertainty is increased by the reference in the justification to possible urban greenspace or Green Belt allocation following review. The POL designation appears not to be a positive allocation but to have deferred

making a decision as to whether land is appropriate for development or long-term protection. Whereas I acknowledge that re-allocation for protection may be justified in exceptional circumstances, particularly if conditions change, these occasions should be rare.

L1.3.6 POL has been identified without considering the possible variation of the Green Belt to provide long term safeguarded land. One effect of this has been that the distribution of POL reflects the relative tightness of the Green Belt boundary in different parts of the district. Furthermore the selection of sites has not been influenced by the objectives of PPG13 and considerations of sustainability. This could only be achieved by a comprehensive review of the long term distribution of development, including the potential release of Green Belt land. This might lead to a preference in some cases for the release of Green Belt rather than the development of POL in what is concluded to be unsatisfactory locations. When this review occurs sustainability objections, coupled with the identification of sufficient alternative provision, would be exceptional circumstances justifying the re-allocation of some POL for protection. Full compliance with the terms of PPG2 in the definition and identification of POL should occur in the context of an assessment of development requirements and opportunities beyond the plan period, when the latest household projections are taken into account. That should include evaluation of the suitability of sites in terms of sustainability and should incorporate further consideration of any potential constraints.

L1.3.7 Nevertheless, pending a comprehensive review, the present degree of uncertainty associated with POL designation is excessive, particularly the references to possible urban greenspace or Green Belt designation. Paragraph 2.16 should therefore be modified to explain that at review a decision will be made whether to allocate POL for development or maintain the designation until the next review. It should be made clear that re-allocation as Green Belt or urban greenspace would only occur in exceptional circumstances, bearing in mind that the process of UDP preparation has enabled such allocations to be made on appropriate sites. The Council will have to consider whether on the basis of this more restricted definition the allocation of any sites should be modified before the plan is adopted.

L1.3.8 Objector [1162] challenges the reference to reviews being required at 5 year intervals on the basis that PPG12 describes this as the maximum interval and the Council have accepted that a revision to the text is required to accord with national guidance, which I endorse.

L1.3.9 Policy D5 prevents development which would prejudice later comprehensive development, as envisaged by PPG2. The policy acknowledges that certain developments, including those which are temporary or of an open character, may be consistent with this overall objective. Objection [1162] seeks to allow any development which would not prejudice the development plan but Annex B of PPG2 refers only to temporary development and permanent development would be likely to conflict with the intention of the POL allocation. Similarly, to allow the expansion of existing businesses on to POL land other than by re-consideration at plan review would contradict national guidance. Objection [2002] proposes that necessary facilities to serve the local community be allowed, whilst acknowledging that for many such initiatives peripheral locations would be unlikely to be especially suitable. Such a change would dilute the policy and be contrary to its general objectives and therefore undesirable, whereas any exceptional need would remain a relevant consideration in relation to individual proposals.

L1.3.10 Some objectors are concerned to increase the degree of protection from development of sites in the Holme Valley. This would include possible re-allocation as UGS or Green Belt and reinstatement of the description in the consultation draft as protected open land, with the objective of reducing the likelihood that sites will be allocated for development at review. What is important is not the term used but how the policy is applied and the eventual review carried out, so that a change in description would not be justified and could lead to mis-interpretation of the purpose of the allocation. The area of POL in the Holme Valley is relatively large but that is not sufficient grounds for a general re-allocation. There are also substantial allocations as UGS and a very considerable increase in the Green Belt compared with the Town Map. The overall scale of the POL allocation is considered in relation to issue (iii), but there are not grounds for a local reduction in the area of POL as a general principle, although objections relating to individual sites must be looked at on their merits. Nevertheless one reason why POL sites have not been allocated for development is that they have some amenity value, albeit generally less than would justify UGS protection. Pending a decision whether to allocate the land for development this amenity value should be protected, so that I recommend a further modification to the terms of the policy which follows the advice in PPG2.

**What should be the "base" boundary of the Green Belt against which to consider additions or deletions?**

L1.3.11 In the area covered by the three adopted Local Plans there are detailed boundaries approved for the Green Belt which provide the starting point against which to consider the need for any changes in the Green Belt boundary. It is in the remainder of the district that the situation is less obvious. These latter areas are within the West Riding of Yorkshire County Development Plan Town Maps. Five Town Maps apply, in which the Green Belt is defined as Interim in all but Town Map 11 (Mirfield and part of Kirkburton), where no such limitation was included. Subsequently the WYSP was approved but the local plans being prepared did not progress to deposit. Nevertheless the Council has used the boundary shown in these non-statutory plans as the base for the Green Belt in the UDP. The principal effect is to draw a tighter boundary than shown in the development plan in these parts of the district ie Kirkburton, Denby Dale, Holmfirth and Meltham. Four main arguments are used to justify this: the age of the Town Maps, change in national guidance, the strategy in the WYSP supported in regional guidance, and the policies relating to the Green Belt in the WYSP.

L1.3.12 The Town Maps were submitted in the early 1960's and approved between 1970 and 1976, so that whereas age is only an indication of a potential change in circumstances, a very substantial time has passed since preparation and approval, even in the context of the long-term character of Green Belt designation. The Council also draws support for the need for a review of these old boundaries from the incorporation in later national guidance of the potential role of Green Belts in assisting urban regeneration, which did not apply when the Town Maps were prepared.

L1.3.13 Paragraph 20 of RPG2 refers to the general area of the Green Belt having been reviewed and approved in 1980 in the WYSP and goes on to resist a full scale review. RPG12 repeats this in similar terms. The strategy of the WYSP was to concentrate development in the district in the main urban areas of Huddersfield and the Heavy Woollen area, which implied relative restraint on development in the area of these unadopted plans.

Thus it is reasonable to define Green Belt boundaries in these areas to support the general strategy in the Structure Plan, rather than the looser boundaries in the Town Maps. This has been achieved where Local Plans have been adopted but the process is incomplete.

L1.3.14 Policy N9 of the WYSP is also argued to support a re-definition of detailed Green Belt boundaries, which occurred in the non-statutory plans. This view has to be considered in the context of the distinction between structure and local plans, so that this kind of general policy is not necessarily unusual. Nevertheless this interpretation of the policy is justified in relation to areas where the present Green Belt designation is Interim, because in those areas it would be necessary to define firm boundaries consistent with the WYSP through the preparation of local plans. This conclusion reflects my interpretation of the significance of Interim status, which differs from that proposed by the Council for the reasons which follow.

L1.3.15 PPG2 advises that exceptional circumstances are necessary to change approved Green Belt boundaries, both in general extent and the detailed definition. The Council argues both that exceptional circumstances exist and that these must be demonstrated irrespective of whether the Green Belt is Interim. I regard the latter as incorrect for the following reasons. The plan maintains the general area of the Green Belt in policy N9 of the Structure Plan. Exceptional circumstances would be required to change boundaries which had been approved in detail but confirmation as Interim Green Belt does not do this. Paragraph 3(b) of Circular 14/84 (now cancelled) includes Interim Green Belt as an example of where detailed boundaries have not been defined. Interim status was applied by the then Minister because the need for review of the boundary was recognised. The corollary is that the extent of the Interim Green Belt must have been regarded as less certain and to require exceptional circumstances to justify a variation would be inconsistent. I am supported in that conclusion by a relevant High Court judgement [Swan Hill Developments v Southend-on-Sea BC (1994) 3 PLR 14] in which the Deputy Judge disagreed with a local plan Inspector attributing weight to the fact that land was in the Interim Green Belt, saying:

That cannot be the case at all. It was made interim green belt against the day when consideration was to be given to the question as to whether it should be permanent Green Belt.

However the conclusions in that judgement are not wholly applicable here, since in the relevant areas there has been no detailed definition of Green Belt boundaries, so that there are not defined boundaries to change and exceptional circumstances are not required. This argument over the relevant test is of limited importance, however, because there must be good reasons for the boundary chosen, and in the area of Town Map 11 the exceptional circumstances test does apply.

L1.3.16 My only reservation concerning the basis for the Green Belt boundaries is the length of time for which these will endure. This is relevant to the whole district but may have a special significance where boundaries are being drawn more tightly than in the development plan. Bearing in mind that there is generally more POL in these parts of the district relative to the distribution of development allocations (compared with areas where there is an adopted local plan), this reservation does not invalidate the exceptional circumstances. The need for enduring boundaries and how these should be achieved should be looked at comprehensively for the whole district, which is discussed as part of issue iii.

L1.3.17 Overall I am therefore satisfied that the arguments advanced amount to exceptional circumstances, which is the test to be applied in the area of Town Map 11. A further reason

in this respect is that the plan would be distorted if that area were treated differently to the remainder. For similar reasons, elsewhere the Council is justified in using the boundaries in the non-statutory plans as a starting point. Within this general context, objections to detailed boundaries will need to be considered on their own merits, having regard to the advice on the definition of detailed boundaries in PPG2.

**Will Green Belt boundaries endure or should further releases be made from the Green Belt to provide additional long term land?**

L1.3.18 Although other land may become available, it is the allocations of provisional open land that must be the principal source of additional land for development. The Council has produced evidence dividing the total POL allocations into a range of categories, intended to indicate suitability for housing and/or business and industry. There are also constraints affecting some sites and uncertainty about the relative weight which the Council will give to amenity arguments for protection as against the need for development land. In so far as the Council has produced a breakdown of the development potential of POL, this has been expressed as overall figures without supporting site-specific detail which might have been subject to scrutiny, so that the estimates should be regarded as tentative. The information is summarised in the table below. On the basis of these figures, the maximum more readily available area would be 158ha for housing or 86ha for business and industry, excluding the land with sustainability reservations. This divides into a maximum in the adopted local plan areas of 83ha for housing and 57ha for business and industry, with the corresponding figures in the area of the non-statutory local plans being 75ha and 29ha.

**Distribution and potential land use of POL (hectares)**

	<u>Adopted LP</u>	<u>NSLP<sup>1</sup></u>	<u>Total</u>
Housing	58	50	108
Business and industry	32	4	36
Housing or business and industry	25	25	50
Long-term land	44	23	67
Land with sustainability reservations	<u>55</u>	<u>21</u>	<u>76</u>
Total	214	123	337

<sup>1</sup> The non-statutory local plan areas are Holmfirth/Meltham and Kirkburton/Denby Dale

L1.3.19 At the RTS there was general agreement that 2011 was an appropriate date against which to assess whether Green Belt boundaries would be enduring. Bearing in mind that the review of RPG12 is intended to look to 2016, a longer period would be desirable. Adjusting

the 1989-based household projections for the period 2006-2011, the Council calculate a requirement for 3,200 dwellings, equivalent to 128ha. The effect of the 1992-based projections would be to more than double this figure, only looking to 2006. For business and industry a minimum requirement of 15ha per year gives an aggregate total of 75ha.

L1.3.20 In CD123 the Council has apportioned part of the requirement to the non-statutory local plan areas. This suggests that within that part of the district, and excluding long-term land and that with sustainability reservations, the amount of POL would be broadly adequate to meet needs to 2011 on the basis of the 1989-based requirements, including also land for business and industry. When the possibility of adjusting the requirement to reflect the 1992-based projections is taken into account there is likely to be pressure on available POL land towards the end of the plan period.

L1.3.21 Looking at the adopted Local Plan areas on a similar basis, applying the 1989-based projections suggests that there is the prospect that POL would be insufficient to cater for total needs to 2011. Since this is the area with the largest population and is generally where business and industry allocations have been seen as most desirable, the increased land requirement likely to arise from the 1992-based projections would lead to the need for additional allocations for development (ie not POL land) in the period prior to 2006.

L1.3.22 I have already discussed the merits of early adoption of the plan followed by a comprehensive review versus commencing an immediate review taking into account the implications of the 1992-based projections. There is no reason to alter my conclusions in that respect as a result of considering longer-term land requirements. I have also had regard to the effect of individual site-specific recommendations on the amount of POL. These would result in a net reduction somewhat in excess of 30ha. Nevertheless this does not affect my conclusions for several reasons. Firstly, some of the reduction in POL has resulted in development allocations, so that overall development opportunities have not been reduced. Secondly, the main reductions have been on sites where there are sustainability reservations or development would be severely constrained. Thus although the categorisation of sites by the Council is not known, it is probable that the change in more readily available land has been correspondingly small. Finally, the analysis I have undertaken is on an appropriately broad level, so that changes to the degree which have occurred would not affect the conclusions.

L1.3.23 It is also necessary to examine whether, in the context of the preceding analysis, the Council's approach in the areas without adopted local plans is reasonable. The effect of the proposals in the plan would be to extend the Green Belt in this part of the district by some 950ha when compared with Town Map boundaries. On the one hand, the scale of this adjustment and the fact that land for longer term development would remain relatively more available demonstrates the inconsistency which would occur if the Green Belt boundaries in the Town Maps were retained. These areas are also outside the priority urban areas defined in the WYSP and received low priority for both industrial and housing development. The strategy which will be followed to accommodate the increased housing requirement arising from the 1992-based projections is unknown at present, as is the scale of provision to be made pending the review and rolling forward anticipated in RPG12. The necessary review within the district should be carried out comprehensively, so that it would be impractical to look in isolation at the areas without statutory local plans. There are necessarily reservations about applying Green Belt boundaries in the UDP which will in some cases need to be

revised within the timescale of the plan. Nevertheless in my view the balance of arguments favours following the general approach to the designation of Green Belt boundaries used in the plan. The only exception concerns those sites proposed as Green Belt which were not in the Green Belt in the relevant Town Map and where the site-specific arguments in favour of a Green Belt designation are finely balanced. When those circumstances apply to a particular objection, it is likely to be preferable to allocate the land as POL pending a further review, rather than make a Green Belt designation which may not endure.

## Recommendations

L1.3.24 Modify the plan by:

- i. revising paragraph 2.16 to state that reviews of the plan are required at least every 5 years and that reallocation of POL as Green Belt or UGS will occur only in exceptional circumstances;
- ii. in paragraph 2.17, deleting the final sentence and adding an explanation that the intention is to carry out an early review in the context of updated regional planning guidance which takes into account the latest housing projections. It should also be stated that this review will take the advice in PPG2 concerning safeguarded land fully into account so that, exceptionally, some land may be removed from POL designation because the location is unfavourable in terms of the effect on sustainability; and
- iii. revising policy D5 (and making a consequential modification to paragraph 2.18) to read:

ON SITES DESIGNATED AS PROVISIONAL OPEN LAND, PLANNING PERMISSION WILL NOT BE GRANTED OTHER THAN FOR DEVELOPMENT REQUIRED IN CONNECTION WITH ESTABLISHED USES, CHANGES OF USE TO ALTERNATIVE OPEN LAND USES OR TEMPORARY USES WHICH WOULD NOT PREJUDICE THE CONTRIBUTION OF THE SITE TO THE CHARACTER OF ITS SURROUNDINGS AND THE POSSIBILITY OF DEVELOPMENT IN THE LONGER TERM.

\*\*\*\*\*

# CHAPTER 1

## PART I - STRATEGIC FRAMEWORK

### 1.1 PARAGRAPH 1.8 *COMMUNITY INVOLVEMENT*

Objections: 3320 Kirklees Green Parties

#### Issue

1.1.1 Whether the plan should include a policy and text committing the Council to a more open planning system, greater freedom of information and improved public consultation.

#### Conclusions

1.1.2 The policies in the plan must relate to land use matters, and national guidance in PPG12 states that the plan should not seek to designate areas where special consultation arrangements will apply. The purpose of the text is to explain and justify the policies and proposals in the plan. The plan is not the appropriate place in which to define policies and procedures of the kind sought by the objector, which relate to administrative arrangements and the decision-making process. These comments apply equally to the suggestions that the Council's policy on publicising planning applications should be included in the plan and that there should be an additional sub-paragraph to policy G1 referring to developments that result from the involvement of local communities in the planning process. The latter is not a land use matter suitable for inclusion in a policy but is concerned with how decisions are made, whereas the other sub-paragraphs set out the physical and economic attributes of development.

#### Recommendation

1.1.3 No modification.

\*\*\*\*\*

### 1.2 PARAGRAPHS 1.18 AND 1.20 *PLANNING APPLICATIONS*

Objections: 3320 and 5494[PC] Kirklees Green Parties 7004 Department of the Environment

#### Issues

- 1.2.1 These are whether:
- i. there should be a policy stating the need for full information with planning applications;
  - ii. the final three sentences of paragraph 1.20 should be expressed as a policy.

## Conclusions

1.2.2 The proposed changes delete the second sentence from paragraph 1.18, which states that applications not containing adequate information for the full implications to be assessed will be refused. This change would satisfy objection [7004] but is subject to a counter objection [5494].

1.2.3 Paragraph 1.18 as proposed to be changed states that all relevant details should be submitted with planning applications. In my view that is entirely sufficient. To specify that the information should be adequate to enable the full implications to be assessed would not materially improve the text. Objection [3320] also seeks the retention, as a policy, of the statement that applications not containing full information will be refused. Expressing the whole or part of the original paragraph 1.18 as a policy would not relate directly to land use and would therefore contravene the intention of the relevant statutory provisions and national guidance in PPG12. The final sentence, now proposed to be deleted, would contravene the general presumption in favour of development and would prevent the particular proposal from being considered on its merits. I therefore support the proposed change deleting the second sentence from paragraph 1.18.

1.2.4 On the second issue, paragraph 1.20 explains the Council's intention to implement the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 to their full extent and that, under certain policies of the plan, a statement of environmental effects may be requested when applications are received. As well as proposing that the text be expressed as a policy, objector [3320] suggests that guidelines within the plan should set out further detail in relation to environmental assessments, such as when these will be required, the kind of information needed and consultation arrangements. The change sought would establish as a policy what is essentially a statement of intent. Adding guidelines within the plan would introduce unnecessary detail not directly relevant to its land use policies. In so far as the Council has to make a decision upon whether an environmental statement is necessary for development within Schedule 2 of the Regulations, it would be inappropriate to seek to define in the plan when a statement would be required because this would not be a land use policy. Where the environmental statement is one required under the Regulations, the latter summarise adequately the necessary contents. The text cross-refers to policies in the plan but to express this as a further policy would be a pointless duplication. The objector's original submission suggested a need for an economic impact assessment with all environmental assessments. This would go beyond the purpose of these provisions and impose a burden on applicants which is not demonstrated to be necessary for the planning decision to be made. Whereas other points are made concerning the precautionary principle, the wording of policy G2, and the absence of a comprehensive environmental appraisal, these go beyond the scope of the original objection.

## Recommendation

1.2.5 Modify paragraph 1.18 in accordance with the proposed change in CD113.

\*\*\*\*\*

### **1.3 POLICY G1 AND PARAGRAPH 1.14 REGENERATION**

Objections: 2341 Huddersfield NHS Trust

#### **Issue**

1.3.1 Whether the defined regeneration area should be referred to in policy G1 or alternatively in a new Part II policy.

#### **Conclusions**

1.3.2 The objection also seeks the inclusion of the site of St Lukes Hospital in the Regeneration Area. This is put forward as a proposed change, so that this part of the objection has been conditionally withdrawn.

1.3.3 The Regeneration Areas are intended as the geographic focus for action to revitalise the local economy, improve the physical environment, and strengthen community involvement. Policy G1 is a general statement of the action to be taken to secure regeneration. Part I of the plan is intended to provide an overall development and land use strategy but this part of the UDP does not include proposals defined on an Ordnance Survey base. It would be inconsistent with this general approach, which is incorporated in the statutory provisions for the preparation of the plan, to make explicit reference to the defined Regeneration Areas in Part I of the plan.

1.3.4 The consultation draft plan did include a Part II policy which referred to the Regeneration Areas. This was deleted as a result of representations from the DoE and I agree with the view expressed at that time that a meaningful policy expressing the role of these areas would not be a genuine land use matter and would therefore contravene national guidance in PPG12.

#### **Recommendation**

1.3.5 Modify the Regeneration Area boundary on the proposals map in accordance with the proposed change (plan 1.1 in CD113).

\*\*\*\*\*

### **1.4 POLICY G2 SUSTAINABILITY**

Objections: 3325 Royal Society for the Protection of Birds

#### **Issue**

1.4.1 Whether the policy should be more committed towards sustainability and the environment.

#### **Conclusions**

1.4.2 In effect, the objection advocates the reinstatement of the consultation draft wording, which was revised following representations from the DoE. The wording sought

would amount to exhortation and would be beyond the Council's control. This would be inappropriate as a plan policy. The policy as it now exists is founded in planning control and is a genuine land use policy. Separate reference to the environment is unnecessary because environmental consequences are relevant to sustainability and comprehensive coverage is provided by this policy and other Part I policies such as NE1 and EP1.

### **Recommendation**

1.4.3 No modification.

\*\*\*\*\*

## **1.5 POLICY G5 *EQUALITY OF OPPORTUNITY***

Objections: 3321 One Voice - Kirklees Federation of Disabled People

### **Issue**

1.5.1 Whether the policy should refer to the Council's Equality of Opportunity policies and access to open space activities.

### **Conclusions**

1.5.2 The objector suggests two changes to the wording of the policy. The first would refer to any Equality of Opportunity policies in force by the authority. In so far as these are policies in Part II of the plan this is unnecessary. There would also be an implied reference to policies which are not part of the plan and this would be unreasonable and unclear, since it would not be apparent from the plan what was required. The second change sought would include access to open space activities within the scope of the policy. It is not clear that these are affected at present since these would not necessarily be "ancillary facilities", as the Council suggest. The policy does not impose a rigid requirement but does mean that equality of opportunity is taken into account as appropriate in the particular circumstances and this should include access to open space facilities.

### **Recommendation**

1.5.3 Modify the plan by deleting policy G5 and substituting:

**DEVELOPMENT PROPOSALS SHOULD HAVE REGARD TO EQUALITY OF OPPORTUNITY IN TERMS OF ACCESS TO BUILDINGS AND OPEN SPACE FACILITIES AND OTHER RELEVANT ASPECTS OF DESIGN, INCLUDING THE PROVISION OF ANCILLARY FACILITIES.**

\*\*\*\*\*

## **1.6 NEW POLICY GX1 ENVIRONMENTAL CAPACITY**

Objections: 3323 Council for the Protection of Rural England

### **Issue**

1.6.1 Whether the plan should incorporate environmental targets and capacities.

### **Conclusions**

1.6.2 The objector is concerned that if environmental targets and capacities are not set, development may result in incremental environmental deterioration. The objection advocates that planning should be environment led and anticipates a planning process that begins by examining the existing environment then setting environmental targets as a preliminary to determining the acceptable scale and location of development. No specific proposals are made as to how this could be incorporated in the plan as it now exists. In my judgement this would require the re-commencement of plan preparation beginning with a comprehensive appraisal of the local environment. The approach being suggested would be contrary to the regional planning framework within which the plan has necessarily been prepared, there being no basis therein for this kind of locally determined outcome. Furthermore national policy has many important environmental consequences and without a clear national framework for this approach many assumptions would have to be made. There is no identified modification to the plan which could effectively achieve the intentions of the objection and would be consistent with the obligations created by national and regional guidance.

### **Recommendation**

1.6.3 No modification.

\*\*\*\*\*

## **1.7 NEW POLICY GX2 THE PEAK PARK**

Objections: 7003 Peak Park Planning Board

### **Issue**

1.7.1 Whether the plan should recognise the special status of the Peak District National Park and protect the visual amenity of the National Park from the effect of development outside its boundaries.

### **Conclusions**

1.7.2 The objection seeks recognition of the special status of the National Park, both in the text and by Part I and Part II policies to protect the visual amenity of the Park from the effects of development. The Council has published a proposed change to add a new paragraph 1.5a which is supported by the Board and in my view adequately recognises the importance of the National Park for the purposes of Part I of the plan, bearing in mind the broad coverage of policy NE1. The need for a complementary Part II policy to give detailed

effect to the intention of the new paragraph is dealt with in relation to the Board's objection to Chapter 3 of the plan. No further modification is necessary here.

**Recommendation**

1.7.3 Modify the plan by inserting a new paragraph 1.5a in accordance with the proposed changes in CD113.

\*\*\*\*\*

## CHAPTER 2 - DEVELOPMENT FRAMEWORK

### 2.1 POLICY D1 STRATEGY

Objections: 1162 G S Planning & Development 2163 Terry Adams Ltd  
2955 White Rose Development Enterprises 2956 R Farrar

#### Issue

2.1.1 The main issue is whether the policy is sufficiently precise, necessary and consistent with national policy.

#### Conclusions

2.1.2 This policy forms part of the strategy within Part I of the plan and as such contributes to the framework for Part II. Thus it is to be expected that the principles in the policy will be applied in more detail elsewhere but this does not constitute duplication. The policy is necessary to set out the broad approach to the use of land and reflects national policy and regional guidance to conserve the countryside and the urban heritage. As expressed, the effective use of appropriate urban sites to secure regeneration and the recycling of land would not be prevented. Reference to valuable open space is sufficiently precise at this level, to be refined in greater detail in the policies and proposals of Part II. The suggested addition of "permanent" loss [2163] in order not to prevent mineral extraction and waste disposal would unnecessarily weaken the policy, whereas provision for these activities is more appropriately dealt with in specific terms elsewhere.

#### Recommendation

2.1.3 No modification.

\*\*\*\*\*

### 2.2 POLICY D2 LAND WITHOUT NOTATION

Objections: 1862 Designaim Developments 1863 House-Builders Federation  
1866 Mid-Yorkshire Chamber of Commerce 1997 Kirkles Bridleways Group  
2000 British Horse Society 2004 Huddersfield NHS Trust  
7005 Ministry of Agriculture

#### Issues

- 2.2.1 Whether the policy:
- i. is unduly restrictive, both as a whole and specifically by including criterion vii;
  - ii. incorrectly includes the effect on the drainage system in criterion ix;
  - iii. should protect public rights of way from the effects of development.

## Conclusions

2.2.2 [7005] is concerned to protect the best and most versatile agricultural land but has been conditionally withdrawn subject to the proposed changes to policy EP2 and paras 5.3-5.4. Since D2 is not exclusive, proposals would need to be considered against any other relevant policies.

2.2.3 Several objections seek the curtailment of the policy or a more positive expression. I agree with the Council that it is desirable, and in accordance with the intentions of PPG1, para 41, that the general approach in determining planning applications in the extensive unallocated areas should be set down. This should confirm a positive approach and be clear so as to give certainty and encourage confidence. In my view the policy does this successfully. It is positive and defines a series of interests of acknowledged importance, this being consistent with para 40 of PPG1. Subject to these interests not being prejudiced, permission will be granted. The expression "normally" be granted does, however, add nothing, since in making decisions both the development plan and other material considerations must be taken into account.

2.2.4 Criterion vii seeks to avoid prejudice to the character of a proposal site and its surroundings. Whereas the latter is a reasonable objective, the reference to "established" character might lead to the effect of changes as a result of recent or planned developments being given insufficient weight, so that a minor modification in this respect is desirable. More importantly, I see disadvantages in including protection for the "character of the site" since this risks an unduly restrictive interpretation. Clearly that is likely to change if any development is to take place and whereas features of merit, such as trees or the landform, may be worthy of protection, other criteria, especially vi, viii and that part of vii to be retained, should be a sufficient safeguard.

2.2.5 The objection to criterion ix is that drainage in relation to housing development is adequately controlled in other legislation so that, in effect, planning control is unnecessary. Whereas it may be unusual for permission to be refused on drainage grounds, the evidence for the objector anticipates that in some circumstances a "Grampian" condition delaying development will need to be imposed and that refusal may be necessary if infrastructure will not be available within five years. In applying this criterion, it would be normal practice for the Council to have regard to the opportunity to impose conditions or for planning obligations to be entered into, but this does not diminish its relevance as a criterion in planning decisions. This is supported by paras 5.23 and 5.25 of PPG12.

2.2.6 In addition to the statutory protection of public rights of way, these are also the subject of policies T16 and R13, so that it is unnecessary to make further mention of them here.

## Recommendations

2.2.7 Modify policy D2 by deleting "NORMALLY" and substituting for criterion vii "THE CHARACTER OF THE SURROUNDINGS".

\*\*\*\*\*

## 2.3 POLICY D3 *URBAN GREENSPACE*

1366 Mid-Yorkshire Chamber of Commerce  
2376 H S Woodhead Ltd

1988 Dewsbury College of Further Education

### Issues

- 2.3.1 These are whether:
- i. the procedures for designation of urban greenspace are appropriate;
  - ii. other policies provide sufficient protection;
  - iii. a restrictive designation is justified without a comprehensive assessment of deficiencies;
  - iv. the policy is unrealistic because there is no mechanism to achieve its objectives;
  - v. the policy should be more flexible in relation to alternative development, especially when for the benefit of existing uses or where alternative provision is to be made.

### Conclusions

2.3.2 The procedures for designation are argued to be less rigorous than for Green Belt whereas the effect is similar. This is unjustified because the process is essentially the same, that is a statutory right of objection, which must be duly considered before the plan is adopted.

2.3.3 This allocation is directed at land which, regardless of ownership, has significant value for ecology, sport and recreation, or the amenity of an area. Account is also taken of scarcity, including the density of the surroundings, but there has not been an overall appraisal of the amount of land protected against measurable standards.

2.3.4 The principle of balancing competing land needs and protecting land of value for amenity and recreation is endorsed in PPG17. That refers to the identification of open spaces which need to be protected as far ahead as can be foreseen. This is precisely the intention of this policy and whereas other policies might also be relevant in some cases, a specific policy with this clearly defined purpose is justified.

2.3.5 On the third issue, in 1991 playing field and play area provision in the main urban areas was evaluated against NPFA recommended standards but has not been re-appraised in relation to the UGS allocations in the plan. At IR 14.3.5 I have recommended that local standards for open space and recreation provision should be formulated but these would not be incorporated in the plan until it is reviewed. Nevertheless the designation of UGS may rely on a qualitative judgement so that formal standards will be of limited value in this respect. The absence of such local standards does not invalidate the policy or the approach taken in the plan identifying specific sites as urban greenspace because these must be individually justified. Rather than incorporating a test of need in the policy, the consideration of site-specific objections enables the merits of an allocation to be tested, leading to a decision as to whether to confirm a designation which should then be firm. An alternative policy from an adopted plan is suggested which is less certain in its effects [2376] but the example is not comparable, since there it had not been possible to define sites on the proposals map.

2.3.6 Concerning the fourth issue, the Council say that the retention of the open character of sites which is the key feature of the policy can be achieved by preventing development, with enhancement depending largely on the management of the land. Sites designated as UGS have a wide variety in terms of character, land use, management and function. Paragraph 2.14 of the reasoned justification recognises the role of acquisition and improvement for public enjoyment. For some sites the achievement of significant value as UGS may depend on securing public access and an improved appearance but this does not invalidate the primary objective of the policy to protect openness. These concerns can be adequately resolved in the assessment of objections applicable to particular sites but do not require any general revision to the policy.

2.3.7 The policy refers to a number of circumstances in which planning permission would be granted on urban greenspace, generally for an open land use which does not prejudice greenspace value. A degree of restriction on built development is necessary to retain the benefits from suitably allocated sites, so that the emphasis must be on protecting the important qualities which have resulted in designation as UGS. Nevertheless the policy is unduly complex and does not emphasise sufficiently the critical tests or include the possibility of making equivalent alternative provision, which would add appropriate flexibility. Development leading to a community benefit is also given as an exception but, bearing in mind the limitation of this to occasions where the function and quality of the greenspace would be maintained, this would be unnecessary in the simplified policy I propose. This emphasises the overriding importance of the purposes of designation when any development proposals are being determined. The modified policy would form a clearly expressed standard against which any possible exceptions could be judged, avoiding the unnecessary complication of incorporating further caveats.

## **Recommendation**

2.3.8 Modify policy D3 to read:

ON SITES DESIGNATED AS URBAN GREENSPACE PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD PREJUDICE THE FUNCTION AND QUALITY OF THE GREENSPACE UNLESS EQUIVALENT ALTERNATIVE PROVISION IS MADE. DEVELOPMENT NECESSARY FOR THE CONTINUATION OR ENHANCEMENT OF ESTABLISHED USES OR CHANGE OF USE TO ALTERNATIVE OPEN LAND USES WILL BE PERMITTED PROVIDED THAT VISUAL AMENITY, WILDLIFE VALUE AND OPPORTUNITIES FOR RECREATION ARE PROTECTED.

\*\*\*\*\*

## **2.4 POLICY D4 REDUNDANT BUILDINGS ON URBAN GREENSPACE**

Objections: 1988 Dewsbury College of Further Education

### **Issue**

2.4.1 Whether the policy should be modified so as to safeguard open land only where this is "desirable and viable" or because of the effect of Class D1 of the Use Classes Order.

## Conclusions

2.4.2 This policy is an adjunct to policy D3 and should support the objectives of the main policy. Urban greenspace may include some land where the use of the planning unit is in Class D1 and in those circumstances a change of use within that class would not need planning permission. Nevertheless this possibility is neither restricted by the policy nor is it likely to be so widespread as to negate its value. To limit the impact of the policy to circumstances where the use was desirable and viable would seriously compromise the objectives of a policy which is positive in its general effect. Viability would be difficult to define and likely to be disputed, so that this addition would not provide the necessary clarity. Change of use of the land and other alternative developments which affect the fundamental allocation should not be dealt with under this policy, which has a narrower purpose. Other policies, notably D3, are more likely to be relevant.

## Recommendation

2.4.3 No modification.

\*\*\*\*\*

## 2.5 POLICY D6 AND PARAGRAPHS 2.19-2.29 GREEN CORRIDORS

Objections:

1997 Kirklees Bridleways Group  
5829 Conroy and Booth Ltd (PC)  
7006 Holme Valley Parish Council

2000 British Horse Society  
7004 Department of the Environment

## Issues

- 2.5.1 These are whether:
- i. greater recognition should be given to equestrian use of green corridors;
  - ii. the boundaries of green corridors and land adjoining green corridors are adequately defined;
  - iii. the width of green corridors should be increased;
  - iv. minor development should be excluded from the policy.

## Conclusions

2.5.2 Green corridors are linear designations in the urban area which include semi-natural open land and connecting links, such as watercourses and railways. These are identified primarily to enhance flora and fauna but there may also be potential for recreation, including as routes for pedestrian and other users.

2.5.3 Paragraphs 2.21, 2.22 and 2.26 of the text refer to the potential for pedestrian and cycle use of the corridors. The Council acknowledges that equestrian use may be appropriate in some cases but suggests that this is a lower priority. Policy D6 (iv) identifies the impact on public access as one criterion when considering development proposals within or adjoining a green corridor, which would include any bridleways affected. Whereas there may be examples where equestrian potential exists, in view of the urban location of corridors I regard this as insufficiently widespread to require a modification to the text, which cannot realistically be exhaustive.

2.5.4 The DoE objection has been conditionally withdrawn, subject to the inclusion of paragraph 2.25a, which I agree provides sufficient clarification of the extent of land adjoining green corridors. The green corridor is generally notional, so that a specific width to be protected is not defined where the corridor passes through a site allocated for development. In my view it would be inappropriate to attempt to do this in the plan. The precise form of the corridor is likely to depend upon the detailed site layout. Specification of this requirement in the plan would be cumbersome, adding to the potential for disagreement, whereas it is preferable to retain flexibility and leave scope for variation in how the corridor is integrated within a particular layout. Bearing in mind that it is the continuity of the corridors which is their fundamental characteristic and the obvious implications of the allocation for development, this would not give rise to serious uncertainty.

2.5.5 For similar reasons, there is no general case for increasing the width of green corridors. Whereas there may be an advantage from adding additional land for ecological or amenity reasons, the competing priorities must be determined for each site/area on its own merits.

2.5.6 The policy includes criteria against which to assess the impact of a development proposal on the important characteristics of a corridor. I agree with the Council that excluding minor developments from its scope would create a problem of definition. Since the policy requires an assessment of the effects of a development on the attributes of the corridor, it is reasonable to expect a minor development to be less likely to be harmful, but that does not detract from the validity of retaining the test.

## **Recommendation**

2.5.7 Modify the plan by incorporating paragraph 2.25a from the proposed changes agreed on 2 November 1994 [CD113].

\*\*\*\*\*

## **2.6 POLICY D8 AND PARAGRAPH 2.32 DEVELOPMENT IN THE GREEN BELT**

Objections: 1864 Terry Adams Ltd  
2002 Rural Development Commission

1989 M Spencer  
2502 Tetley Pub Company Ltd

## **Issues**

2.6.1 Whether the plan complies with national policy and provides a clear framework for development for the purposes of agriculture, forestry, tourism and small firms, and minerals and waste disposal.

## **Conclusions**

2.6.2 The Council has brought forward further changes pursuant to the replacement of PPG2 in January 1995 [CD113]. These amend both the policy and the reasoned justification. I am satisfied that, as acknowledged by the objector [2002] represented at the inquiry, the policy as revised is very closely based on national guidance. This is especially important here because PPG2 states that policies in development plans should ensure that any planning

applications for inappropriate development would not be in accordance the plan. One effect of the further changes is to express clearly the circumstances in which waste disposal would be appropriate. Concerning minerals, the policy would resemble national guidance in that proposals would be assessed to determine whether, in the particular case, these were "appropriate development". This is a change from the original effect of the policy, in which such development would have been inappropriate unless within the scope of "uses appropriate to a rural area", and gives a clear basis for decisions on individual developments.

2.6.3 Bearing in mind the close resemblance of the revised policy to national guidance, compelling arguments would be needed to justify any further modification and none are advanced. Buildings for agriculture and forestry are expressed to be appropriate and the requirements intended to safeguard visual amenity necessarily provide a subjective test. To allow extensions to existing premises as a general exception [2502] would be contrary to national policy. Development for tourism and small firms in the rural area is within the scope of other policies of the plan but the protection of the Green Belt is fundamental, so that these must be applied within the general framework of policy D8.

2.6.4 There is one potential inconsistency with national guidance which arises out of my consideration of objections to policy H11, concerned with affordable housing as an exception. My judgement is that, when the plan is adopted, development satisfying policy H11 would be appropriate development in the Green Belt in the terms of PPG2 because it would be in accordance with a development plan policy. This may not have been the Council's intention, but it is a necessary effect of including policy H11. Policy D8 should be modified to recognise this and remove any possible confusion and conflict between policies.

## **Recommendations**

- 2.6.5 Modify the plan:
- i. in accordance with the further changes to paragraph 2.32 and policy D8, including the addition of paragraphs 2.32 a-d, as set out in CD113;
  - ii. by adding after "OUTDOOR RECREATION," in policy D8 "LIMITED AFFORDABLE HOUSING WHICH COMPLIES WITH POLICY H11,".

\*\*\*\*\*

## **2.7 POLICY D9 INSTITUTIONS IN THE GREEN BELT**

Objections: 7004 Department of the Environment

5826 University of Huddersfield [PC]

### **Issue**

2.7.1 Whether the policy conforms with national guidance.

### **Conclusions**

2.7.2 The objection of the DoE was that the policy did not comply with national guidance in the former version of PPG2. The Council proposed to change the policy to meet this. However the current version of the PPG makes no express provision for institutions standing in extensive grounds. Such uses would be considered within the overall policy, D8.

As a result, I endorse the intention of the Council's further changes to delete policy D9 and the reasoned justification in paragraph 2.33. The University's concern relates to Storthes Hall, for which a specific policy is now proposed (IR 2.12).

## Recommendation

2.7.3 Modify the plan in accordance with the further changes in CD113 by deleting paragraph 2.33 and policy D9.

\*\*\*\*\*

## 2.8 POLICY D10 *SPORT AND RECREATION IN THE GREEN BELT*

Objections: 1860 Nordiclinc Ltd  
7004 Department of the Environment

1998 M Rathmell

### Issues

2.8.1 These are:

- i. whether the policy is directed at the use or works; if the former, should the wording be more positive to reflect national policy;
- ii. whether the policy is too loosely expressed so that excessive facilities would be allowed.

### Conclusions

2.8.2 The policy in the deposit draft plan was the subject of a minor proposed change. More extensive further changes to the reasoned justification and policy have been suggested since the revision of PPG2. The background to policy D10 is that, subject to the modifications recommended to policy D8, the use of land for outdoor sport and outdoor recreation in the Green Belt would be appropriate development, provided that the criteria in D8(ii) were met. The erection of new buildings to provide essential facilities for such uses would also be appropriate development. Policy D10 therefore constitutes a more detailed basis for considering such proposals.

2.8.3 I am satisfied that the wording of the policy and associated text would apply not just to physical works but to the principle of a change of use. This is apparent from paragraphs 2.35-2.37 and criteria ii. and iii. in particular, although in practice it will frequently be unrealistic to attempt to distinguish a use from the physical works necessary for its implementation. I regard the confusion about the scope of the policy as being a result of the wording of the introductory phrase, and the further change is unhelpful by giving primacy to "facilities". I therefore recommend a modification to overcome this uncertainty.

2.8.4 Concerning physical works, the further changes specify that these must be "essential". That is sufficient to satisfy concern that excessive development might have been accepted, whereas no additional benefit would be achieved by substituting "must" for "should" as proposed by [1998]. The policy is sufficiently clear and precise to be implemented without any doubt as to its intended effect. As to the principle of such uses, [1860] seeks a more positive wording. The policy as revised sets out a series of tests. Whereas one of the objectives which the Green Belt can assist is the provision of opportunities for outdoor

sport and recreation, support for this category of development in PPG2 is not unequivocal. Openness must be maintained and the purposes of including land in the Green Belt protected. The policy provides a framework for decisions to be made and achieves the right balance, bearing in mind that a sporting or recreational use may be inappropriate development in certain circumstances.

## Recommendations

2.8.5 Modify paragraphs 2.34-2.36 and policy D10 in accordance with the further changes in CD113, with a further modification so that the initial phrase of the policy reads:

IN THE GREEN BELT PROPOSALS FOR OUTDOOR SPORT AND OUTDOOR RECREATION, INCLUDING RELATED FACILITIES, WILL BE CONSIDERED HAVING REGARD TO:

\*\*\*\*\*

## 2.9 POLICY D11 *EXTENSION OF BUILDINGS IN THE GREEN BELT*

Objections:	1856 Holme House Nursing Home	1857 Burwin Ltd
	1865 The Royal & Ancient	1866 Mid Yorkshire Chamber of Commerce
	1990 M Spencer	1994 Brighouse Estate Company
	2302 Readicut International	2340 Hotwork International Ltd
	5825 Readicut International [PC]	5826 University of Huddersfield [PC]
	7004 Department of the Environment	

## Issues

- 2.9.1 The main issues are whether:
- the policy is consistent with national guidance, particularly the revised PPG2;
  - the opportunity to extend or redevelop commercial and industrial premises would be excessively curtailed.

## Conclusions

2.9.2 The Council published proposed changes to the reasoned justification in paragraph 2.38 and to the policy. Following the revision of PPG2 further changes have been suggested. Objection [5826] is concerned with the modification and extension of buildings at Storthes Hall, for which a specific policy is now proposed (IR 2.12). Objection [2340] is also recorded against site DRT4 but is wholly concerned with the wording of the policy.

2.9.3 National policy recognises limited extension to dwellings as appropriate development in the Green Belt but there is no corresponding provision for other uses. In the context of the re-use of buildings, strict control over any associated extension is specified. The revised PPG also states that limited infilling at major developed sites identified in an adopted plan can be appropriate development, the emphasis being on securing jobs and prosperity. Where there are such sites, the plan would define the degree to which infilling should occur. This advice came too late to influence the deposit draft plan. The Council propose to examine this topic so as to identify relevant sites, perhaps to be incorporated in modifications. I support this, which should be progressed quickly, although at this stage I cannot comment on whether such new proposals should be part of modifications to the plan

or be incorporated in an early review. The eventual definition of such sites may go some way to satisfy those objections concerned at the need to modernise industrial premises.

2.9.4 The policy in the plan makes no distinction between buildings in different uses. The Council argue that this is in order to achieve a balance between Green Belt objectives and the economic benefits/consequences, particularly in the rural area. Whereas I accept that this is desirable, any general recognition of extensions as appropriate development should be strictly limited, especially in the context of the advice in paragraph 3.3 of PPG2 that development plan policies should ensure that applications for inappropriate development would not be in accordance with the plan. Additional building in the Green Belt would also be likely to increase activity and lead to pressure for additional related development. In the further changes, criterion (i) would require consideration of the effect on the openness and character of the Green Belt. This would overcome objections to the effect that the deposit draft is too subjective and imprecise. Whereas [1990] argues that a large extension may be desirable to improve the appearance of a building and [2340] also advocates the need for large extensions for industrial users, such a permissive approach would be contrary to the purposes of designating Green Belts, which must remain pre-eminent.

2.9.5 Several objections [1856, 1857, 1865, and 2340] seek the deletion of criterion (ii). An appeal decision is cited in support but that concerned an institution in extensive grounds, which was at the time regarded as an appropriate use in the Green Belt. That category is not included in the current PPG and it is right that the degree of extension should be strictly limited if the purposes of the Green Belt are not to be compromised. PPG2 does not recognise redevelopment of industrial premises as appropriate development in the Green Belt and objection [2340] does not provide grounds for a local exception to national policy, so that I agree that such development should only be permitted in very special circumstances in accordance with policy D8. [2340] also resists safeguarding the character of existing industrial buildings on the grounds that this may not be functional but the importance of the visual amenity of the Green Belt is recognised in PPG2. The policy would not demand repetition of the original building scale and design, and external appearance will not normally determine the internal efficiency of a building. [2302] seeks the modification of the policy to reflect the criteria in Annex C of PPG2 applicable to infilling at major developed sites. The policy is intended to apply generally in the Green Belt so that this would be inappropriate. In so far as the two sites mentioned by this objector are being suggested as suitable for designation, this should be considered in the first instance by the Council rather than by recommendations on objections to the current plan. The objector also proposes that the sites might be excluded from the Green Belt but that goes beyond the scope of the objection. Overall, subject to the Council's further changes and to the identification of major existing developed sites, the plan would accord with national policy while providing a degree of opportunity for the extension of commercial and industrial premises consistent with the need not to compromise the purposes of the Green Belt.

**Recommendations**

- 2.9.6 i. modify paragraph 2.38 and policy D11 as set out in CD113;
- ii. modify the plan or undertake an early review to identify major existing developed sites for the purposes of Annex C of PPG2.

\*\*\*\*\*

## 2.10 POLICY D12 RE-USE OF BUILDINGS IN THE GREEN BELT

Objections:	1858 BT plc 2002 Rural Development Commission 5490 Mid-Yorkshire Chamber of Commerce [PC]	1863 House-Builders' Federation 5481 BT plc [PC] 7004 Department of the Environment
-------------	---	---

### Issues

- 2.10.1 These are:
- i. whether the policy conforms with national guidance;
  - ii. whether the policy should favour re-use for commercial or industrial purposes.

### Conclusions

2.10.2 The policy and supporting text was affected by the proposed changes, which led to the conditional withdrawal of objection [1863]. Further substantial changes have followed the revision of PPG2 [CD49]. The current PPG2 sets out various criteria subject to which the re-use of buildings inside a Green Belt is not inappropriate development. Annex D deals with circumstances when the restriction of permitted development on an agricultural unit may be reasonable. Further advice is in the revised PPG7, particularly concerning conversions for residential use.

2.10.3 The revised policy endeavours to follow closely the advice in para 3.8 of PPG2. As a result many of the objections which have been made are no longer significant. There is no longer any reference to the merit of the building, prospective uses are not limited to those normally appropriate for new development in the Green Belt, and there is no expectation that benefits such as to the landscape or local community should be provided. The policy is expressed in general terms and I can see no reason for any special reference to redundant public service buildings, as sought by [1858]. Although it is argued that the policy should be more positive, clear criteria are provided which are not phrased negatively or in a restrictive manner which would be likely to unduly restrict development. Objection [1858] criticises the intention in appropriate circumstances to remove permitted development rights for new buildings elsewhere on a holding but this possibility is envisaged in both PPG2 and PPG7. Overall therefore, subject to consideration of the second issue, the policy is consistent with national guidance.

2.10.4 Objection [2002] argues that the policy should favour commercial conversions in preference to residential use so as to reflect Annex D3 of PPG2 (now revised in PPG7). An additional criterion is advocated, with the onus on an applicant to show that a suitable commercial use cannot be found. In my view national guidance allows local planning authorities to have regard to the economic effects of conversions. The latest advice is in PPG7, where para 4.11 concerning Green Belts draws attention to paras 3.15-3.17. That advice notes the potential adverse consequences for local economic activity from the conversion to dwellings of buildings currently in industrial or commercial use. The Council argues that the local circumstances would not justify a general preference for commercial use because there are sufficient opportunities for businesses in settlements outside the Green Belt and market conditions are likely to favour strongly residential use. Whereas I accept that seeking business re-use of agricultural or other non-commercial buildings would not be worthwhile or realistic here, where the lawful use of a building is for business or industry a change of use may reduce local employment opportunities. Furthermore there is an

inconsistency in the plan since outside the Green Belt, where policy B4 as proposed to be changed would apply, account is taken of the appropriateness of and benefits from the continuation of the established use. Policy D12 purports to be comprehensive, so there is no reason to apply policy B4, and thus in the Green Belt proper consideration would not be given to the economic benefit of the existing use. This is an omission which should be corrected by adding a further criterion.

### Recommendations

- 2.10.5 i. modify paragraphs 2.39-2.43 and policy D12 and add new policy D12A as in CD113;
- ii. further modify policy D12 by adding another criterion as follows:

THE OPPORTUNITY FOR AND BENEFITS FROM CONTINUING  
AN EXISTING USE FOR BUSINESS OR INDUSTRY.

\*\*\*\*\*

### 2.11 POLICY D13 *INFILL DEVELOPMENT IN THE GREEN BELT*

Objections: 1863 House-Builders Federation 1887 E C Booth

#### Issues

- 2.11.1 These are:
  - i. whether the policy is consistent with national guidance;
  - ii. whether the policy should allow development at a scale appropriate to the settlement and which would enhance its appearance.

#### Conclusions

2.11.2 The revised PPG2 includes new guidance on infilling to the effect that development plans should define villages in the Green Belt where limited infilling can occur, either by listing them or insetting. Policies should protect the character of the village. The Council intend making general proposals for the district to take account of this advice, either to be incorporated in modifications or a subsequent review. In the meantime the retention of the present policy is sought on the basis that this contains appropriate safeguards.

2.11.3 There is no definition of "limited infilling" in the PPG but the description suggests that this would be small scale, contrasting with circumstances where "limited development (more than infilling)" could occur. There are obvious advantages in defining a specific approach appropriate to each settlement because of their diverse character but it is reasonable for this to be undertaken by the Council with public consultation. In the meantime I regard the limits contained in the policy as reasonable and consistent with the principles of national guidance. To allow an additional exception by adding a new criterion allowing development at a scale appropriate to the settlement and which would enhance its appearance would be liable to prejudice the purposes of the Green Belt and be very subjective. Pending a detailed appraisal of settlements, a maximum of two dwellings is a reasonable definition of frontage infill, otherwise the gap is likely to be a significant break in built development and the

openness of the Green Belt could be damaged. It would be possible for a small site suitable for more than two dwellings to be within criterion ii. by being largely surrounded by development and this provides sufficient flexibility.

## **Recommendation**

2.11.4 No modification.

\*\*\*\*\*

## **2.12 CHAPTER 2, SITE K14 STORTHES HALL HOSPITAL, KIRKBURTON**

Objections: 2512 University of Huddersfield

### **Issue**

2.12.1 Whether the provisions in the plan affecting development of the former Storthes Hall Hospital are in accordance with national guidance, having regard to the character of the site and its surroundings.

### **Conclusions**

2.12.2 The plan was prepared in the context of the former PPG2 and C2/91, which were replaced by the current PPG2 in January 1995. The proposals map shows the area of the hospital buildings and the extensive surrounding open land as "site for university" but this is not related to any specific policy base. Annex C of the new PPG2 gives detailed guidance on the nature of redevelopment and infilling which may be appropriate at major developed sites. The PPG states that the plan should identify the site and set out the policy for its redevelopment and notes that a site brief may be beneficial. Planning permission for the use of the site was granted on the basis of the former guidance but it is desirable to provide a more comprehensive policy context than is in the deposit draft plan. The Council has now agreed a new policy, D15, and supporting text, together with a revised area to be shown on the proposals map where the policy would apply [CD124]. A detailed development brief, which would not be part of the plan, has also been approved.

2.12.3 Fundamental principles in national guidance are that there should be no greater impact on the openness of the Green Belt and the purposes of including land within it. The height of buildings and proportion of the site occupied by them are part of this consideration. Where possible a net improvement is encouraged and redevelopment should contribute to Green Belt objectives, such as by retaining and enhancing attractive landscape. Policy D15 largely reflects these principles and provides that there will be no increase in the footprint of buildings, unless this would achieve a reduction in height which would benefit visual amenity. Criterion ii. contains an adequate safeguard for the amenity of nearby occupiers.

2.12.4 The area covered by policy D15 and the development brief is largely focused around previously developed parts of the site. In total this amounts to 29ha in a total ownership of 149ha. The exception is an area east of the access road and including The Mansion, a Grade II Listed Building. This is in the AHLV in the plan, which the Council intends to delete. The area concerned is predominantly grass, very largely screened by trees

on the surrounding land within the University site which is not affected by the proposed revision to the AHLV boundary. An exception is that near The Mansion the land is open to views from the south but paragraph 4.24 of the development brief envisages the strengthening of perimeter planting at this point. The height of development in this area will be important but would be safeguarded by criterion ii. of policy D15. Having regard to the character of this part of the site and the framework for the control of development which would be achieved by policy D15 and the development brief, I agree that overlapping AHLV status would be unnecessary and would add nothing to the quality of the plan.

2.12.5 Storthes Hall benefits from a mature landscape within attractive rural surroundings. Major changes in the built form and associated hard surfaced areas are likely to occur progressively. I fully endorse the general approach which the Council is taking, which does for the most part accord with national guidance. My only reservation concerns the need recognised in PPG2 to seek to achieve some improvement, particularly in relation to the objectives of the Green Belt. In this case the most relevant objective is the retention and enhancement of an attractive landscape. Both the policy and the development brief are directed at avoiding harm, whereas in these circumstances the objective should be to enhance the landscape of the site as part of the countryside. This may require new planting in conjunction with the erection of buildings and other works, such as the formation of paths or car parks, together with a long term plan to conserve and enhance the existing landscape. Implementation of this within the development brief is outside the scope of my recommendations but I shall propose an additional criterion within the policy.

## Recommendations

2.12.6 Modify the plan as follows:

- i. delete the "site for university" from the proposals map;
- ii. in accordance with Appendix 2 of KB/K14/1, add policy D15 and the accompanying text and define the policy boundary on the proposals map as in plan 1;
- iii. re-number the present criterion v. and add as a new criterion v:

A HIGH STANDARD OF LANDSCAPING IS ACHIEVED;

- iv. delete the AHLV notation within the policy D15 boundary on the proposals map.

\*\*\*\*\*

## 2.13 NEW POLICY DX1 *EXTENSION OF EXISTING USES IN THE GREEN BELT*

Objections: 2001 Burwin Ltd

### Issue

2.13.1 Whether a new policy relating to the extension of existing uses in the Green Belt is required.

**Conclusions**

2.13.2 The deposit draft plan contained no policy on this subject, perhaps reflecting the absence of guidance on this topic in the former PPG2. Specific guidance is included in the new PPG and the Council’s further changes to policy D8 closely resemble national guidance and provide a basis for considering the change of use of land and other operations for the benefit of existing uses. I have recommended elsewhere that the plan be modified to substitute the new policy. No further action is necessary.

**Recommendation**

2.13.3 No modification.

\*\*\*\*\*

**2.14 NEW POLICY DX2 AGRICULTURE ON THE URBAN FRINGE**

Objections: 2006 National Farmers Union - NE Region

**Issue**

2.14.1 Whether there should be a policy for the urban fringe to support the creation of buffer zones to protect agriculture and to make provision in new development to minimise trespass.

**Conclusions**

2.14.2 The objector suggests the addition of a policy to permit recreation and other predominantly open uses on agricultural land on the urban fringe so as to form buffer zones. Such land will normally be designated either as Green Belt, UGS or POL. Policies in the plan applicable to each category of land provide an appropriate framework to consider developments of this kind. Such uses would generally be acceptable under policy D3 (UGS). Subject to the effect on the Green Belt, suitable alternative uses would be allowed in the Green Belt under policies D8 and D10. On POL open uses which would not prejudice the possibility of development in the longer term would be acceptable. A separate policy for the urban fringe is unnecessary and would be likely to overlook the relevant distinctions between each category of land allocation.

2.14.3 Discouraging trespass through appropriate design of development on the urban fringe would be consistent with policy BE23. The suitability of the layout and design of development in this respect would be a material consideration in the determination of planning applications but the additional level of detail which would result from a separate policy is not justified.

**Recommendation**

2.14.4 No modification.

\*\*\*\*\*



## CHAPTER 3 - NATURAL ENVIRONMENT

### 3.1 POLICY NE3 AND PARAGRAPH 3.6 *SITES OF SCIENTIFIC INTEREST*

Objections: 0664 Elliott Bricks Ltd

2063 Terry Adams Ltd

#### Issues

- 3.1.1 i. whether designation of Lepton Great Wood and Gawthorpe Green Pond is justified;  
ii. whether the name "Sites of Scientific Interest" could lead to confusion.

#### Conclusions

3.1.2 Lepton Great Wood covers about 27.2ha of broadleaved woodland and Gawthorpe Green Pond, a disused mill dam, provides about 1ha of drying out marshland. The SSIs identified in the plan follow assessment undertaken in a county wide context by the Ecological Advisory Service. Detailed information from that assessment gives convincing evidence of the value of these 2 sites, stemming from the range and type of tree, plant, bird and insect species found. To delete the sites from the designation would be contrary to advice in PPG9 for relevant local nature conservation interests to be identified in Part II of UDPs and would diminish the standing and objectivity of the selection process undertaken.

3.1.3 SSIs are sites of nature conservation value in a West Yorkshire context. Whilst 3 of the 5 UDPs in West Yorkshire use alternative terminology for this type of site, the use of SSI has the benefit of continuity with former local plans in the district and with the county wide review of such sites undertaken by the Ecological Advisory Service. The text makes clear the relative significance of the national and local designations. This is not clouded by the name. Indeed, the name emphasises that the locally designated sites cover similar aspects as the statutory designation and, by the omission of the word "Special", provides a clear guide to their lower position in the hierarchy of protection. Although, particularly when abbreviated, it requires care from the user to differentiate from SSSIs it is not unreasonable to expect such care to be exercised and re-phrasing is not necessary.

#### Recommendation

- 3.1.4 No modification.

\*\*\*\*\*

### 3.2 POLICY NE4 *SITES OF WILDLIFE SIGNIFICANCE*

Objections: 0664 Elliott Bricks Ltd  
2160 Coal Contractors Ltd

1371 Kirkburton & District Civic Society

#### Issues

- 3.2.1 i. whether designation of Gawthorpe Lower Wood is justified;

- ii. whether Dogley Nature Reserve should be added to the list of designated sites and given the status of Local Nature Reserve;
- iii. whether the policy should refer to mitigation measures such as restoration and replacement.

## Conclusions

3.2.2 Gawthorpe Lower Wood covers about 1.75ha of broad leaved woodland. Although it contains no rare species, it contributes to the amount of woodland and provides a typical woodland habitat, with a range of common flora and fauna, accessible to the public. Given the shortage of woodland in the district this contribution justifies third tier protection.

3.2.3 The Council's proposed changes include the designation of the site at Dogley as a SWS, in accordance with the selection procedure explained in paragraph 3.7 of the plan. Local Nature Reserve is a mechanism for management of sites to be established with the co-operation of landowners and may bring into play the operation of various bylaws. It is not appropriate for designation through the development plan process. Separate from the plan a Council committee has agreed to give support to such status at Dogley. The proposed change and this action resolves objection 1371.

3.2.4 The policy relates to the third tier of sites of nature conservation value identified in the plan. It does not give a blanket presumption against development, but allows for the grant of permission where provision can be made to retain the site's role for nature conservation. Such provision could take a variety of forms, so consideration of measures to mitigate any harm would not be ruled out. Whether measures such as restoration and replacement enable the role for nature conservation to continue in the face of changes inherent in a specific development will be a matter for individual assessment.

3.2.5 The approach in the plan is consistent with PPG9, which encourages identification of local conservation interests and their protection in Part II of UDPs. PPG9 indicates permission should not be refused if conditions can prevent damaging impact. If that is the case Policy NE4 would not preclude development. PPG9 notes that there may be occasions where other material factors override nature conservation interests. It is where there is risk of damage in these circumstances that it advises consideration of conditions and obligations, such as to secure management agreements or compensation for lost features as referred to in [2160]. These would be occasions where material considerations indicate an application should not be determined in accordance with the policy, so it is not helpful for the policy itself to include reference to these types of condition. Although [2160] is not limited solely to mineral development, this is the main concern. The plan has identified active mineral sites, sites for mineral working and for safeguarding minerals, none of which are affected by a SWS. It is reasonable for mineral working proposals outside those sites to be as responsive to nature conservation interests as any other type of development.

## Recommendation

3.2.6 Modify the plan by incorporating the proposed change to the proposals map shown on map ref: 3.5 [CD113].

\*\*\*\*\*

### 3.3 POLICY NE5 WILDLIFE CORRIDORS

Objections:

1242 & 1371 Kirkburton and District Civic Society

2513 Kirkburton Civic Society

#### Issues

3.3.1 These are whether:

- i. smaller watercourses and river valleys should be protected as wildlife corridors, by identification on the proposals map on an "interim" basis or by rewording the policy to include land adjacent to such watercourses;
- ii. Beldon Brook valley and Woodsome valley should be designated as wildlife corridors.

#### Conclusions

3.3.2 The objectors make clear a preference for the second option of rewording the policy. The objections essentially arise because, as the Council acknowledges, there is a paucity of information on the ecological value of potential wildlife corridors. A large proportion of the district has not been fully assessed. In these circumstances unidentified sites, which are nevertheless of ecological value, could be disadvantaged if the interpretation is that they have been assessed and designation found to be not justified. In reality it is much more likely that the sites have not been surveyed at all. It would be wrong to withhold protection from identified sites pending complete survey coverage. Blanket protection, whether through rewording or wholesale designation, could catch sites where wildlife interest is not significant and where restriction of development would not therefore be warranted. Such modification is not essential for wildlife importance to be considered in the determination of development proposals. If after adoption of the plan new information demonstrating the importance of an area in linking habitats becomes available, whether from detailed consideration of an application or from a wider survey, this would be a material consideration.

3.3.3 Misinterpretation could be lessened by continuing the text in paragraph 3.10 to explain that ecological assessment work is on-going and further sites of value as wildlife corridors may be found. Since the Council does not challenge the objectors' reasoned views that the unpolluted watercourses in rural areas are likely to be of importance to wildlife further revision to paragraph 3.10 to highlight this likelihood would be beneficial in alerting potential developers and those assessing proposals.

3.3.4 No evidence of specific wildlife value in the Beldon Brook valley or Woodsome valley is advanced. As explained above, to extend specific policy protection where no harm from lack of protection is demonstrated would be contrary to national advice.

#### Recommendation

3.3.5 Modify paragraph 3.10 to indicate that ecological assessment work is on-going and further sites of value as wildlife corridors may be found and to highlight that the unpolluted watercourses in rural areas are likely to be of importance to wildlife.

\*\*\*\*\*

### **3.4 POLICY NE6 WATER AREAS**

Objections: 0763 Hassall Homes

0766 The House Builders Federation

#### **Issue**

3.4.1 Whether the policy is too onerous in applying to man made areas as well as natural water features, which can be protected by Policy NE7, and should be deleted.

#### **Conclusions**

3.4.2 Support for the retention of ponds and recognition of their value in widening wildlife habitats is shown by a number of bodies. Water areas can also enhance developed areas in visual terms and add to the enjoyment of occupiers and visitors. As evidenced by the popularity and prestige of many water front and water related developments, safety factors need not prove a bar. Surveys show that most ponds in the district are associated with existing or former textile mills. While they may no longer be needed for their original function, this legacy provides an important opportunity to achieve nature conservation and environmental quality. In my view this opportunity should not be lost. Because of the origin of water areas in this district, to limit the policy solely to natural features would significantly weaken its effectiveness. Policy NE7 has different aims and relates only to development which includes improvement to land drainage. It is not therefore an adequate substitute for policy NE6.

#### **Recommendation**

3.4.3 No modification.

\*\*\*\*\*

### **3.5 PARAGRAPH 3.18 LANDSCAPE**

Objections: 2063 Terry Adams Ltd

#### **Issue**

3.5.1 Should the text indicate that mineral working and waste disposal can take place only in open countryside and may be appropriate in the Green Belt.

#### **Conclusions**

3.5.2 Paragraph 3.18 sets out background information and merely explains the situation arising from other plan policies. It is not the place to identify which uses are appropriate in the Green Belt. In view of the recommended modification to policy D8, the latter half of the first sentence would no longer accurately summarise the policy context. Rather than attempting a revised summary, since there is no need to re-iterate here policy contained elsewhere in the plan, this latter half should be omitted. As mineral extraction is covered by Chapter 6 an addition to the second sentence to indicate that policies on mineral extraction also set out landscape requirements would be more accurate.

## Recommendation

3.5.3 Modify paragraph 3.18 by deleting that part of the first sentence after the words "green belt" and by inserting "and mineral extraction" after "countryside recreation" in the second sentence.

\*\*\*\*\*

## 3.6 POLICY NE8 AREAS OF HIGH LANDSCAPE VALUE

### Objections:

0664, 1891 & 2610 Elliotts Bricks Ltd  
1992 Mr D G Johnston  
2504 Mirfield Town Council  
2513 Kirkburton Civic Society  
5829 The Dartmouth Estate [PC]  
7006 Holme Valley Parish Council

1242 & 1372 Kirkburton & District Civic Society  
2501 Mr H Fearnley  
2512 University of Huddersfield  
5482 Mr M Rathmell [PC]  
7003 Peak Park Planning Board

## Issues

- 3.6.1 The main points raised are whether:
- i. the policy is too restrictive and should be reworded to refer to "significantly" adverse impact;
  - ii. the policy should explicitly refer to development conspicuous from the Peak National Park;
  - iii. all areas designated SLA in the WYSP should be included as AHLV;
  - iv. the designation of AHLV has been carried out inconsistently and specific areas should be added or deleted.

## Conclusions

3.6.2 With regard to the wording of the policy, it is not correct to say that all development would harm landscape quality and would therefore be precluded by the policy. This will depend on the nature of the development and the character and qualities of the landscape. If an adverse effect is not of significance I do not consider it could be interpreted as a material consideration to be taken into account and of relevance in land use planning terms. The introduction of "significantly" into the policy would be unnecessary.

3.6.3 The proposed change introducing paragraph 1.5a would recognise the importance of the Peak Park and the intention of the plan to ensure its visual amenity and character is not prejudiced by inappropriate development beyond its boundaries. In my view it would be inconsistent if this Part I statement is not translated into policy and the Council confirms that there is no reference to the setting of the Peak Park in any current policy. Although much of the plan area close to the Peak Park is designated as AHLV, the Council acknowledges it would be possible for development outside that area to be conspicuous from and impact on the Peak Park. The omission of any reference to the Peak Park in the policy therefore renders the plan less effective in assisting the protection of this national asset. Policy NE8 does not attempt to define or prejudge the type or scale of development which could adversely affect landscape quality. In the same way it would be feasible as a matter of judgement to determine whether a proposed development was conspicuous from and harmful to the Peak Park, which is a clearly defined area.

3.6.4 The methodology used to identify AHLV was initially devised by landscape specialists in the West Yorkshire Metropolitan County. It attempts to bring a measure of objective consistency to the exercise by identifying and measuring features contributing to or detracting from landscape quality. Its formulation arose because County officers considered the previous observation-based process insufficiently robust to use in assessing proposals which would significantly alter the landscape and postdates the methodology used to identify SLA in the WYSP. It is therefore not surprising that there is not complete convergence between AHLV and SLA. In itself the variation in areas defined does not demonstrate that the identification of AHLV is flawed. Whereas seven broad areas of the County are described as SLA in Structure Plan policy N21, AHLV are intended to be concentrated on the most valuable landscapes. Such concentration is necessary to justify greater restriction and discrimination in the areas covered adds to the strength of the policy. Exclusion from AHLV does not mean, as the objector [1372] fears, that the remaining Green Belt will be devoid of visual protection. Both policy D8 and advice in PPG2 indicate that development should not detract from the visual amenity of the Green Belt. I am not therefore persuaded that it is necessary or desirable to substitute the broader based coverage of SLA for identified AHLV.

3.6.5 A main concern of objectors, both those seeking deletions and additions to AHLV at specific sites, is a lack of readily perceived differentiation in quality between areas designated and those omitted. In applying the methodology the Council chose a score of 9 and over as the measure of whether land should be designated. This was not applied rigidly and I agree it is appropriate to avoid very small pockets of AHLV or small gaps in a wider area meriting AHLV due to an isolated negative landscape feature. Also, since it is necessary to choose identifiable features to mark the boundaries, shading in and out of AHLV is inevitable. Thus some areas with scores of 9 and above may remain outside AHLV and some with lower scores may be included without prejudicing the overall consistency of the designation. However, comparison of the score sheets with the AHLV suggests in some cases a greater measure of inconsistency than that arising merely from the inclusion or exclusion of isolated scores inconsistent with the surrounding area or from the search for a sensible boundary.

3.6.6 A comparison of areas in the vicinity of sites subject to objections reveals the following examples. A swathe of countryside around Whiteley Park continues from the AHLV at Liley Lane, Grange Moor [2610] and has scores from 9 to 11, but is excluded. A curve of land from Dean Bottom east of the Mansion through to Riley continues from the AHLV at Storthes Hall and north of Shelley [2512, 2513] and has scores of 9, but is excluded. In contrast at Storthes Hall and to the south an area continuing from undesignated land to the west and south-west and with scores from 5 to 8 is included. The band of countryside between Upper and Lower Hopton from Hand Bank Farm through to Crow Royd, which continues from the AHLV to the south-east [2501, 2504] and has scores of 9, is excluded. To the south-west of Honley [7006] Swinny Knoll, Pontey Wood and the area up to Slate Pits Wood and Knowl Top, which continue from the AHLV to the south-west and have scores well above 9, are all excluded. Despite a statement in CD35 that those areas added in the proposed changes have scores which justify inclusion, the Council conceded during the inquiry that this is not always the case.

3.6.7 It is essential to maintain consistency if the value of a systematic exercise is not to be undermined and if suggestions, such as those made by objectors [1372 and 5482] that

designation is influenced by development pressures, are not to retain the ring of truth. It would not be helpful for me to substitute my subjective judgement based on site observations in respect of those particular areas where representations have been made seeking deletion or addition. To do so would negate the plan's systematic approach. The Council should re-examine AHLV boundaries to ensure consistent application of the methodology. If, having done so, it considers the scores for designation are wrongly set, then it should look at all areas with the new score point and not just those subject to representations. I strongly urge caution in any reduction of the standard set for designation as more lax criteria for landscape quality would undermine the credibility of and justification for the policy.

3.6.8 [1992] is listed to policy D6 but seeks greater protection of landscape and wildlife in particular in the Holme Valley. The systematic landscape study has resulted in wide swathes of that part of the district being designated as AHLV and significant areas are also designated under policy NE5 as wildlife corridors or as SWS and SSI. There is no evidence of specific valuable features which have been overlooked and justify modification of the plan.

### **Recommendations**

- 3.6.9 i. modify policy NE8 to read:  
DEVELOPMENT WHICH WOULD ADVERSELY AFFECT LANDSCAPE QUALITY WILL NOT BE PERMITTED WITHIN AREAS OF HIGH LANDSCAPE VALUE NOR WHERE IT WOULD HAVE A HARMFUL IMPACT ON AND BE CONSPICUOUS FROM WITHIN THE PEAK NATIONAL PARK. IN THESE LOCATIONS PARTICULAR ATTENTION SHOULD BE PAID TO SITING, DESIGN AND CONSTRUCTION MATERIALS AND THE TREATMENT OF ASSOCIATED LAND.
- ii. the consistency of designation of AHLV should be re-examined by the Council as set out at IR 3.6.7.

\*\*\*\*\*

### **3.7 PARAGRAPH 3.39 TREES AND WOODLANDS**

Objections:

0768 Kirklees Bridleways Group

1480 British Horse Society

#### **Issue**

3.7.1 Whether the text should indicate, with special reference to pedestrian and equestrian use, that planting will not prejudice the provision of safe margins as required by S71 of the Highways Act 1980.

#### **Conclusions**

3.7.2 Paragraph 3.39 gives background information of what occurs under Council powers other than land use planning. The Council acknowledges that, while the highway authority gives consideration to safety in programmes of verge planting, the main concern is not for equestrian users. Whatever the merits or otherwise of the approach by the highway authority, the text is not inaccurate in its report of what occurs. If the provisions of the Highways Act are being breached that is matter for a forum other than the development plan.

## Recommendation

3.7.3 No modification.

\*\*\*\*\*

## 3.8 POLICY NE9 *RETENTION OF TREES*

Objections:	0764 Grange Lea Development Ltd 0766 House Builders Federation 2063 Terry Adams Ltd 2956 Mr R Farrar	0765 H S Woodhead Ltd 1891 Elliott Bricks Ltd 2955 White Rose Development Enterprises Ltd
-------------	---	---

### Issues

- 3.8.1 These are whether the policy:
- i. is unnecessary as other means to protect trees on development sites exist;
  - ii. is excessive in requiring retention of any mature trees and should allow for the need for retention to be judged on an individual basis, following a survey, and for the removal of trees subject to satisfactory alternative planting;
  - iii. should acknowledge that it may not be possible to retain mature trees on mineral working or waste disposal sites.

### Conclusions

3.8.2 Whilst mechanisms such as TPOs and the power to impose conditions already exist, it is necessary to provide clear guidance in the plan to set out the approach which will be taken in considering development on sites involving mature trees. This is what the policy does and, since it does not introduce new measures for protection, it is not a duplication of existing procedures.

3.8.3 The Council's premise is that in general existing mature trees are a valuable resource, in visual, ecological and wildlife habitat terms, and alternative planting would be less acceptable than retention because of the delay in maturing to an equivalent level of amenity. The particular situation in Kirklees is that the percentage of the area covered by trees is considerably less than the regional average and there is significant scarcity in some parts of the district. C36/78 advises that the value of trees may be enhanced by their scarcity. In these circumstances, I consider the premise is reasonable. Occasions may arise where an individual assessment of the trees and proposed development indicates that the removal of mature trees and alternative planting is acceptable. However, it is important in making the guidance clear that the policy sets out the starting point, namely that retention is the first preference over replanting. It is against this starting point that other material considerations, such as the health of the existing trees, constraints on points of access to a development site or enhancement from alternative planting, can then be taken into account. In my view the requirements of the policy are not excessive.

3.8.4 As objector [0766] points out, a site survey including topography, location, age and condition of existing trees is an important tool in assessing proposals for development as advised in C36/78. It is not essential for site surveys, being basically a procedure to aid assessment, to be required by the policy, but attention should be drawn to them in the plan.

The Council's proposed change to insert a reference to such surveys in paragraph 3.41 would do this.

3.8.5 [2063] is also listed as an omission of policy in chapter 6, but the argument is comprehensively covered here. At the inquiry the Council indicated that it is not intended to apply policy NE9 to mineral working or waste disposal proposals on those sites identified in the plan. This distinction between identified and other sites with regard to policy NE9 is not recommended. It would create inconsistency with policies M2 and WD3. These make it clear that proposals on identified sites will also be subject to policies M3 and WD5, so that the same environmental considerations are to apply as on any other site.

3.8.6 MPG1 advises that it is particularly relevant to ensure the needs of society for minerals are satisfied with due regard to the protection of the environment. PPG23 advises that planning decisions must ensure waste is disposed of without harming the environment. Thus retention of mature trees, as an environmental consideration, should not be discounted in dealing with proposals for mineral and waste disposal. For those at the edge of sites, the considerations of policy NE9 will be as relevant as with other types of development. However, as the Council concedes, whereas many development proposals can be designed to accommodate the retention of existing trees this is rarely possible for trees within the body of mineral working or waste disposal sites. The recognition that permission for mineral working or waste disposal will almost certainly preclude retention of mature trees in the body of a site and the relative importance of the trees are factors to be weighed in the initial balance of environmental, mineral location and waste disposal requirements. The impact on any trees is included in policy M3 by reference to landscape, visual amenity and nature conservation and in policy WD5 by reference to visual amenity and conservation interests. It would be helpful if the text leading to policy NE9 made this clear.

3.8.7 A further policy requiring a greater number of trees to be planted in the event of trees being lost due to mineral working or waste disposal, as suggested in [2063], would be unnecessary. New planting will be considered with regard to the impact on landscape or visual amenity and also as part of the arrangements for restoration, both of which are covered by policies M3 and WD5.

### **Recommendation**

3.8.8 Modify paragraph 3.41 by the addition of a sentence as set out in CD113 and by the addition of the following:

The retention and protection of trees within the body of a minerals working site or a waste disposal site will rarely be possible because of the nature of the development. The recognition that permission for such development will almost certainly preclude retention of mature trees within the site and the relative importance of the trees which would be lost will be considered in the context of the environmental considerations in policies M3 and WD5.

\*\*\*\*\*

### 3.9 NEW POLICY NEX1 *TREE PRESERVATION ORDERS AND GRANT AID FOR PLANTING*

Objections: 0767 Royal Society for Protection of Birds

#### Issues

- 3.9.1 Whether there should be a policy:
- i. to give statutory protection to trees on sites of wildlife significance;
  - ii. for grant aid to be offered for tree planting on sites of wildlife significance.

#### Conclusions

3.9.2 The objection seeks reinstatement of policies NE7 and NE8 as contained in the Consultation Draft. These were removed from the plan, partly in response to representations from the DoE on the Consultation Draft which indicated that the policies in whole or in part related to non land-use matters. Draft policy NE7 reads "Tree Preservation Orders will be served on all appropriate trees and woodlands within sites of scientific interest, sites of wildlife significance and wildlife corridors". In Kirklees, as the plan indicates, many of these sites contain areas of woodland which are part of the ecological value. The protection of the ecological value of such sites is a matter of relevance to land-use planning. Section 12(3A) of the Act, as extended by regulation 37 of the Conservation (Natural Habitats etc) Regulations 1994, requires UDPs to contain policies encouraging management of features of major importance for wild flora and fauna. The subject matter of the policy thus falls within the legitimate scope of the UDP. However, in specifying that TPOs will be served the policy could be interpreted as essentially dealing with an administrative matter which is inappropriate for a plan policy, as advised in PPG12.

3.9.3 The power to make TPOs is to be exercised in the interest of amenity. As C36/78 advises, importance as a wildlife habitat may be taken into account in considering making an order, but would not be sufficient alone to warrant an order. With certain exceptions, felling of woodland requires a licence from the Forestry Commission, who are required by section 1(3A) of the Forestry Act 1967 in discharging this function to secure among other matters the conservation of flora and fauna. C36/78 also advises that orders on woodland can render essential management difficult and that agreements with landowners on management are preferable. Thus, in addition to the inappropriate administrative emphasis of the policy, TPOs are not the only means available to further the aims of protecting the ecological value of these sites and are unlikely to be the most effective. Reinstatement of a policy requiring statutory protection is not desirable. The Council may wish to consider a revised policy to cover the matters referred to in the extended section 12(3A) but this would go beyond the scope of the objection so that it is not part of my recommendation. With regard to trees as a feature of importance to wildlife, the plan already makes clear at paragraphs 3.34 and 3.35 the stance on consultation in respect of felling licences and on seeking programmes of woodland management, so that a further policy in this respect is unnecessary.

3.9.4 On the second issue, consultation draft policy NE8 reads "The Council will offer grant aid for appropriate tree planting in sites of scientific interest, sites of wildlife significance and wildlife corridors and will seek to secure tree planting schemes in association with permitted developments in the area." The first part is inconsistent with

national guidance, since PPG12 paragraph 5.6 makes it clear that development plans should not designate areas where special grants will be available. The second part is not necessary since it merely reflects the statutory duty imposed on local planning authorities by section 197 of the Act to ensure, in granting permission for any development, adequate provision for the planting of trees.

### **Recommendation**

3.9.5 No modification.

\*\*\*\*\*



## CHAPTER 4 - BUILT ENVIRONMENT

### 4.1 POLICY BE1 *BUILT ENVIRONMENT STRATEGY*

Objections:                   0385 Mid Yorks Chamber of Commerce                   0387 Slough Estates plc  
                                  0390 Huddersfield NHS Trust                               2955 White Rose Development Enterprises  
                                  2956 Robert Farrar

#### Issues

- 4.1.1     These are whether the policy should:
- i.   encourage good or appropriate design rather than the highest possible quality;
  - ii.  make distinctions between the standard required for different types of building;
  - iii. provide clearer and more specific guidelines.

#### Conclusions

4.1.2     In response to the objections the Council indicates "highest possible quality" should be interpreted as the best design solution taking into account all relevant factors. However, neither policy BE1 nor the supporting text specify what those factors may be or give clear criteria as to how they are to be taken into account in considering development proposals. This would lead to ambiguity and lack of clarity in whether development met the terms of the policy. The insertion of "seek to" or the use of the term "appropriate design" in policy BE1 suggested by some objectors would be similarly ambiguous and unhelpful as guidance. Bearing in mind national guidance in PPG1 to encourage good design and since no local circumstances are advanced to justify going further, the strategy should be addressed to good quality design.

4.1.3     I see no reason why certain sectors should be exempt from contributing to the achievement of that national aim. Good design need not be unreasonably costly and by definition would take into account the function of the building. The indication in policy BE2, which expands on the theme in policy BE1, that development should be in keeping with any surrounding development would ensure that the setting of a building within such locations as an existing industrial estate was taken into account.

4.1.4     On whether there should be more specific guidelines, with regard to matters of character and appearance the text does indicate broad parameters to be considered in the design approach. In particular a characteristic of the district, its unusual hilly topography, and the implications of this for development are well set out. The text also refers to strong local traditions in built form, although it fails to give any indication of the essential features identifying these traditions. An expansion of the text to clarify the Council's interpretation of the local building traditions would be useful to potential developers and decision makers alike. This could be inserted at paragraph 4.8 where the implications of traditional character for the design of new buildings are set out. With regard to matters other than character and appearance policy BE1 does not provide clear or specific guidelines. It fails to set a strategy for the built environment under which other policies can operate and explain more detailed

measures. It is mainly a duplication of policy BE2 and relates to elements of design largely from the approach of their effect on visual impact alone.

4.1.5 Design involves much more than what the development will look like or how it will fit in with the character of an area. The form and layout of built development also impacts on whether the environment produced is safe, healthy and energy efficient. Policies relating to these matters occur elsewhere in the plan. For instance on safety BE23 deals with crime prevention and T10 and BE2 include highway safety issues. On a healthy environment BE12 deals with space about buildings, EP4 and EP5 with the effects of noise, EP11 and BE2 with landscaping and H18 with new open space. On an energy efficient environment EP10 deals with layout for energy conservation, T14 and T16 with pedestrian routes and T17 with cycle access - although I note there are no policies explicitly on the effects of density and layout in encouraging transport modes different from the private car. However, these elements are not drawn together. BE1 provides the best opportunity in the plan to do that. The opportunity should be taken to ensure potential developers are clearly guided to regard these functional matters as integral parts of the design process from its inception.

## Recommendations

- 4.1.6 i. modify Policy BE1 to read:
- ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:
- i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;
  - ii IS VISUALLY ATTRACTIVE;
  - iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;
  - iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;
  - v IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.
- ii. modify the supporting text to accord with the revised policy;
- iii. modify paragraph 4.8 to identify the essential features of local building traditions.

\*\*\*\*\*

## 4.2 POLICY BE2 *QUALITY OF DESIGN*

Objections: 0387 Slough Estates plc

### Issue

4.2.1 Whether the policy should be made more flexible by the inclusion of the words "where and to the extent appropriate".

## Conclusions

4.2.2 No criteria are suggested to define where it would not be appropriate for development to be designed in accordance with the factors detailed in the policy. The introduction of the concept of "where appropriate" as suggested would therefore be ambiguous and difficult to interpret.

## Recommendation

4.2.3 No modification.

\*\*\*\*\*

## 4.3 POLICY BE3 LISTED BUILDINGS

Objections: 2170 Mr M Rathmell

### Issue

4.3.1 The objection seeks the substitution of the word "must" for "should".

## Conclusions

4.3.2 In the context of its use in this policy it is clear that "should" carries the meaning of obligation. I do not consider that whether "must" or "should" is used alters the strength of the policy significantly. The objector expresses concern over examples of works to listed buildings, but I am not convinced rewording the policy as suggested would be a determining factor in the Council's response to future situations. It is not necessary for plan policies to exactly mirror phrases in statute and the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 remain regardless of the wording of the policy.

## Recommendation

4.3.3 No modification.

\*\*\*\*\*

## 4.4 POLICY BE4 DEMOLITION OF LISTED BUILDINGS

Objections: 2512 University of Huddersfield

### Issue

4.4.1 This is whether the policy is unreasonably stringent and should be reworded by the deletion of "and" and the insertion of "or" between criteria i and ii.

## Conclusions

4.4.2 PPG15 at paragraph 3.19 makes it clear that, where total or substantial demolition of a listed building or a significant part of it is proposed, the SSE will expect the condition

of the building and the adequacy of efforts made to retain it in use to be addressed. There is no indication that addressing only one of those considerations will suffice. Far from Policy BE4 being unreasonably stringent, its use of the present tense in criterion i could be construed as not adequately reflecting the strong justification for demolition sought in PPG15. The policy could be open to incorrect interpretation as requiring an assessment only of whether the building has a beneficial use at the time of consideration, rather than also of viable new uses as referred to in PPG15 paragraph 3.17. In these circumstances it is imperative that the policy is not further weakened by the replacement of "and" by "or".

## **Recommendation**

4.4.3 Modify Policy BE4 by the insertion after "NO BENEFICIAL USE" in criterion i of the words "AND NO POTENTIAL VIABLE NEW USE".

\*\*\*\*\*

## **4.5 POLICIES BE5 TO BE8 AND PARAGRAPHS 4.15 TO 4.20 CONSERVATION AREAS**

Objections: 2512 University of Huddersfield

7006 Holme Valley Parish Council

### **Issues**

4.5.1 The objectors do not seek alterations to the spirit of the policies, but seek an adjustment of the Huddersfield Town Centre Conservation Area boundary and the declaration of a Conservation Area at Smithy Place, Brockholes.

### **Conclusions**

4.5.2 Sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make provision for the designation and variation of Conservation Areas outside the development plan process. Whatever the merits of the localities at Huddersfield Town Centre or Brockholes, the plan is not the appropriate vehicle for designation or variation. However, paragraph 2.9 of PPG15 advises that plans should set out the broad criteria for designation and review and, if possible, particular areas in mind for each. Paragraph 4.16 of the plan indicates that the Council will continue to assess areas for designation and review, but does not explain the criteria to be used. This should be done. If, in the light of the criteria, the general areas of concern to the objectors are identified as candidates for designation or review this should be noted in the plan.

4.5.3 In the absence of criteria for designation and review, which as PPG15 paragraph 4.5 intimates may take into account the resources likely to be required to ensure effective follow up measures, it would be unhelpful and inappropriate for me to comment in any detail on the two areas. However, the suggested revision to the Huddersfield Town Centre Conservation Area prompts me to note that in general contorted boundaries to exclude small pockets of unsympathetic development are unhelpful to the aims of conservation policy, which include the enhancement of areas of special interest. As PPG15 acknowledges at paragraph 4.17 many conservation areas include elements which detract from them. Such elements can provide opportunities for enhancement.

## Recommendation

4.5.4 Modify paragraph 4.16 to set out the broad criteria for designation and review of Conservation Areas and, if appropriate, to note any particular areas identified as candidates for designation or review.

\*\*\*\*\*

## 4.6 POLICY BE10 AND PARAGRAPHS 4.21 AND 4.24 ARCHAEOLOGICAL SITES

Objections: 0380 Yorkshire Archaeological Society                      0382 West Yorkshire Archaeological Service  
                  0384 House Builders Federation

## Issues

- 4.6.1 These are whether:
- i. archaeological sites should be shown on the proposals map or otherwise identified;
  - ii. paragraph 4.21 should be re-worded to indicate that the Sites and Monuments Record seeks to identify all known sites, that the settings of scheduled monuments are not scheduled and to standardise references to sites;
  - iii. policy BE10 should be re-worded to avoid the implication that preservation by record will necessarily involve excavation;
  - iv. policy BE10 should be re-worded to indicate that evaluations may be required only occasionally with reference to Class III sites;
  - v. paragraph 4.24 is consistent with policy BE10.

## Conclusions

4.6.2 PPG16 advises that sites of archaeological interest should be identified on proposals maps. The Council's proposed change to show Class I sites on the proposals map meets objection 0384. I agree with the Council that the inclusion of the more than 440 Class III sites in this district on the proposals map would hamper clarity. This particular local difficulty justifies a different approach from that advised in PPG16. Nevertheless, since Class III sites are referred to in the policy, it is essential that a list of these is made available locally. This should be done and the availability of the list mentioned in the text. Regarding Class II sites, having seen the intended form of representation on the proposals map I do not consider that a further 40 or so references would create difficulties for clarity. Although the list is said to be provisional there is no indication that sites will be deleted. I find no reason why the advice in PPG16 should not be followed in respect of Class II sites. Since policy BE9 could lead to permission being refused for development affecting such sites, the exclusion from the plan of the means of identifying them would be unreasonable.

4.6.3 There is no reason to further qualify the Sites and Monuments Record as "seeking" to identify sites since paragraph 4.21 already qualifies the sites to those "known". The Council accepts there is scope for improving the clarity of paragraph 4.21 concerning the setting of ancient monuments and the wording suggested [KB/4.21/2] would do that. Consistent reference to "sites" would be clearer and is easily achieved.

4.6.4 PPG16 refers to excavation and recording, although the advice clearly countenances situations where methods of investigation short of excavation, such as a watching brief, will suffice. In the same way the wording of Policy BE10 would not preclude provision being made for such methods where, following the provision of archaeological evaluation, the Council decided preservation by record could be achieved without excavation.

4.6.5 An indication that evaluations with reference to Class III sites may be required "only occasionally" would not add to the clarity of the policy as those occasions on which evaluation would be required would remain undefined. The lesser importance of Class III sites is made sufficiently clear in paragraph 4.21.

4.6.6 There is no reason for the phrasing in paragraph 4.24 to be identical to that used in the policy and the paragraph is helpful in suggesting that preservation by record could be achieved by differing levels of archaeological investigation.

### Recommendations

4.6.7 Modify the proposals map by the inclusion of Class I and Class II archaeological sites and modify paragraph 4.21 by:

- i. deleting "and their settings" in line 4 and inserting at the end of line 8 "The setting of an ancient monument is a material consideration in determining a planning application.";
- ii. substituting "Sites" for "Areas" in lines 9 and 12;
- iii. deleting the first sentence on line 15 and substituting therefor "Class I and Class II archaeological sites are shown on the proposals map. A list of Class III archaeological sites is available for inspection at the Council's offices.";
- iv. making the proposed change to line 16 as set out in CD113.

\*\*\*\*\*

### 4.7 POLICY BE11 AND PARAGRAPH 4.25 *BUILDING MATERIALS*

#### Objections:

0383 Nationwide Building Society  
0390 Huddersfield NHS Trust  
2604 Huddersfield Civic Society  
2956 Robert Farrar

0389 Kirklees Green Parties  
1461 National Farmers Union NE Region  
2955 White Rose Development Enterprises

### Issues

- 4.7.1 These are whether the policy should:
- i. be more flexible, particularly with regard to commercial development, and apply only exceptionally to agricultural buildings;
  - ii. refer to more clearly defined areas only;
  - iii. preclude the use of tropical hardwoods.

### Conclusions

4.7.2 Although there is concern [2604] that other attractive materials would be "frozen out" by the policy, none of the objectors disputes the Council's assessment of the use of

stone as a traditional feature of much of the district. Site inspections throughout the district support the importance of this material in contributing to the distinct local identity. Bearing in mind advice in the revised PPG1, that it is proper to seek to promote or reinforce local distinctiveness, it is right that the plan addresses a factor of such importance to local identity as stone is in this district and that all sectors of development are expected to play their part. Economic considerations and the particular function of a building may constrain the choice of materials. Paragraph C22 of PPG7 (E35 in the revised version) recognises this with regard to agricultural buildings and similar factors may be relevant with other uses, such as industrial or commercial development. However, these would be material considerations to be taken into account against the policy, rather than reasons to give a blanket exemption for wide types of development from the policy. Whilst paragraph C20 of PPG7 (E33 in the revised version) indicates that it will normally be appropriate to use traditional or sympathetic materials for agricultural development in the setting of a listed building or in a conservation area, it does not state that these are the only areas where guidance on materials for agricultural development may be given.

4.7.3 The requirement in the policy for local materials to be used could be construed as restricting the source of the material, which could be contrary to European law on the single market. What is relevant in land use planning terms is the appearance and texture of the material, not its origin, and a minor revision to the policy should be made to clarify this.

4.7.4 The rationale for the locations covered by subparagraphs iii and iv of the policy appears to be that in such locations the impact of stone in reinforcing local identity will be most effective. Concentration on town and local centres, places where people congregate and share the public environment, is clearly important. Whilst the boundaries of the centres are not defined, they are highlighted on the proposals map. Their extent will not be difficult to determine from observation of the uses at those highlighted locations. Since not all centres are conservation areas subparagraph iii is not redundant. With regard to subparagraph iv, the importance of an impact on vehicle-borne through travellers is not evident. Also the locations covered by subparagraph iv are not clearly defined, even in the Council's response. An indication that main through routes "could" be defined as A class roads and the M62 corridor is not sufficiently clear to give unambiguous guidance. Unless these locations can be more clearly identified, sub-paragraph iv should be deleted.

4.7.5 Wood used in construction is not significantly different in visual terms whether from sustainably managed sources or not. The suggested exclusion of the use of tropical hardwoods cannot be regarded as a land-use consideration appropriate to a development plan policy.

## Recommendations

4.7.6 Modify policy BE11 by:

- i. deleting the first three lines and substituting therefor:  
NEW DEVELOPMENT SHOULD BE CONSTRUCTED IN NATURAL  
STONE OF A SIMILAR COLOUR AND TEXTURE TO THAT  
PREVAILING IN THE AREA WHERE THE PROPOSAL IS LOCATED.;
- ii. deleting subparagraph iv.

\*\*\*\*\*

## 4.8 POLICY BE16 *SHOP FRONTS*

Objections: 0383 Nationwide Building Society

### Issue

4.8.1 Whether the inclusion of matters of colouring, materials, lettering style and illumination with respect to replacement fascia signs in criteria iv would unreasonably compromise the corporate image of companies and should be omitted from the policy.

### Conclusions

4.8.2 PPG19 recognises that the appearance of a good building can easily be spoiled by a choice of advertisement materials, colour, proportion or illumination which is alien to the building's design or fabric. Similar considerations can be applied to the impact of ill-conceived advertisement on an otherwise well designed shop front and it is appropriate to include such matters in the policy. PPG19 advises that designers should be prepared to compromise on matters of "corporate" design where it is unsuitable in a particularly sensitive area. Criteria iv of the policy is not general in its application, but relates only to situations "where existing features of this nature make a positive contribution to the street scene". It is not therefore inconsistent with national guidance, nor unreasonable in the extent to which the corporate image of companies may be required to be tempered in the interests of amenity.

### Recommendation

4.8.3 No modification.

\*\*\*\*\*

## 4.9 POLICY BE18 *SECURITY SHUTTERS*

Objections: 0385 Mid Yorkshire Chamber of Commerce

### Issue

4.9.1 Whether the policy is unduly restrictive and "where appropriate" should be inserted after "normally be permitted" in place of the 3 criteria.

### Conclusions

4.9.2 The policy takes account of advice in C5/94, which identifies the benefits of shutters with an open grille where the appearance of the premises or street scene are important, and is not therefore unduly restrictive. It gives clear guidance by identifying those situations where appearance can reasonably be expected to be of importance and by identifying in broad terms what will be required in terms of shutter design. The removal of the 3 criteria would leave prospective developers with no suitable guidance and the introduction of the phrase "where appropriate" would create unnecessary and undesirable ambiguity.

## Recommendation

4.9.3 No modification.

\*\*\*\*\*

## 4.10 POLICY BE20 ACCESS FOR PEOPLE WITH DISABILITIES

Objections: 0379 One Voice - Kirklees Federation of Disabled People 2604 Huddersfield Civic Society

### Issues

- 4.10.1 These are whether the policy should:
- i. extend provision for access to include "internal layout, toilet and/or changing facilities where provided and tactile information";
  - ii. make an exception in respect of listed buildings to allow disabled access to be provided at the side or rear.

### Conclusions

4.10.2 As the revised PPG1 and C10/82 indicate, access arrangements to buildings can be a planning matter, but internal layout and the provision of facilities within buildings are not normally planning considerations. The Chronically Sick and Disabled Persons Act 1970 gives powers over internal arrangements. Bearing in mind guidance in PPG1 and PPG12 to avoid duplication with other legislative powers and that policies for non land-use matters should not be included in plans, the inclusion of internal layout and facilities as suggested would not be appropriate. In so far as tactile information is part of adequate access arrangements, it is covered by BS5810. The code addresses use of buildings by disabled people including those affected by sight impairments and refers to details, such as identifying changes in level by contrasts in texture. As the policy requires access to be to a standard commensurate with BS5810, further explicit reference to tactile information is not necessary.

4.10.3 The focus in the policy on access for people with disabilities being via the main entrance is an important point worthy of support. Past experience shows that relegating such access to secondary entrances away from the main one used by other visitors often results in inconvenient and undignified conditions and an undesirable sense of discrimination. The concept is applicable to listed buildings as well as other properties. As PPG15 advises, it is important in principle that disabled people should have dignified easy access to historic buildings. It should not be assumed that access for people with disabilities via the main entrance of a building will necessarily be incompatible with a listed status. There will be many instances where such access can be provided without detracting from a building's special interest and where there is thus no justification for exclusion from the application of the policy. Even where a main entrance in a sensitive facade is involved an integrated review of access requirements for all visitors may enable suitable access to be provided without damaging alterations. In cases where harm to a listed building's special interest would be unavoidable, policy BE20 could not be applied in isolation. Policy BE3 and the statutory duty to give special attention to the desirability of preserving the building, its setting or features would also be relevant. Thus, it is unnecessary to exclude listed buildings from the application of policy BE20 in order to ensure their adequate protection.

## Recommendation

4.10.4 No modification.

\*\*\*\*\*

## 4.11 POLICY BE22 *PARKING FACILITIES FOR PEOPLE WITH DISABILITIES*

Objections: 0379 One Voice - Kirklees Federation of Disabled People

### Issues

- 4.11.1
- i. whether the requirement for spaces should be increased from 5% to 10%;
  - ii. whether the policy should specify the location of the spaces at the end of rows.

### Conclusions

4.11.2 The Council's experience from past provision is that 5% has always resulted in spaces being available for people who need them. In the absence of evidence to show that a higher proportion will be needed in the future, there are no grounds to require as a general rule a rate of 10%. A proposed change agreed by the Council would alter the policy to require a "minimum" rate of 5% of disabled parking spaces and alter the text to suggest that 10% provision would in most cases be an appropriate level to aim for. Although not fully meeting the terms of the objection, this makes it clear that 5% is not an exact rate to be achieved, but a minimum, and allows adequate consideration of cases where a particular type of development is likely to attract a greater proportion of people with disabilities than usual.

4.11.3 Ease of access from the parking space to the entrance to the building or facility is a consideration as well as ease of use of the space itself. It is by no means clear that an end of row location, which could be some distance from the entrance, will always be the optimum solution to both considerations. A reference in the text, as suggested in the proposed change, rather than a requirement in the policy, is therefore more appropriate.

### Recommendation

4.11.4 Modify paragraph 4.42 and Policy BE22 in accordance with the proposed changes as set out in CD113.

\*\*\*\*\*

## 4.12 POLICY BE23 *CRIME PREVENTION*

Objections: 0385 Mid Yorkshire Chamber of Commerce

### Issue

4.12.1 Whether the policy is unduly restrictive and "where appropriate" should be inserted after "prevention measures" in place of the 3 sub-paragraphs.

## Conclusions

4.12.2 The elements to which attention is directed in the 3 sub-paragraphs are factors identified in C5/94 as playing an important contributory role in improving the safety of the environment. They are all of direct relevance to land use planning through the layout of new development. Their inclusion and the involvement of the West Yorkshire Police Architectural Liaison Officer in formulating the policy accord with the spirit of the circular advice. The inclusion of the sub-paragraphs does not make the policy unduly restrictive or overly prescriptive. Their removal would reduce the clarity of the guidance. No suggestions are given by the objector of where crime prevention measures would not be appropriate and the introduction of the phrase "where appropriate" would create undesirable ambiguity.

## Recommendation

4.12.3 No modification.

\*\*\*\*\*

## 4.13 POLICY BE24 *PUBLIC ART*

Objections: 0385 Mid Yorkshire Chamber of Commerce 2512 University of Huddersfield

### Issues

- 4.13.1 These are whether the policy:
- i. introduces a non-voluntary "percent for art" scheme which is an unfair financial constraint and goes beyond proper land-use planning considerations;
  - ii. should include the words "where applicable".

### Conclusions

4.13.2 Although the text gives the background to the "percent for art" concept, the policy makes no requirement for contributions as part of the capital costs of development so it could not be said to create an unfair financial constraint.

4.13.3 The legal advice which the Council quotes at paragraph 4.45 in the plan indicates that the promotion of art is not a proper function of planning control. Bearing that in mind and the advice in paragraph 5.6 of PPG12 that policies for non land-use matters should not be included, a policy which required or promoted public art would not be appropriate. The Council's view is that policy BE24 does not go this far. Indeed the policy simply indicates that proposals to integrate creative arts into the design of buildings will be taken into account. Such an indication does not give clear guidance and the policy could not do so without running contrary to the advice in PPG12. As the objector [2512] argues, once it is accepted that the promotion of art is not a proper function of planning control, a failure to provide public art could not lead to refusal of an otherwise acceptable development nor the integration of creative art to permission for an unacceptable development. The policy does not add anything in terms of guidance to the text and should be deleted.

4.13.4 As I am recommending the deletion of the policy, its re-wording as suggested in objection 0385 would not be relevant. Nevertheless, I comment that the addition of "where applicable" to the policy would have resulted in ambiguity as to the circumstances in which it would apply and would not have been desirable.

**Recommendation**

4.13.5 Modify the plan by the deletion of policy BE24.

\*\*\*\*\*

**4.14 NEW POLICY BEX1 SANDBLASTING**

Objections: 7006 Holme Valley Parish Council

**Issue**

4.14.1 Whether a policy on sandblasting should be inserted, with particular reference to listed buildings and buildings in conservation areas.

**Conclusions**

4.14.2 In many instances sandblasting is not subject to control under planning legislation and the type of advice envisaged by the objector on safety procedures and approved contractors falls outside the purview of land use planning. The basic approach of avoiding adverse affect on features of listed buildings or architectural quality in conservation areas is covered in general terms in other policies. It would not be appropriate to require protection to be carried out in one particular manner. Whilst advice on sandblasting could be useful, the issue of such advice would be more appropriate outside the development plan process.

**Recommendation**

4.14.3 No modification.

\*\*\*\*\*

## **CHAPTER 5 - ENVIRONMENTAL PROTECTION**

### **5.1 POLICY EP1 ENVIRONMENTAL PROTECTION STRATEGY**

Objections: 0817 Countryside Commission

0823 Royal Society for the Protection of Birds

#### **Issues**

- 5.1.1 These are whether the policy should:
- i. include consideration of the local or natural environment;
  - ii. encompass cultural values or the preamble should explain that visual intrusion is intended to include consideration of such matters.

#### **Conclusions**

5.1.2 Policy EP1 is one of 19 Part I policies which provide the context for the more detailed Part II policies and proposals. Since safeguarding the natural environment when development proposals are considered is already required by another Part I policy, NE1, the inclusion of such consideration in policy EP1 would be unnecessary duplication.

5.1.3 The example which the objector [0817] gives of cultural values to be considered is historic landscapes. Whilst these may well warrant consideration, this would not sit happily in the environmental protection context, which is aimed at matters such as flooding, land as a resource for food production and various forms of pollution to water, air or through noise and nuisance. The objector's concerns would be better addressed in the Natural Environment chapter where paragraph 3.1 already recognises the importance of changes over the centuries by man in forming what is now regarded as the "natural environment". A minor addition there to give further explanation would be sufficient.

#### **Recommendation**

5.1.4 Modify the plan by the insertion after the second sentence in paragraph 3.1 of "Man-made elements forming part of the natural environment can have value through cultural or historic significance."

\*\*\*\*\*

### **5.2 POLICY EP1 AND PARAGRAPHS 5.2 AND 5.2A PROTECTION OF GROUNDWATER AND SURFACE WATER**

Objections: 7001 National Rivers Authority

5483 The House Builders Federation [PC]

#### **Issues**

5.2.1 Objection 7001 seeks an additional statement or policy on protection of groundwater and surface water and is met by the Council's proposed change to introduce paragraph 5.2A. The issue raised by the counter objection 5483 is whether additional areas

of restraint should be proposed by the new paragraph without being identified on the proposals map.

## Conclusions

5.2.2 As [5483] acknowledges, the principle of the plan paying attention to the protection of ground water resources is in accord with PPG12 advice at paragraph 6.19. The whole of Kirklees is designated as a "minor aquifer" for groundwater protection purposes. In order to achieve clarity, as advised in PPG12 paragraph 5.3, this information on the area involved should be included in the plan. Since the whole district is affected there would be no benefit in an inclusion on the proposals map. An insertion in the text would suffice.

## Recommendations

- 5.2.3 Modify the plan by:
- i. inserting new paragraph 5.2A [CD113], in accordance with the proposed changes;
  - ii. adding in paragraph 5.2A the information that the whole of the district is designated as a "minor aquifer" for groundwater protection purposes.

\*\*\*\*\*

## 5.3 POLICY EP2 AND PARAGRAPH 5.4 *DEVELOPMENT AFFECTING AGRICULTURAL LAND*

Objections: 7005 MAFF

5829 Conroy & Booth Ltd [PC]

## Issue

5.3.1 Whether the text and policy are inconsistent with national guidance in PPG7.

## Conclusions

5.3.2 PPG7, in both its earlier and revised versions, and RPG12 advise that considerable weight should be given to protecting the best and most versatile agricultural land, i.e. grades 1, 2 and 3a. The Council accepts that the text and policy in the plan allow for loss of such land in circumstances which do not adequately reflect the weight to be given to its protection. Accordingly proposed changes are agreed which fully meet [7005]. These give rise to [5829 PC] and it is the proposed revised wording which is now considered.

5.3.3 It is not necessary for the policy to exactly mirror terminology in national guidance through the use of the term "considerable weight". It is sufficient for the plan to reflect and refine this guidance in a local context. Since in Kirklees the overwhelming majority of the agricultural land is of lower grade, it will be only exceptionally that it will not be possible to protect the relatively small area of higher grade land and direct development to lower grade land. In these circumstances the indication in the proposed revised policy that development on agricultural land of grades 1, 2 or 3a will be permitted only in exceptional circumstances and the similar explanation in paragraph 5.4 are not inconsistent with national guidance.



suggesting conditions and indicating alleviation works needed, the requirement for detailed consultation can extend even to sites allocated in the plan as in principle suitable for development. The suggested re-wording of paragraph 5.5A by the objector [5483] would therefore be too restricting. However the present wording refers to "any development" and the Council in its response accepts that it is not intended to carry out consultation in all cases, but only on the basis of procedures agreed with the NRA in accordance with national advice. This should be clarified in the text. Since the EA has taken over the responsibilities of the NRA, reference should be to the new body.

## Recommendations

- 5.4.3 Modify the plan by:
- i. the insertion of new paragraph 5.5A [CD113], in accordance with the proposed changes;
  - ii. the clarification within paragraph 5.5A of the basis on which consultation will be carried out with the EA.

\*\*\*\*\*

## 5.5 POLICIES EP7 AND EP8 AND PARAGRAPHS 5.10 TO 5.22 WIND POWER

Objections:	0820 Kirklees Green Parties	0824 Ramblers Association (West Riding)
	0825 CPRE West Yorkshire Branch	0826 South Pennines Association
	0827 British Wind Energy Association	1463 Ramblers Association Huddersfield Group

## Issues

5.5.1 [0820] and [0827] seek an inclusion in the policies of a presumption in favour of proposals for the generation of power from wind turbines and [0827] suggests wording for four policies to replace EP7 and EP8. The other objections seek the alteration of the plan to bring consistency with the "Inter-Authority Planning Policy Principles for Wind Power Development - March 1994", a document prepared by a group of 13 participating local planning authorities of which Kirklees is one, and greater protection of the qualities of the South Pennine landscape and the Pennine Way. In so far as [0824] seeks policy specifically to protect the Pennine Way this is considered at IR 14.9 in the Recreation Chapter. [0820] also seeks identification of sites or areas for wind power generation.

## Conclusions

5.5.2 Whilst not overriding other national guidance on such matters as protecting the countryside, PPG22 makes it clear that government policy is to stimulate the development of renewable energy sources. The Council, in its commitment to the Inter-Authority document, expresses its support in principle for the use of wind energy for power generation. Its argument against expressing the policies in positive terms is that this would be contrary to PPG2, since in Kirklees all potential wind turbine sites would in practice be in the Green Belt and such proposals would not be appropriate development. However it is not clear that wind turbines per se would be inappropriate in terms of PPG2 and policy D8 as recommended to be modified. This would depend on a determination of whether the particular proposal preserved the openness of the Green Belt and did not conflict with the

purposes of including land in the Green Belt. The objectors [0824 - 0826] supplied copies of appeal decisions in which it was concluded that the windfarms in question did not prejudice the purposes of the Green Belt. I am not therefore satisfied that the extent of Green Belt in Kirklees provides local circumstances to justify the policies not fully expressing the spirit of PPG22 and indeed the Council's own stated commitment. They should be worded to indicate permission will be granted subject to certain criteria being met.

5.5.3 The objector [0827] suggests a general policy RE1, but this would provide no detailed or locally specific guidance setting out the criteria to be considered and its inclusion in the plan would not be helpful. The objector [0827] suggests replacing both policy EP7 and EP8. However, the plan clearly defines what constitutes a "small" wind turbine to which policy EP7 would apply and why different considerations arise. A separate policy for small wind turbines is reasonable and its retention enables clearer guidance to be given.

5.5.4 I now turn to a consideration of the objector's [0827] suggested policy RE2 as a replacement for policy EP8 and to the other objections to policy EP8. Although expressed in varying detail and phrasing there are broad areas of overlap in the criteria in RE2, policy EP8 and the replacement policy suggested by objectors [0824 to 0826]. Matters addressed in them all are: visual amenity of green belt/intrusion on landscape qualities; amenity of occupiers in the vicinity; ecology/sites of nature conservation, scientific or archaeological interest; connections to the supply grid. It seems to me therefore that it is common ground that these matters are relevant to the determination of applications for wind turbines and should be included in the policy. In addition policy EP8 includes consideration of the effect on listed buildings and conservation areas, on which paragraph 72 of the Annex to PPG22 advises special care is required. There was no specific argument from the objectors against this consideration in the policy.

5.5.5 Additional criteria are suggested in RE2. Whilst construction traffic may be involved in any development, the characteristics of wind turbine development are that it could well involve location in areas served by very minor roads and the movement of large components requiring articulated vehicles. I agree that the impact, albeit temporary, on highway safety should not be overlooked. Electromagnetic disturbance to transmitting or receiving systems would not be expected, with attention to siting, to be a significant problem. Nevertheless, PPG22 does highlight two features - blade rotation and electricity production - which set wind turbines apart from other development in this context and make consideration of this matter sensible, especially in this district where there are existing major transmitting facilities. PPG22 envisages conditions requiring removal of wind turbines and restoration of sites. Reference to this is already made at paragraph 5.20. This is sufficient to assist developers in knowing what may be expected and it is not a determining factor in whether permission is granted which needs to be included in policy EP8.

5.5.6 Additional criteria suggested by objectors [0834 to 0826] focus on the cumulative effect of intervisible wind turbines, the character of the landscape and recreational use. These are all factors drawn out in the Inter-Authority document. The Council does not indicate it intends to refuse permission on the grounds that development does not comply with that document, so it is not essential that it is included in the plan. However, the Council makes it clear it intends to take account of the document in determining applications. That intention should be cross-referenced in the text and potential developers and other users of the plan are entitled to see the basic elements from the document reflected in plan policy.

The Council considers policy EP8 does this, but there is no mention in it of cumulative impact or recreational use and consideration of visual amenity may not always adequately subsume consideration of the character of an area. In particular an area such as the South Pennines provides upland landscapes where a sense of isolation and remoteness can be experienced which goes beyond visual appreciation alone. Inclusion of recreational value and character of areas in the policy will facilitate protection of the qualities of the South Pennine landscape and the Pennine Way without requiring these specific areas to be spelt out in the plan.

5.5.7 Neither of the replacement policies suggested by the objectors cover all the criteria I find it reasonable to include and both tend towards excessive detail. The modification of policy EP8 which I recommend will be by no means the only precise formula or phrasing suitable, but encapsulates the criteria discussed.

5.5.8 As the objector [0820] points out, PPG22 advises at paragraph 25 that broad locations or specific sites for various types of renewable energy installations should be identified. It goes on, however, in the Annex on wind energy to indicate at paragraph 24 that only the broadest locational guidance should be given in development plans. Using information from the DTI Energy Technology Support Unit, the Council has established that the areas of the district where average wind speeds would result in potential viability are either in the Peak Park outside the scope of this plan, owned by the National Trust which has made its objection clear or in small pockets close to existing telecommunications masts. A suitable broad area of search as envisaged in PPG22 does not therefore exist. Financial factors governing the viability of wind turbines could alter over the period of the plan. Although this makes policy guidance necessary, the way in which viability could alter and areas of search be revealed is too uncertain to allow identification of specific areas.

5.5.9 Objection 0827 seeks two further policies. RE3 is not relevant as it relates to proposals within areas designated at national level as of landscape importance. There is no AONB or national park in the area covered by this plan. RE4 is in accordance with advice in paragraph 25 of PPG22. Given the particular difficulties in finding sites suitable for the benefits of wind generated power in the area of this plan as discussed above, it is particularly sensible to safeguard installations which have passed the hurdle of environmental considerations from impaired operation through other development.

## **Recommendations**

5.5.10 i. modify policy EP7 to read:

SMALL WIND TURBINES WILL BE PERMITTED PROVIDED THERE WILL BE NO SERIOUS ADVERSE EFFECT ON OCCUPIERS OF ADJOINING LAND OR ON ANY CONSERVATION AREA OR LISTED BUILDING.

ii. modify policy EP8 to read:

WIND TURBINES WILL BE PERMITTED PROVIDED THE DEVELOPMENT, INCLUDING ANCILLARY BUILDINGS, ACCESS

TRACKS AND CONNECTIONS TO THE ELECTRICITY SUPPLY GRID, WILL NOT CAUSE SERIOUS HARM TO:

- i THE CHARACTER, RECREATIONAL VALUE AND VISUAL AMENITY OF THE GREEN BELT OR LANDSCAPE;
- ii THE CHARACTER, APPEARANCE OR SETTING OF A LISTED BUILDING OR CONSERVATION AREA;
- iii THE AMENITY OF OCCUPIERS OF LAND IN THE VICINITY;
- iv THE ECOLOGY OF THE AREA;
- v AREAS DESIGNATED AT NATIONAL, REGIONAL OR LOCAL LEVEL AS OF NATURE CONSERVATION, SCIENTIFIC OR ARCHAEOLOGICAL INTEREST;
- vi HIGHWAY SAFETY; OR
- vii EXISTING TRANSMITTING OR RECEIVING SYSTEMS BY REASON OF ELECTROMAGNETIC DISTURBANCE

AND PROVIDED SPECIAL REGARD IS PAID TO THE VISUAL RELATIONSHIPS WITH OTHER EXISTING OR PROPOSED WIND TURBINES.

iii. modify paragraph 5.22 to include reference to the Council's intention of taking into account the "Inter-Authority Planning Policy Principles for Wind Power Development - March 1994".

iv. modify the plan by the addition of a policy to read:

PERMITTED OR OPERATIONAL WIND TURBINES GENERATING POWER TO THE GRID WILL BE SAFEGUARDED FROM DEVELOPMENT WHICH WOULD PREJUDICE THEIR OPERATION THROUGH A REDUCTION IN ELECTRICAL POWER OUTPUT.

\*\*\*\*\*

## **5.6 POLICY EP12 AND PARAGRAPHS 5.30 TO 5.32 OVERHEAD POWER LINES**

Objections: 0820 Kirklees Green Parties

7006 Holme Valley Parish Council

### **Issues**

5.6.1 These are whether the plan should:

- i. make reference to possible health implications of living close to power lines and set a minimum distance for new development from overhead power lines;
- ii. encourage the routing of power lines underground.

### **Conclusions**

5.6.2 The objector [0820] accepts that evidence of a link between electromagnetic fields and cancers or other health problems is not conclusive. Article 130r of the Treaty of Rome inserted by the Maastricht Treaty on European Union does not of itself impose obligations on any organ of a national government (R v SoS for Trade and Industry ex parte Duddridge

and others [1995] CA). No Community policy on environment relevant to the matter addressed by policy EP12 has been created by action such as a directive, so the Council is not obliged to invoke the precautionary principle enshrined in Article 130r. Policy EP12 requires the effect of transmission towers and cables on the amenity of occupiers of new development to be taken into account. If, during the lifetime of the plan, evidence of a health link emerged the wording of the policy is sufficiently wide to require such an impact to be taken into account. To go further and set a minimum distance of separation at this stage would be unjustified, as no rational basis for a particular distance has been advanced.

5.6.3 Procedures under which consent for overhead power lines is given and under which the Council is consulted stem from the Electricity Act 1989. Neither the decision of the SoS for Energy whether to grant consent nor the decision of the Council whether to object is a determination under the planning acts in which regard has to be had to the development plan. Paragraphs 5.30 and 5.31 are simply background information. However desirable the aim, inserting text to encourage the routing of lines underground would be no more than the expression of an aspiration, rather than guidance appropriate to the plan.

## Recommendation

5.6.4 No modification.

\*\*\*\*\*

## 5.7 POLICIES EP13 TO EP18 AND PARAGRAPHS 5.33 TO 5.40 TELECOMMUNICATIONS

Objections: 0818 British Telecommunications  
0828 Vodafone Ltd  
7006 Holme Valley Parish Council

0819 Mercury Personal Communications Ltd  
2508 Mr J Wood

## Issues

5.7.1 These are whether there should be:

- i. a more positive approach to facilitate growth of telecommunications;
- ii. specific allocations of sites for telecommunications equipment;
- iii. an indication that the planning authority and Parish Councils will be consulted on proposals for telecommunication masts.

## Conclusions

5.7.2 Although objection 2508 is expressed as being to policies EP13 to EP18 inclusive, none of the objections seeks a revision to the wording of policies EP13 to EP16.

5.7.3 With regard to policies EP17 and EP18, the Council indicates in its response that these must be considered against the national policy on telecommunications to facilitate the growth of new and existing systems. However, PPG8 advises that development plan policies should take account of five matters, including the overall national approach. It is not sufficient for the policies to be silent on these and rely on interpretation against national policy background. The policies and the supporting text in paragraphs 5.39 and 5.40, give no recognition of the beneficial role of telecommunications to the community and economy,

the technical constraints or legal obligations on operators. They fail to follow PPG8 advice and the Council does not argue that there are special local circumstances to make the advice inapplicable.

5.7.4 Also policy EP17 does not provide clear guidance. In indicating that proposals will be considered taking into account two matters it does not clarify under what circumstances permission or approval will be given or withheld. The second matter is particularly ambiguous, since "taking account of the number of existing masts" gives no clue as to whether greater numbers would favour or militate against a proposal. Do many masts suggest another would fit in and not be an alien form or do they indicate the area is overloaded and mast sharing a greater possibility? Policy EP18 is unduly restrictive in seeking to prevent proposals which affect listed buildings or conservation areas, rather than seeking to prevent only those whose effect is adverse.

5.7.5 Revised wording is suggested by the objectors [0818 and 0828]. The revision in [0818] does not recognise that, even when minimised as far as technically and operationally possible, the impact of some proposals can be such as to outweigh the benefits of the telecommunications facilities and lead to refusal, as envisaged in paragraph 30 of PPG8. In particular in relation to policy EP18, PPG8 gives merely guidance whereas there is a statutory duty to give special consideration to the desirability of preserving listed buildings and to preserving or enhancing conservation areas. That latter consideration may be of more importance than telecommunication provision if the two factors irresolvably conflict. The revision in [0828] fails to include measures to protect the best and most sensitive environments as advised in paragraph 13 of PPG8. Also since EP17 is directed to masts and EP18 to a wider range of telecommunication equipment their combination as suggested in that revision could create unnecessary ambiguity. I do not therefore recommend either objector's suggested wording, but the criteria covered and the approach in [0828] of setting out the factors on which the Council will need to be satisfied do provide a starting point.

5.7.6 The inclusion of factors suggested by the objectors of minimising impact through siting, external appearance and landscaping and of mast sharing or installation on existing buildings or structures would be consistent with national guidance. In addition to these, to accord with advice in PPG8 paragraph 13, policy EP17 should include measures to avoid areas of recognised environmental sensitivity and sites and features of local amenity value. However, this may lead to more masts being needed overall or masts of greater height elsewhere to maintain coverage. The Council therefore needs to consider how this balance is to be struck. A more positive element in the policy can be included by directing proposals to areas where masts will be more in keeping. In general these are likely to be industrial areas or where masts already dominate, but the plan provides the opportunity for more locally relevant guidance. To avoid situations where a particular, unsuitable site is presented as an inevitable location for a mast to provide geographical coverage of services, coherent routing strategies to give overall the least harmful distribution of sites should be encouraged. The impact in residential areas from visual outlook and from potential disturbance due to frequency of access and wind induced noise is also a relevant factor, as highlighted in Annex F of the Telecommunications Prior Approval Procedures Code of Best Practice. The modification which I recommend encapsulates the factors discussed, but it will be by no means the only precise formula or phrasing suitable and could be made more specific to the locality following further work by the Council as discussed above.

5.7.7 On the second issue, PPG8 paragraph 15 indicates that in certain circumstances plans may allocate particular sites for major telecommunications development. However, none of the telecommunication operators making representations on the plan suggest this approach or provide information to enable a distribution of sites to be set out. The requirements of telecommunication networks and routing are not sufficiently well identified in this district to make the approach of allocating specific sites feasible or helpful. To allocate just one site as identified in objection [2508] at Quarry Lane, Liversedge would be inconsistent and, since the lack of an allocation does not negate the permission already granted, is unnecessary to reflect that situation.

5.7.8 On the third issue, consultation arrangements, including those with Parish Councils, are not an appropriate matter for inclusion in the plan. As PPG12 paragraph 5.6 advises, plans should not seek to designate where special consultation arrangements will apply. To indicate that the Council as planning authority should be consulted on the design and siting of masts would be to prejudge the determination of whether prior approval will be sought on any case and would unreasonably fetter the Council's decision.

### Recommendations

- 5.7.9
- i. modify the text in paragraphs 5.39 and 5.40 to indicate briefly recognition of technical limitations and legal obligations on operators and the general benefits of telecommunications facilities.
  - ii. give consideration to how the balance between protecting the most sensitive environments and the impact of this on the number and size of telecommunications equipment elsewhere is to be struck and to the identification of the types of location in this district most suited to mast installations.
  - iii. subject to the results of the work from recommendation ii, modify policy EP17 along the following general lines:

IN DETERMINING WHETHER APPROVAL OF SITING AND APPEARANCE IS REQUIRED OR CONSIDERING APPLICATIONS FOR PLANNING PERMISSION FOR THE ERECTION OF TELECOMMUNICATION NETWORK MASTS THE COUNCIL WILL NEED TO BE SATISFIED THAT:

- i THE PROPOSAL IS PART OF A ROUTING STRATEGY TO AVOID INSTALLATIONS IN AREAS OF RECOGNISED ENVIRONMENTAL SENSITIVITY AND AT SITES OR FEATURES OF LOCAL AMENITY VALUE;
- ii THE PROPOSAL IS PART OF A ROUTING STRATEGY TO DIRECT INSTALLATIONS TO AREAS WHERE MASTS WILL BE IN KEEPING;
- iii THERE IS NO REASONABLE POSSIBILITY OF ERECTING THE ANTENNAS ON AN EXISTING BUILDING, MAST OR OTHER STRUCTURE; AND
- iv THE SITING AND EXTERNAL APPEARANCE OF APPARATUS, TAKING INTO ACCOUNT EXISTING AND PROPOSED

LANDSCAPING, HAVE BEEN DESIGNED TO MINIMISE WITHIN TECHNICAL LIMITATIONS THE IMPACT ON AMENITY, INCLUDING WHERE THE PROPOSAL IS IN A RESIDENTIAL AREA THE IMPACT ON OUTLOOK FROM PROPERTIES AND THE IMPACT DUE TO NOISE AND DISTURBANCE.

- iv. modify policy EP18 by the deletion of the last line and the substitution therefor of:

WILL NOT BE PERMITTED UNLESS THE SITING AND APPEARANCE CAN BE DESIGNED SO THAT THE PRESERVATION OF THE LISTED BUILDING, ITS SETTING OR THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA ARE NOT JEOPARDISED.

\*\*\*\*\*

## **5.8 PARAGRAPHS 5.46, 5.47 AND 5.49 ADVERTISEMENTS**

Objections: 0821 Outdoor Advertising Council

### **Issues**

5.8.1 Three alterations to the text are suggested which seek to avoid encouragement of external illumination, to avoid use of the word "unnecessary" in the context of advertising and to remove the implication that all large scale advertising has a significant impact.

### **Conclusions**

5.8.2 External illumination does not always provide a suitably discrete means of illumination and there could be dangers in the plan encouraging its use without qualification. National guidance on the matter of "need" with regard to advertisements is discussed in IR 5.9.2. In view of this, "unnecessary" should be omitted from paragraph 5.47. It would be somewhat perverse if large scale advertising, whose very function is to attract the attention of the public, failed to have a significant impact. In practice the use of "may have" rather than "has" in paragraph 5.49 would not materially alter the understanding or intention of the plan.

### **Recommendations**

- 5.8.3
  - i. modify paragraph 5.46 by the deletion of the last sentence and the substitution therefor of "This can be avoided if other forms of illumination are used. Internal illumination of letters only or external illumination have the potential to be softer and less glaring."
  - ii. modify paragraph 5.47 by the deletion of "unnecessary and" in the first sentence.

\*\*\*\*\*

**5.9 POLICY EP20 SIGNS ON BUSINESS PREMISES**

Objections: 0821 Outdoor Advertising Council

**Issue**

5.9.1 Whether the policy is contrary to the Advertisement Regulations 1992.

**Conclusions**

5.9.2 PPG19 paragraph 9 states that, with one minor exception, the effect of the Advertisement Regulations is that "need" for the proposed display of an advertisement is to be accepted. Sub-paragraph ii of the policy would require an assessment to be made of whether an advertisement went beyond the minimum necessary. In effect this would be an assessment of whether the proposed display was needed, contrary to the statutory provisions.

**Recommendation**

5.9.3 Modify policy EP20 by the deletion of sub-paragraph ii.

\*\*\*\*\*

**5.10 POLICY EP23 POSTER PANELS**

Objections: 0821 Outdoor Advertising Council

**Issue**

5.10.1 Whether sub-paragraph iv is covered by sub-paragraph iii and should be deleted.

**Conclusions**

5.10.2 The policy requires poster panels to be considered having regard to four matters. Sub-paragraph iii relates to the effect on road users and occupiers of premises overlooking the sites and sub-paragraph iv to the interests of public safety. The objector has interpreted "the effect on road users" as referring to the effect on their safety, whereas the Council in its response clarifies that what is intended is reference to the visual amenity of people passing the site. Bearing in mind the Council's clarification, sub-paragraph iv is not a duplication and should not be deleted. However, the objector's differing interpretation of sub-paragraph iii highlights the possibility for ambiguity and a clearer wording would be desirable.

**Recommendation**

5.10.3 Modify policy EP23 by the deletion of "THE EFFECT ON ROAD USERS AND" in sub-paragraph iii and the substitution therefor of "THE VISUAL IMPACT ON HIGHWAY USERS AND".

\*\*\*\*\*

**5.11 POLICY EP24 SMALL SCALE ADVERTISEMENTS**

Objections: 0821 Outdoor Advertising Council

**Issue**

5.11.1 This is whether the term "small scale" should be omitted from the policy as size is referred to later in the policy.

**Conclusions**

5.11.2 The Council explains that the term is intended to differentiate displays to which this policy would apply from poster panels which would be subject to policy EP23. A distinction to avoid confusion as to which policy applies is needed, but since small scale is not defined in the policy or the text it is not helpful. A clearer definition of the type of advertisements to which the Council intends policy EP24 to apply and the distinction between these and poster panels are needed in the plan.

**Recommendation**

5.11.3 Modify policy EP24 to clarify the type of advertisements to which it is intended to apply.

\*\*\*\*\*

**5.12 POLICY EP25 DIRECTIONAL SIGNS**

Objections: 1462 NFU North East Region

**Issue**

5.12.1 The objection seeks the insertion of the word "only" after "normally" with the intention of clarifying that proposals would not be rejected on any other grounds than those mentioned in the policy.

**Conclusions**

5.12.2 The rewording suggested would not have the effect of altering the meaning of the policy in the way intended by the objector. On the question of whether the policy needs to be clarified, it is already unambiguous that permission for such signs will be granted if the two specified grounds are met. No further clarification is needed.

**Recommendation**

5.12.3 No modification.

\*\*\*\*\*

## 5.13 POLICY EP30 CONSTRUCTION SITES

Objections: 0822 Hassall Homes

0829 The House Builders Federation

### Issues

- 5.13.1 These are whether the policy:
- i. is an unnecessary duplication of other policies and legislative powers;
  - ii. goes beyond the remit of land use planning;
  - iii. is unduly onerous.

### Conclusions

5.13.2 Policy EP30 addresses the temporary impact from construction work. This situation is not covered by policies EP4 and EP6 which relate to the permanent noise generating characteristics of the development itself. With regard to sub-paragraph ii, the text of the plan at paragraph 5.58 acknowledges that excessive noise is most effectively dealt with under the Control of Pollution Act. Section 60 of that Act enables the authority, either before or after construction work commences, to specify the hours during which it may be carried out. A planning condition controlling the hours of construction work would be a direct duplication of those powers to prevent that particular type of noise problem arising. As advised in paragraph 22 of C11/95, such a condition will normally be unnecessary. Sub-paragraph ii should be omitted.

5.13.3 Mud brought off-site due to operational development can have environmental and safety implications and is capable of being a land use planning matter. Whilst the Highways Acts enable deposit of material on the highway to be prosecuted as an offence in certain circumstances, this is not identical to requiring preventative measures such as wheel washing facilities. Thus, sub-paragraph iii of the policy does not imply direct duplication of other legislative powers. When potential problems from the carrying out of development can be foreseen, measures to avoid them materialising are justified. The statement in paragraph 5.58 that mud on roads is best resolved by action under the Highways Act could be interpreted as inconsistent with the Council's case in support of Policy EP30 and the retention of sub-paragraph iii. The text should therefore be altered.

5.13.4 With regard to sub-paragraph i, the Council indicates that the main reason for controlling the location of contractors' compounds is to prevent unreasonable noise and disturbance to nearby occupiers. These are planning considerations. Although the location of the compounds will usually be permitted development, conditions on planning permission can be used to restrict permitted development. Nevertheless, the power to restrict such rights should not be exercised in a blanket way as the policy suggests. The Council's response clarifies that sites will be assessed individually and that its particular concern is where there are houses nearby. Similar concerns could also arise close to other noise-sensitive uses, such as hospitals. The policy should give a clearer indication that sub-paragraph i is applicable where development is near existing noise-sensitive uses.

5.13.5 The policy is widely worded in referring to "development proposals which involve construction work". This could be construed to include very minor building projects where conditions in accordance with the two remaining sub-paragraphs would be unnecessary or

unduly onerous. The supporting text refers to large sites on which construction work may take many months. In those circumstances the requirements of the policy would not be unreasonable. The indication of the type of development to which it is applicable should be carried through into the policy itself.

### Recommendations

- 5.13.6 i. modify Policy EP30:
- a) to clarify that sub-paragraph i is applicable where development is near existing noise-sensitive uses;
  - b) to clarify that the policy applies to development proposals which involve substantial or prolonged construction work; and
  - c) by the deletion of sub-paragraph ii.
- ii. modify paragraph 5.58 so that the text is consistent with the policy and the approach of using both planning and highway legislation in dealing with mud on the road.

\*\*\*\*\*



## CHAPTER 6 - MINERALS

### **6.1 PARAGRAPH 6.3 - AMWi-iv) QUARRIES AT CROSSLAND MOOR**

Objections: 1050 Mr G Harrison

1051 Mr S King

#### **Issue**

6.1.1 Whether Wellfield, Waterholes, Moorfield and Sandene Quarries are identified correctly as active mineral sites with permitted reserves.

#### **Conclusions**

6.1.2 Identification in paragraph 6.3 is intended as a factual description with no policy implications. No evidence is submitted in support of the objections to suggest that the status given to the quarries might be inaccurate. The Council's evidence is that three have Interim Development Order permissions granted before 1948 and Sandene Quarry was granted permission in 1948.

#### **Recommendation**

6.1.3 No modification.

\*\*\*\*\*

### **6.2 PARAGRAPH 6.3 - AMWv) HONLEY WOOD QUARRY**

Objections: 1890 Holme Valley Liberal Democrats

7006 Holme Valley Parish Council

#### **Issue**

6.2.1 Whether Honley Wood Quarry is identified correctly as an active mineral site with permitted reserves.

#### **Conclusions**

6.2.2 The objections oppose any extension of quarrying, for which a planning application affecting Honley Old Wood was refused in 1994. The proposals map is a factual reference to sites where there is permission for minerals extraction likely to be active within the period of the plan. The area recorded is not an extension but was permitted in 1967. The designation has no implications for any new development which may be proposed.

#### **Recommendation**

6.2.3 No modification.

\*\*\*\*\*

### **6.3 PARAGRAPH 6.3 - AMWvi) APPLETON QUARRY, SHEPLEY**

Objections:

2453 Marshalls Mono Ltd

#### **Issue**

6.3.1 Whether the boundary of AMWvi) should be extended to include the area of planning permission reference KI/1466 and DD/1885.

#### **Conclusions**

6.3.2 The identification as an active mineral site, including the definition of an area of land on the proposals map, is particular to this plan and carries no policy or planning control implications. The purpose is to provide information and serve as a base for policies concerned with the grant of new permissions. There are no defined rules as to how precise boundaries should be fixed and this is therefore a matter for the Council in the first instance, having regard to the purpose of the designation.

6.3.3 The Council say that the general principle followed has been to fix boundaries that follow those of the relevant operational planning permission. I agree that there is no reason why the AMW boundary should coincide with the planning unit. The text in the plan notes that the sites are those where extraction is likely to occur for some or all of the next 10 years. It would in my view be impractical and potentially misleading to try to exclude phases of a site which are likely to be beyond the 10 year period. This is because the rate of extraction could change and also because operations are not confined to land from which mineral will be removed. Furthermore, in so far as the purpose is to convey information about where extraction will occur, it is the future activity rather than its precise date which is likely to be important. Applying the expected date of working as a criterion might lead to some land committed for mineral extraction being unmentioned in the plan.

6.3.4 Here the area defined in the plan is based on the boundaries of three Interim Development Order permissions for which a common set of conditions has been approved. Nevertheless the AMW boundary does make some variations by adding land in the vicinity of the site access and omitting some land near Penistone Road occupied by other activities. It is not surprising that, with such old consents, circumstances may have changed from when these were granted. The detailed plans approved by the Council in relation to these permissions show a small area of extraction on the adjoining land in the area of the KI/1466 and DD/1885 permission, which has a right to be worked. In addition a permanent screen mound is included in the AMW boundary where it is within the IDO permission boundary but not where it extends on to the adjoining planning permission. This is an unsatisfactory inconsistency. As a general principle all extraction areas should be included. Whereas a choice could be made to either include or exclude barrier mounds, there should be consistency and other mounds are included within the AMW boundary, including on the extended land taking in the access. The boundary of planning permissions is a guide but this could itself be a source of inconsistency because it relies on the decision of individual applicants as to whether to limit their planning application to extraction areas or to include land proposed for related operations. Having regard to all the information in this case, including the Council's approval of drawing C4923/32 and the need for consistency, I believe that the AMW boundary should be extended to include the screen bund and area of extraction

shown on plan C4923/32 which is within the area of planning permission KI/1466 and DD/1885.

### **Recommendation**

6.3.5 That the proposals map be modified by extending the area of AMWvi) to include the area shown for extraction and as a permanent screening bund on drawing C4923/32 which is within the area of planning permission KI/1466 and DD/1885.

\*\*\*\*\*

### **6.4 PARAGRAPH 6.3 - AMWxii) SPA GREEN QUARRY, FENAY BRIDGE, HUDDERSFIELD**

Objections: 2455 Elliotts Bricks Ltd

### **Issue**

6.4.1 Whether the AMWxii) notation should include additional land to the north.

### **Conclusions**

6.4.2 There is no dispute that the area of land subject to the objection is within the area of a planning permission for clay extraction granted in 1956. The objector states that the land is part of the active mineral working at Spa Green Quarry but, although this is part of the overall site occupied by the objector, I agree with the Council that any active working during the plan period is likely to be in the area shown on the proposals map. The planning history demonstrates a southerly progression of extraction with successive planning permissions. The Council's evidence is that the objection land is worked out and the objector's survey drawing EB/IC/01 shows existing workings only on land further south. The notation is descriptive only and it is reasonable that the boundary should coincide with more recent permissions to extract clay and brickearth.

### **Recommendation**

6.4.3 No modification.

\*\*\*\*\*

### **6.5 PARAGRAPH 6.3, SITE K27 OMISSION OF LAND AT LITTLE LEPTON**

Objections: 0620 Belmor Stud Ltd

1242 Kirkburton & District Civic Society

### **Issue**

6.5.1 Whether land at Little Lepton on which planning permission was granted for mineral extraction should be listed under this paragraph.

## Conclusions

6.5.2 The purpose of the list in paragraph 6.3 is to show where quarrying is likely to take place during the plan period. The sites are those with permission and expected to be active, although the notation is descriptive and does not affect the validity of any planning consent. New allocations are dealt with separately under policy M2. Objection [1242] suggests that the plan should reflect the approved use but that is not the purpose of the paragraph.

6.5.3 Objection [0620] was originally also in the name of Lepton Landfill, but their interest has been withdrawn. Four permissions granted between 1956 and 1970 are referred to. The Council say that these were implemented and economic reserves worked out by 1978. Objector [0620] quotes estimated quantities of workable reserves remaining but no documentary support for this is provided. The restoration required by the permissions granted in 1969 and 1970 was not carried out, leading to the service of an enforcement notice. The Council also say that an effect of the notice is to negate permitted rights but in this respect I do not agree. There is no requirement to cease work and not all the land subject to the relevant permissions is included in the notice. There was some extraction from a quarry void in 1994 but the Council's evidence that the objective of this was to increase the size of the voidspace for waste disposal is unchallenged, so that I do not believe that this demonstrates serious interest in mineral extraction. The extraction of clay from a borrow pit at the same time is likely to have been a one-off development. My overall conclusion on the evidence put forward is that economically viable reserves likely to be subject to sustained extraction have been removed, a view reinforced by the absence of interest from a mineral operator, so that extraction during the plan period is unlikely.

## Recommendation

6.5.4 No modification.

\*\*\*\*\*

## 6.6 POLICY M1A AND PARAGRAPH 6.6 *FUTURE WORKING OF AGGREGATES*

Objections: 5494 Kirklees Green Parties [PC]  
7004 Department of the Environment

5843 Department of the Environment [PC]

## Issue

6.6.1 Whether policy M1A and paragraph 6.6 conform with national guidance.

## Conclusions

6.6.2 MPG6 advises that UDP's should make provision for the appropriate local apportionment of the Regional Guideline figure for the supply of aggregates. All relevant local considerations must be taken into account, although it is clear that considerable weight must be given to the local apportionment for its purpose to be met. In addition a landbank is to be maintained for all aggregate minerals. The proposed change introducing policy M1A is intended to satisfy these requirements of national guidance. Objector [5494] argues that

the policy gives too much weight to demand in preference to local circumstances. I regard the policy as well-balanced. It is right that the local area apportionment should be given substantial weight and the figure is intended to represent need and a realistic level of supply. The policy would allow exceptional circumstances to take precedence and this follows the wording in paragraph 63 of MPG6. MPG6 also states that the commitment to maintain a landbank does not prevent planning permission being refused where other considerations take precedence. Thus there is no contradiction between policies M1A and M3. In applying the latter to individual proposals, the landbank requirement and the local area apportionment would be relevant in the assessment of the need for the mineral which the policy requires. I am therefore satisfied that the proposed change introducing policy M1A is necessary and reasonable.

6.6.3 New paragraph 6.6, introduced in the proposed changes, refers to a regional landbank and this mis-interprets national guidance. I support the revision now suggested by the Council to correct this. Objector [5843] has also commented correctly that the interpretation of MPG6 in paragraph 6.6 should state that the landbank should be sufficient for "at least" 7 years extraction. Subject to the proposed changes introducing policy M1A and paragraph 6.6 and the further changes mentioned above, objections [5843] and [7004] would be fully met.

## Recommendations

- 6.6.4 That the plan be modified by:
- i. adding a new paragraph 6.6 in accordance with the proposed changes [CD113], but with the further re-wording in document KB/para 6.6/1 and the addition of "at least" before 7 years in the first sentence;
  - ii. retaining the text of the original paragraph 6.6 but as a new policy M1A, in accordance with the proposed changes [CD113].

\*\*\*\*\*

## 6.7 PARAGRAPH 6.10 *FUTURE COAL MINING*

Objections: 2156 Coalpro

2160 Coal Contractors Ltd

### Issue

6.7.1 Whether the description of the likelihood of open cast coal mining in the district is appropriate and reasonable.

### Conclusions

6.7.2 Para 6.10 explains the background to coal mining in Kirklees, including that the only deep mine has reserves for ten years and that proposals for open cast mining are unlikely. A proposed change has a similar effect but is less judgemental. As a result [2156] has been conditionally withdrawn and I am satisfied that, subject to the proposed change, the paragraph gives a reasonable general description of the background to future coal mining and the absence of allocations. There are related arguments for more comprehensive policies

with respect to mineral extraction, particularly coal mining, and these are considered in IR 6.13.

## Recommendation

6.7.3 That paragraph 6.10 be modified in accordance with the proposed changes [CD113].

\*\*\*\*\*

## 6.8 PROPOSAL M2iii MINERAL WORKING - SHEPLEY BRIDGE, MIRFIELD

Objections: 2010 Mr S R Butler

2165 Kirklees Bridleways Group

### Issues

6.8.1 Whether the M2 allocation should be deleted because the need for sand and gravel is outweighed by the effects of mineral extraction upon:

- i. visual and residential amenity;
- ii. public rights of way;
- iii. highway safety.

### Conclusions

6.8.2 National guidance in MPG6 confirms the importance of an adequate and steady supply of aggregates to the construction industry. The district is expected to contribute to the West Yorkshire local area landbank, for which the 7 year requirement is for 3.5M tonnes of sand and gravel reserves with permission for extraction. Calculations of the available figure in recent years have fluctuated above and below this total. Estimated reserves at the objection site are 750,000 tonnes, equivalent to 1.5 years of the local area production. I have no reason to disagree with the Council's evidence that, if the allocation were deleted, this would put additional pressure on the release of land in other local authorities which may be less suitable. The potential production from this site would make a significant contribution, so that good reasons would be needed to require a modification.

6.8.3 Policy M2 includes a requirement to satisfy the detailed criteria in policy M3. Thus specific proposals would have to be consistent with these tests, but allocations in the plan should only be made if there is an expectation that a suitable scheme of extraction could realistically be devised. The Council estimate that extraction would take some five years. The eventual creation of a water feature for recreation, retaining the washland function, is envisaged. There would inevitably be some visual impact but the land is not prominent, a small number of dwellings would be affected, and screening mounds could be required. Having regard to the type of plant likely to be appropriate, noise levels could be contained to an acceptable level and a reasonable limitation on hours of operation imposed by condition.

6.8.4 A public footpath and a bridleway cross the land but given their positions towards the periphery of the site it is likely that the present alignments could be wholly or substantially retained. There are potential access difficulties. The route to Wakefield Road

(A644) requires negotiation of the sharp bends on each side of Shepley Bridge and I agree with the Council that this route is unacceptable for the probable scale and nature of the traffic. Similarly, the width and alignment of the route westwards via Steanard Lane would be unsuitable. The Council persist with the allocation on the basis that alternative means may be found, including the possibility of a conveyor across the canal from the eastern land and the use of barges for the western site. The criteria in policy M3 include avoiding prejudice to highway safety and it is reasonable to expect that detailed proposals could be consistent with that policy. Thus the difficulties in providing a suitable access would not be a reason to resist the allocation. There is an indication of developer interest, so that the allocation should not be regarded as unviable.

6.8.5 Overall, the allocation of these potentially significant mineral reserves would be consistent with the maintenance of visual and residential amenity, the safeguarding of public rights of way, and the protection of highway safety.

### **Recommendation**

6.8.6 No modification.

\*\*\*\*\*

## **6.9 PROPOSALS M2v, M5i, AND WD3v CROSLAND MOOR, HUDDERSFIELD**

### **Summary of objections**

6.9.1 A list of the objections is in Annex K.

6.9.2 These objections arise principally out of the allocation of additional land for continued sandstone extraction by Johnsons Wellfield Quarries. Four existing quarries are identified as active mineral sites in paragraph 6.3, the two objections to this having been dealt with under that paragraph. Two areas are allocated for the extension of the quarries under policy M2v. Additional land is safeguarded for future extraction by allocation M5i. The quarries, and an additional area north-west of Blackmoorfoot Road, are safeguarded for waste disposal by policy WD3v.

6.9.3 The objections are from local residents, predominantly occupiers of the Hill Tree Park mobile home park, and are registered against the M2v, M5i and WD3v allocations. In the proposed changes the WD3v allocation is to be applied to the areas allocated under M2v. No counter-objections were made in this respect.

### **Issues**

6.9.4 For many objectors, the grounds of objection in relation to each of the three policies are virtually identical, but the planning issues raised are somewhat different. Thus separate issues are identified for each policy.

WD3v i. given the planning status of use of the land for waste disposal, whether safeguarding for this purpose in the UDP is appropriate.

- M2v
- i. whether sandstone extraction and restoration can take place without unreasonable harm to amenity;
  - ii. the effect of the removal of the airfield; and
  - iii. whether there are grounds to increase the standoff around Hill Tree Park, to specify the protective works to be carried out on that land or to require the relocation of mineral extraction to the south.
- M5i
- i. whether the safeguarding of future mineral reserves is appropriate and necessary.

## Conclusions

### WD3v

6.9.5 The objections in this respect are not concerned with the proposed change, which affects the land subject to the M2 allocation. The Council confirm that all the areas subject to WD3v have planning permission and a site licence for waste disposal. The allocation under WD3 therefore simply confirms their status as sites where waste disposal will be protected, which is reasonable in the context of the identified need to provide space for landfill.

### M2v

6.9.6 Many different amenity effects are mentioned in the objections, with dust, noise and traffic particularly prominent. The Council's evidence draws substantially on the environmental statement submitted with the planning application to work minerals and backfill waste on the M2v land. Although the objections mention the potential harm from silica dust, no evidence has been provided to substantiate this. There is no doubt that residents have been troubled by dust from the existing operations. The Council emphasise that these have been taking place without effective planning conditions regulating the manner in which the works are carried out, indicate the practical steps available to secure improvement and the opportunity to control processing and waste disposal activity under the Environmental Protection Act. Effective implementation and enforcement of any controls will be particularly important to raise standards. Some objections refer to the inadequacy of previous working standards and controls but I must assume that appropriate steps would be taken to bring about suitable working methods, having regard to the remedies available as a result of monitoring the activity and responding to any representations from concerned members of the public. I see no reason in principle why the allocations would produce significant adverse effects from dust. Measures taken on the site, including the improvement of site circulation arrangements, should also be capable of dealing with the problem of mud and dust on the highway and verges.

6.9.7 Concerning noise, I accept the Council's evidence that a combination of measures, including baffle mounds and the appropriate siting of any plant, would enable noise generated to be limited so as to be consistent with the standards in MPG11 "The control of noise at surface mineral workings".

6.9.8 Although objectors note the inadequacies of Blackmoorfoot Road, which would provide access to the site, the Council's evidence is that the continuation of extraction and

waste disposal on to additional land need not involve an increase in the volume of traffic. The opportunity would exist to impose a condition to restrict the total number of HGV movements, to remove traffic between Moorfield and Wellfield Quarries across Sands House, and to provide for the movement of vehicles within the enlarged site without using the public highway. On this basis satisfactory access would be available.

6.9.9 There would inevitably be some landscape impact from such a large scale proposal. What is important is whether the characteristics of the site are such that this would be unreasonable. Generally the land affected is not prominent or of special visual quality, nor would important landscape features be lost. There are long distance views across the land from the mobile home park and these would necessarily be interrupted by any planting and mounds, whether temporary or long term, but the extent of the standoff provides the opportunity for any works of amelioration not to be overpowering or out of scale with the surroundings. The obstruction of views from individual dwellings or a group of dwellings would not normally be a sound reason to resist a development. The details of the restoration would be subject to planning control. Overall the landscape and visual impact would be acceptable.

6.9.10 Other grounds of objection are the possible effect of blasting, which the Council say is not expected to be required, and the loss of the airfield, but there is no contrary evidence to that from the Council that this is little used and has no commercial or strategic significance.

6.9.11 Several objectors seek an increase in the standoff from 100m to 200m or more. For the reasons already given I regard the relationship between the allocations and adjoining development as satisfactory, so that there are inadequate grounds to modify the plan, especially because this would further sterilise mineral resources. Objection [1050] seeks an explicit statement in the plan defining the minimum width of the standoff and the protective works to be carried out there, one reason being that otherwise there could be proposals for an extension to quarrying into this land. I do not see that as an adequate justification for introducing a modification, since this argument could be applied to any land. Rather than specifying in the plan the amelioration required, the consideration of detailed proposals under policy M3 is an adequate means to ensure that amenity is safeguarded.

6.9.12 Some objectors express a preference for an alternative unspecified site further from existing development to be selected. This would depend upon the existing allocations having been shown to be unsatisfactory and in my view this is not so. Furthermore the Council point out the difficulty of establishing by survey that suitable reserves exist at a new location and the related preference of operators to continue the exploitation of a known deposit. A new location would also be likely to require transport of the stone to the existing crushing facilities and saw shop and would sterilise known mineral resources. Extraction on lower land to the south would be likely to be more widely visible and require more substantial screening, so that there would be a greater visual and landscape impact. Thus this would not be a satisfactory solution.

#### M5i

6.9.13 Many objections to the safeguarding of additional reserves are identical to those to the M2 allocation and the same arguments apply. Although the potential lifespan of the

M2 allocation is necessarily uncertain, a broad estimate is that this would satisfy demand to about 2015. Given the long timescales associated with minerals planning and the duration of the plan, it is reasonable to safeguard potential long term resources beyond 2015 in accordance with the general guidance in MPG1.

### Overall conclusions

6.9.14 These important allocations would enable this major stone extraction business to continue its operation within a clear planning framework. Notwithstanding the substantial objections from some local residents, for the reasons given I believe each of the allocations is justified and would provide an appropriate basis for the determination of detailed proposals.

### **Recommendation**

6.9.15 No modification.

\*\*\*\*\*

## **6.10 PARAGRAPH 6.11 *FINANCIAL BONDS***

Objections: 2156 Coalpro

### **Issue**

6.10.1 Whether financial bonds are a reasonable means to guarantee restoration of mineral workings.

### **Conclusions**

6.10.2 The objector argues that bonds cannot be required and that conditions must be assumed to be enforceable. The objection has been conditionally withdrawn but there are no changes proposed to the text. The paragraph refers to the role of planning conditions and obligations and gives as an example of where a bond might be required a situation where phased restoration is impossible. The Council's evidence referred to draft MPG7 but this has now been superseded by the new MPG7 issued in November 1996. This explains that financial guarantees should not normally be required but gives examples of exceptional circumstances where they may be reasonable. Very long term projects where progressive restoration is impossible are mentioned in national guidance and, bearing in mind that paragraph 6.11 also cross-refers to that guidance, there are no grounds to modify the text.

### **Recommendation**

6.10.3 No modification.

\*\*\*\*\*

## **6.11 POLICY M3 AND PARAGRAPH 6.11a CRITERIA FOR ASSESSING MINERALS APPLICATIONS**

Objections:	2154 Countryside Commission	2156 Coalpro
	2159 British Horse Society	2160 Coal Contractors Ltd
	2163 Terry Adams Ltd	2164 Action for Rural Rights of Way
	2165 Kirklees Bridleways Group	2455 Elliotts Bricks Limited
	5843 Department of the Environment[PC]	7004 Department of the Environment
	7005 Ministry of Agriculture	

### **Issue**

6.11.1 Whether, in dealing with proposals to explore for or extract minerals, avoiding material detriment to the character of the locality is a clear and necessary test.

### **Conclusions**

6.11.2 MPG1 and RPG12 state that the criteria to be applied in determining applications to extract minerals should be set out in development plans. Proposed changes have substantially revised the deposit draft policy, particularly by making the criteria more precise, adding an additional criterion relating to agricultural land, and excluding energy minerals from the need assessment. Restoration is now to be incorporated in a separate policy, M3A. The proposed changes have led to the conditional withdrawal of objections 2156, 2159, 2160, 2165, 7005, and a substantial part of 7004. Certain other objections are concerned exclusively with the wording of the criteria and in my view are appropriately resolved by the proposed changes, in particular 2154, 2163, 2164 and 2455, with the exception in the latter case of the inclusion of a test directed at the character of the locality. [2455] also seeks consideration of economic viability when assessing alternative sources of mineral. This would be relevant to the judgement of suitability required by the policy as now proposed, so that no further change is necessary. [5843] suggests a minor addition to para 6.11a referring to national guidance which the Council has indicated its willingness to make.

6.11.3 Criterion ii. as set out in the proposed changes would require that proposals should not be materially detrimental to the character of the locality. In support of this test, the Council say that the term is meant to refer to landscape character and that on individual sites there may be important characteristic features even though the area has not been designated as of high landscape value. It is argued that it is not possible to give a brief definition which could be incorporated in the policy but that the term is at least as meaningful as "visual amenity". In my view this test adds nothing to the policy. Criterion i. refers to avoiding unacceptable detriment to the landscape or local visual amenity and the landscape character of the site and surroundings would be relevant to this assessment. In so far as the character of the locality is affected by traffic, noise, dust or other emissions, other criteria enable these effects to be taken into account. Deletion of this test would remove potential ambiguity without any reduction in effectiveness.

### **Recommendations**

- 6.11.4 That the plan be modified by:
- adding paragraph 6.11a in accordance with the proposed changes [CD113], with the further addition at the end of the final sentence of "subject to the circumstances set out in paragraphs 62 to 64 of MPG3"; and

- ii. revising policy M3 as in the proposed changes [CD113] but deleting from criterion ii. the words "OR THE CHARACTER OF THE LOCALITY".

\*\*\*\*\*

## **6.12 PARAGRAPH 6.12a RESTORATION AND AFTERCARE**

Objections: 5843 Department of the Environment [PC]

### **Issue**

- 6.12.1 Whether paragraph 6.12a mis-represents statutory provisions.

### **Conclusions**

6.12.2 Paragraph 6.12a is introduced by the proposed changes as the justification for policy M3A, a separate policy for restoration and aftercare, which had formerly been included in policy M3. The new paragraph might imply aftercare beyond the five year statutory period and the Council has agreed to delete the final sentence as sought by the objector.

### **Recommendation**

- 6.12.3 That in accordance with the proposed changes [CD113] the plan be modified by inserting new paragraph 6.12a, excluding the final sentence which begins "The principles of sustainable development ...."

\*\*\*\*\*

## **6.13 NEW POLICY MX1 COAL MINING**

Objections: 2156 Coalpro 2160 Coal Contractors Ltd

### **Issues**

- 6.13.1
  - i. whether there should be a greater commitment to mineral extraction in Part I of the plan; and
  - ii. whether Part II of the plan provides an appropriate framework for minerals development, in particular open cast coal mining.

### **Conclusions**

6.13.2 Although objection [2156] sought additions to policies to elaborate the circumstances in which coal extraction would be permitted, the objection has now been conditionally withdrawn subject to the changes proposed to paragraphs 6.10 and policy M3.

6.13.3 On the first issue, objector [2160] proposes an additional Part I policy containing a commitment to make available land to maintain a contribution towards meeting local, regional and national supplies of minerals. MPG3 advises that the planning system should not set national limits or targets for any source or level of energy supply and there would

therefore be no basis on which a local target for output could be decided. Bearing in mind that there has been no open cast coal mining in Kirklees since 1984 it is doubtful what the practical value of such a statement would be, rather it could be misleading. The current Part I policy, both in its original version and as proposed to be changed, is expressed in very general terms but in the circumstances of Kirklees I do not find this unsatisfactory because it indicates the general approach to minerals development (supplemented in the proposed changes by policy M1A in relation to aggregates) and takes into account demand in criterion iii. Hence the plan would not be improved by the modification sought.

6.13.4 Concerning the Part II policies which are the subject of the second issue, the Council describe their approach as being to indicate in general terms the extent of the shallow coalfield and the constraints within it. Subject thereto, all applications to extract minerals would be considered against policy M3. Again this seems to be a reasonable approach in the circumstances which prevail locally and is an outcome anticipated in paragraph 46 of MPG1. There is no information from the industry on reserves or forward plans which could be the basis for a more focused approach. In the 1950's-1970's there was widespread small scale open cast mining in Kirklees but there is no reason to expect further proposals, having regard to recent history, geological factors and national trends in output. More detailed definition of areas for mining would be liable to create blight and uncertainty with very little benefit to the industry. Hence no new policy or modification to existing policies is justified by these objections.

### **Recommendation**

6.13.5 No modification.

\*\*\*\*\*

## **6.14 NEW POLICY MX2 PEAT EXTRACTION**

Objections: 2158 Royal Society for the Protection of Birds

### **Issue**

6.14.1 Whether the plan should contain a policy on peat extraction.

### **Conclusions**

6.14.2 Suitable information on the presence of peat bogs in Kirklees is currently imprecise but blanket bog peat on the western fringes may be of a workable depth. There have been no previous planning permissions, no planning applications and no expressions of interest to the mineral planning authority. MPG13 states that future peat extraction should be limited to areas already significantly damaged by recent human activity which are of limited or no current nature conservation or archaeological value. The MPG also summarises the main considerations likely to be relevant in determining planning applications and I agree with the Council that these are adequately incorporated in policy M3, supplemented by other plan policies such as NE2 and 3. The MPG and policies already in the plan would provide suitable grounds to reject unsatisfactory proposals, should these unexpectedly occur. The preparation of a detailed specific policy would require considerable work. For example,

MPG3 suggests that the identification of areas for peat extraction in a development plan requires prior information on such topics as the presence of economically workable deposits, the availability of the resource to the minerals industry within the plan period and the nature conservation/archaeological value of the land. The low probability of interest in peat extraction, the absence of relevant information and the adequacy of the existing plan framework are comprehensive grounds for not acceding to the objection.

### **Recommendation**

6.14.3 No modification.

\*\*\*\*\*

# CHAPTER 7 - WASTE DISPOSAL

## **7.1 PARAGRAPH 7.0(a) NATIONAL POLICY**

Objections:

2161 British Railways Board

5843 Department of the Environment [PC]

### **Issues**

- 7.1.1
- i. whether the paragraph is in accordance with national guidance; and
  - ii. whether the plan gives sufficient recognition to the potential transport of waste by rail.

### **Conclusions**

7.1.2 This is one of a series of paragraphs introduced in the proposed changes to summarise national policy. Sub-paragraph (d) will require to be modified to take account of the approval of the West Yorkshire Waste Management Plan, although this is not included in the recommendation because it does not arise from the objections. Paragraph 7.0(a) quotes from PPG23 in stating that each region should provide sufficient facilities to treat or dispose of all the waste it produces. Objection [5843] suggests deleting "all" but whereas the Council has indicated its willingness to do this, in my view this would be an oversimplification which would tend to distort national guidance. An addition to the text is therefore recommended.

7.1.3 [2161] seeks a reference in the plan to the potential transport of waste by rail to landfill sites outside Kirklees. The general summary of national policy in paragraph 7.0 endorses the proximity principle and goes on to explain that where waste has to be transported consideration should be given to the use of rail or water transport. In my view the proposed change gives sufficient emphasis to the use of rail transport whilst retaining the general principle of disposing of waste near to its source.

### **Recommendations**

7.1.4 Modify the plan by adding paragraphs 7.0(a)-(f) in the proposed changes [CD113], with an additional sentence at the end of sub-paragraph 7.0(a)(iii) as follows:

Waste may be transported across regional boundaries when there are identified alternative facilities, in accordance with the proximity principle or for the treatment of specialised wastes.

\*\*\*\*\*

## 7.2 PARAGRAPH 7.2 STRATEGY

Objections: 2160 Coal Contractors Ltd

2163 Terry Adams Ltd

### Issues

- 7.2.1
- i. whether the strategy for waste disposal conforms with national policy and is sufficiently clear; and
  - ii. whether there should be less apparent reliance on the export of waste, including the identification of the period for which a landbank will be provided.

### Conclusions

7.2.2 The proposed changes would make substantial additions to the reasoned justification by adding paragraphs 7.0(a)-(f), which are based upon national guidance in PPG23. One element of this is the "proximity principle", under which waste should be disposed of close to the point at which it is generated, particularly if specialised facilities are not required. On a broader level, development plans are expected to reflect the need for each region to treat or dispose of all of the waste produced there. The latest regional guidance states that sufficient sites or broad areas of search should be identified to provide for the requirements defined in waste disposal plans.

7.2.3 There is a statutory requirement to have regard to the current waste disposal plan. This was approved in March 1996 and does require some updating of the paragraph, which is based on the 1990 Waste Disposal Plan, because of more recent information and the potential effect of recycling and waste minimisation on the amount of waste to be disposed to landfill. The WYWMP does not set precise requirements for new landfill capacity but summarises existing and potential capacity in the whole of West Yorkshire. This falls short of what is envisaged in RPG12, so that there is a need for cooperation between the relevant local planning authorities to gather and evaluate information on available landfill capacity so that the overall requirement is met.

7.2.4 Perhaps reflecting the lack of precision in the waste disposal plan, the UDP includes no estimates of waste arisings or landfill capacity for the district. Nevertheless the plan is generally supportive of the benefits of new landfill capacity, which is consistent with the WYWMP. The basis of provision is essentially in policies WD3 and WD5. The former policy both identifies sites to be safeguarded for waste disposal and supports the investigation of opportunities at mineral workings, opencast coal workings and on derelict land. In the circumstances of Kirklees this is a sensible approach corresponding to areas of search. Criteria applicable to applications for new landfill capacity are in policy WD5.

7.2.5 The paragraph mentions the possibility that the district will become an exporter of household waste during the lifetime of the plan, but although no constraint is imposed on the creation of new capacity I regard this as unduly cautious at this stage. In addition, the availability of overall capacity anticipated in the WYWMP casts doubt on the feasibility of a strategy which relies upon export. There is no requirement in national guidance for a landbank of capacity and such an approach at district level could be inconsistent with the principle of regional self sufficiency. Nevertheless the identification of specific sites and

areas of search including substantial mineral voids has the potential to yield considerable capacity where landfill would be desirable to achieve optimum reclamation. While the plan is broadly consistent with national policy and has a clear strategy which would permit the emergence of additional capacity in accordance with the proximity principle, the text should be revised to give more emphasis to landfill within the district and to support the recommendation of the WYWMP for a network of sites receiving inert waste. In addition the summary of information on capacity, current arisings and need in the WYWMP needs to be progressed so that the generalised requirements there can be implemented in a comprehensive manner by district councils. Paragraph 7.2 is closely related to additional paragraph 7.2a included in the proposed changes and the latter should be consistent with my recommendations. Although not subject to objection, this additional paragraph will require alteration because the Council no longer rely on the availability of the Welbeck site. Recommendation iii. might best be incorporated in the additional paragraph and to be consistent with recommendation i, the statement that an increasing reliance will have to be placed on using landfill sites outside Kirklees should be deleted.

## Recommendations

7.2.6 That the paragraph be modified by:

- i. deleting references to the West Yorkshire Waste Disposal Plan 1990 and to Kirklees becoming an exporter of household waste;
- ii. summarising the waste arisings and annual landfill requirement described in the WYWMP and committing the Council to cooperate with the other districts in West Yorkshire to evaluate landfill capacity in the context of the need identified in the WYWMP; and
- iii. explaining that the development of new landfill sites will be necessary to provide for local disposal of waste in accordance with the proximity principle, including the establishment of a network of sites receiving inert waste.

\*\*\*\*\*

## 7.3 PARAGRAPHS 7.4 AND 7.5 *METHODS OF WASTE DISPOSAL*

Objections: 2163 Terry Adams Ltd

### Issues

- 7.3.1
- i. whether paragraph 7.4 is misleading by referring to "excavation and similar waste"; and
  - ii. whether paragraph 7.5 implies incorrectly that incineration and composting are methods of waste disposal.

### Conclusions

7.3.2 The basis of the objection to paragraph 7.4 is that there may be an implication as to the type of site where disposal would be appropriate, whereas in this respect other wastes are not similar to excavation waste. I accept the Council's evidence that the purpose of the paragraph is to indicate the volume of waste for which landfill is likely to remain the only

means of disposal. In the context in which the information is given, no confusion should occur.

7.3.3 Concerning paragraph 7.5, the Council identify references in the draft national waste strategy to incineration and composting as means of waste disposal. Nevertheless it would be strictly correct to amend the phrase to "waste treatment or reduction", which would also be consistent with the proposed change to policy WD2.

### **Recommendation**

7.3.4 Modify paragraph 7.5 by deleting "disposal" in line 7 and substituting "waste treatment or reduction".

\*\*\*\*\*

## **7.4 POLICY WD2 METHODS OF WASTE DISPOSAL**

Objections: 2162 Kirklees Green Parties

2163 Terry Adams Limited

### **Issue**

7.4.1 Whether the policy should oppose a new incinerator in Huddersfield.

### **Conclusions**

7.4.2 Objection [2163] has been conditionally withdrawn as a result of the proposed change to the policy which would refer to "waste treatment or reduction" in place of "alternative means of disposal".

7.4.3 National policy in paragraph 2.24 of PPG23 recognises the potential role of incineration with energy recovery as a method of waste reduction and disposal, reducing overall dependence on landfill. The balance between different waste management facilities will vary between areas, with appropriate criteria for the location of relevant methods set out in the plan. Planning policies need to be consistent with the waste disposal plan, which lays down priorities for the methods of disposal or treatment of waste and the likely requirement for facilities. The WYWMP supports the principle of incineration with energy recovery. The future of the incinerator in Huddersfield beyond the end of 1996 is uncertain because of revised environmental requirements and the WYWMP is doubtful whether replacement will be pursued if landfill capacity continues to be available.

7.4.4 [2162] argues that the policy gives unjustified weight to landfill by implying that all alternatives are equally acceptable and that incineration should be opposed because it is not an appropriate environmental option. Concerning incineration, I do not accept that the weight of the evidence would justify precluding this option as one means of treating waste. On the contrary, it is consistent with national policy to accept that this is a potentially acceptable environmental solution for the treatment of some of the district's waste. Furthermore, whatever the arguments about the extent to which recycling and other measures will reduce the need for landfill, the policy is consistent with the conclusion of the WYWMP that landfill will be the principal means for the final disposal of waste. The waste

management hierarchy is explained in paragraph 7.0 added in the proposed changes. There is no basis, either in national policy or the priorities identified in the WYWMP, for using the planning system negatively to discourage landfill either by limiting the supply of sites or imposing conditions which have an ulterior purpose. Other means of treatment and recovery are supported by the policy, subject to consideration under policy WD7. The policy also includes a cross reference to WD5 but since this is concerned solely with disposal of waste to landfill this seems to be superfluous here, so that its deletion should be considered.

## Recommendation

7.4.5 Modify the policy in accordance with the proposed change [CD113].

\*\*\*\*\*

## 7.5 POLICY WD3 AND PARAGRAPHS 7.6-7.7 LANDFILL

Objections: 2163 Terry Adams Ltd  
7006 Holme Valley Parish Council

2454 CSL Surveys

In so far as [2163] and [2454] are concerned with the general strategy for waste disposal and the need for a 10 year landbank, they are also taken into account in the consideration of paragraph 7.2.

## Issues

- 7.5.1 These are whether:
- i. the need for stringent monitoring of landfill sites should be stated;
  - ii. paragraph 7.7 should refer to potential landfill of abandoned coal workings rather than opencast coal workings generally;
  - iii. the availability and adequacy of landfill capacity is accurately summarised in paragraph 7.6; and
  - iv. the safeguarding of sites serves a useful purpose.

## Conclusions

7.5.2 [7006] is concerned with the monitoring of landfill sites, particularly the site at Honley Wood - North Side. This is within the scope of the Environmental Protection Act and enforcement by the Environment Agency, so that it would be inappropriate to include provisions in the plan which are controlled by other legislation.

7.5.3 [2163] argues that landfill would not be appropriate on modern open cast coal sites because this would prolong restoration. A reference to abandoned coal workings is preferred. The Council point out that there are no abandoned coal workings in the district and that these are unlikely to occur with modern controls. Whereas there may be objections to the additional environmental impact of landfill on an opencast site, adequate provisions exist to consider these effects under policy WD5. I agree with the Council that the possibility of landfill on such sites, as has occurred elsewhere, should not be excluded from the general policy applicable to mineral workings.

7.5.4 The information on the availability and adequacy of landfill capacity in paragraph 7.6 is based on the 1989 West Yorkshire Waste Disposal Plan. The current WYWMP, which covers the period 1994-2004, shows that capacity available in 1994/95 had some 6.4 years life but only some 3-4 years for open gate and household waste sites. Potential capacity in sites not yet permitted is also summarised but this only demonstrates that there is likely to be sufficient capacity throughout the first half of the period of the WYWMP. I agree with the Council that the paragraph should be updated on the basis of the WYWMP, excluding reliance on the Welbeck site but retaining the commitment in the final sentence which is especially important in the context of the general conclusions on availability in the WYWMP.

7.5.5 [2163] seeks 10 years supply of landfill capacity as an objective of the plan. PPG23 advises that existing sites, new sites and broad areas of search should be capable of meeting demand identified in the waste disposal plan. WYWMP does not provide a clear basis for estimating the demand to be met by each local planning authority. Elsewhere I have recommended that West Yorkshire authorities need to progress the WYWMP to produce agreed common figures. Nevertheless the recommendation in national guidance to test the adequacy of provision does not amount to the specific identification of capacity, so that the objection is not supported. However this and other objections, such as that by the same objector to paragraph 7.2 and objection [2454] to policy WD3, reflect a justified concern that the general approach in the UDP may not produce sufficient capacity. Whereas I have endorsed the principle of policy WD3, which is based on areas of search, it is also important how this is put into effect. This is especially so when there is a lack of evidence as to the capacity likely to be produced from the areas of search. All sites are subject to policy WD5 and this weakness would be reduced if the demand for landfill capacity were taken into account within that policy when the case for approving a particular scheme is being assessed.

7.5.6 Concerning issue (iv), [2163] suggests that the sites safeguarded under the policy were permitted in advance of the Environmental Protection Act, so that the latest and emerging standards may not be met and protection for waste disposal is inappropriate. National policy supports the identification in plans of existing and new sites for waste management facilities, together with broad areas of search or held to be generally unsuitable, having regard to various constraints. The original policy listed 12 sites and 2 have been added as a result of the proposed changes (a third site was also added but deleted in further proposed changes in July 1995). In addition the proposed changes incorporate substantial additional land in site (v). All but three sites and the extension to site (v) have both planning permission and disposal licences. An environmental statement with the planning application for the latter demonstrated that landfill was suitable. Evidence in connection with the remaining three sites also demonstrates that landfill is expected to be appropriate. In my view the identification of these sites serves both to indicate potential landfill capacity and to show where a major activity is expected to occur. Bearing in mind also the forecast need for landfill space, the protection of such sites for that purpose is desirable.

## **Recommendation**

7.5.7 Modify paragraph 7.6 to take into account the West Yorkshire Waste Management Plan, March 1996, retaining the commitment in the final sentence.

\*\*\*\*\*

## 7.6 POLICY WD4 AND PARAGRAPH 7.8 LAND RAISING

Objections: 2163 Terry Adams Limited

7005 Ministry of Agriculture

### Issue

7.6.1 Whether the policy and reasoned justification unreasonably restrict land raising on agricultural land.

### Conclusions

7.6.2 Objection [7005] has been conditionally withdrawn, subject to a proposed change to the policy which would explicitly protect the best and most versatile agricultural land.

7.6.3 [2163] is concerned that the reasoned justification, by referring to greater potential problems of environmental pollution from land raising, unreasonably discriminates against proposals which may create less risk to groundwater. The Council response is that several forms of pollution are being referred to, including noise and dust. This may not be an important disagreement, because ultimately all proposals will be subject to the criteria in policy WD5. Nevertheless I agree with the objector that the plan is unduly harsh in relation to land raising and that "may" would be more accurate than "would in general". As to the policy, I endorse the restriction of landraising where this would prejudice the early restoration of former mineral workings and derelict land. The policy provides a clear test which supports the reasonable objective of giving priority to landfill which achieves restoration in preference to the use of sites with an existing agricultural use. Although the objector seeks reference to landfill having been permitted, the test of "prejudice their early restoration" is sufficient. The absence of permission for waste infill could be taken into account in deciding whether significant prejudice would occur.

### Recommendations

7.6.4 That the reasoned justification be modified by replacing "would in general" in line 7 by "may" and that the policy be modified in accordance with the proposed change [CD113].

\*\*\*\*\*

## 7.7 POLICY WD5 AND PARAGRAPH 7.14 ASSESSING LANDFILL APPLICATIONS

Objections: 2156 Coalpro  
2163 Terry Adams Limited

2160 Coal Contractors Ltd  
2455 Elliotts Bricks Ltd

### Issues

- 7.7.1
- i. whether paragraph 7.14 would unreasonably restrict proposals to extend or prolong landfill on existing sites; and
  - ii. whether criterion viii. of the policy is a relevant and appropriate planning consideration.

## Conclusions

7.7.2 There are proposed changes both to paragraph 7.14 and to criterion v, the latter in response to comments from the Ministry of Agriculture. As a result [2156] and [2160] have been conditionally withdrawn.

7.7.3 The objections to paragraph 7.14 are concerned with the comments which imply that permission will not be granted to extend or prolong a permitted site, on the basis that further harm to local amenity or the purposes of the Green Belt would be unacceptable. This is intended to be related to criterion viii. of the policy, which enables the extent and duration of past or current landfill activity in the area to be taken into account when looking at proposals.

7.7.4 The Council refers to PPG23, which does not include such secondary impacts in a list of material planning considerations but does state that there may be other considerations to be taken into account. In a different context, MPG3 lists cumulative impact in a set of criteria but does not include completed schemes in this assessment. I do not accept that the reference in the same paragraph of the MPG to the avoidance of piecemeal working of deposits provides any justification for the criterion in the plan.

7.7.5 On the general principle of whether it is relevant and desirable to have regard to the effect that previous or current landfill may have caused in the area, I see no reason why this should not be taken into account as part of the balancing exercise which would be necessary to make a decision against all eight criteria under the policy. In deciding whether the environmental effects of a new landfill proposal are acceptable, some weight could be given to present and past landfill activity in the locality. Whereas the impact of completed schemes would be likely to have less weight, any decision would have to be made after balancing each consideration and it would be necessary to justify the weight given to a particular effect by reference to the circumstances of the case. Thus criterion viii. should be retained. Concerning the text of paragraph 7.14, this reads like a policy and judges the likely outcome on an application without knowledge of the particular circumstances. In the proposed changes a further justification for this approach is introduced, this being that landfill in the Green Belt is accepted on the basis that it is a temporary use of land and of much shorter duration than mineral extraction. This mis-states PPG2 because the test to be applied to landfill and other changes of use is whether this maintains openness and does not conflict with the purposes of including land in the Green Belt. I shall therefore recommend that the change is not made and that there are minor modifications to the text of the deposit draft plan so that this paragraph is less prescriptive.

7.7.6 As part of my consideration of several objections to the general approach being taken to the identification and approval of new landfill capacity reported under policy WD3 and paragraph 7.6, I indicated that explicit consideration of need should be incorporated. The new criterion is worded to recognise that the location of the site and the type of waste to be input may be relevant. The weight to be given to need would have to be determined in each case. Whereas some environmental effects may be of overriding importance, there may be occasions when effects on amenity must be weighed against the benefit from additional capacity.

**Recommendations**

- 7.7.7 i. that the proposed change to paragraph 7.14 [CD113] be not made;
- ii. that paragraph 7.14 be modified so that the final sentence reads:

In these circumstances proposals which would extend or prolong landfill are likely to be unacceptable if any environmental benefit that might be obtained from the final restoration of the landfill site would be outweighed by the extent and duration of disruption to local amenity.

- iii. that policy WD5 be modified to add an additional criterion ix:

THE NEED FOR LANDFILL CAPACITY FOR THE RELEVANT  
WASTE TYPES AT THE LOCATION PROPOSED

\*\*\*\*\*

**7.8 PARAGRAPH 7.18 TREATMENT, STORAGE AND TRANSFER OF WASTE**

Objections: 5843 Department of the Environment [PC]

**Issue**

- 7.8.1 Whether paragraph 7.18 would comply with national policy.

**Conclusions**

7.8.2 The objection is to the proposed change, on the basis that the national target for recycling household waste is mis-stated. The Council has suggested a minor change to overcome this.

**Recommendations**

- 7.8.3 That the proposed change to paragraph 7.18 be made as in CD113, except that the words up to and including "2000" be replaced by:

Increased recycling in order to contribute to the government's national target of recycling 25% of household waste by the year 2000 ...

\*\*\*\*\*

## OBJECTIONS SEEKING ALLOCATION UNDER POLICY WD3

### **7.9 POLICY WD3, SITE K27 LAND AT LITTLE LEPTON, SOUTH OF LEPTON LANE**

Objections:

0620 Belmor Stud Ltd

1242 Kirkburton & District Civic Society

#### **Issue**

7.9.1 Whether the site should be safeguarded for use for waste disposal, having regard to the existence of a waste disposal licence.

#### **Conclusions**

7.9.2 PPG23 states that the UDP should identify, where appropriate, new sites for waste management facilities. No plan is submitted with the objection but it expressly refers to land having a waste disposal licence, so that the Council has relied on this as the relevant area.

7.9.3 The site contains a former quarry void and stockpiles of waste and soil. The land is situated on the gentle south facing slopes of the Beldon Brook valley about 200m south of the hamlet of Little Lepton.

7.9.4 It is relevant to consideration of the objections whether the use of the land for waste disposal would be lawful. No evidence has been submitted to support this possibility, while the two enforcement notices in force which prohibit the importation and deposit of waste are compelling evidence to the contrary. Furthermore, planning permissions for mineral extraction granted between 1957 and 1970 did not include provision for the importation of waste. Objection [1242] seeks reference to the approved use in the plan but the evidence is that this does not include waste disposal.

7.9.5 Allocation under policy WD3 would also be appropriate if this were a suitable site for waste disposal. When the restoration requirements in the enforcement notices are carried out the Council says that a void of some 25,000m<sup>3</sup> will remain. The possibility of infill was investigated by the Council before the enforcement notices were issued but the conclusion reached was that satisfactory access could not be provided. I strongly endorse that judgement because of the severe limitations of Pond Lane and the absence of any preferable alternative. In addition to the highway deficiencies, there would be a significant adverse effect on the amenity of residents from the use of Pond Lane, although the Council indicates its willingness to accept this for the limited duration required to infill the remaining void. In reaching my conclusions, I have taken into account the benefit of proper restoration, but this is substantially outweighed by the disadvantages in the absence of any satisfactory alternative access.

7.9.6 Given the net harm which would occur from infilling the remaining void, more substantial waste disposal involving land raising would cause considerable harm. There would be additional adverse impact on visual amenity and the attractive generally open landscape, both because of the visibility of the operations while work was proceeding and because it seems unlikely that finished contours could be achieved which would be

compatible with the existing landscape. Thus an allocation under the policy would be wrong, whether for the limited infilling of former workings or more substantial activity.

## Recommendation

7.9.7 No modification.

\*\*\*\*\*

**7.10 PARA 6.3 - AMW xiii, POLICIES M2 AND WD3, SITE K25, PARA 6.3 - AMWxix (PC)  
LANESIDE QUARRY AND THE TEMPLE, KIRKHEATON**

## Summary of objections

7.10.1 A list of the objections on behalf of Elliotts Bricks Ltd and the counter-objections concerning Laneside Quarry (AMWxix) is in Annex L.

7.10.2 Laneside Quarry, Kirkheaton, is being used for brickearth extraction under the terms of planning permissions granted in 1948 and 1961. On the proposals map the whole of the site is in the Green Belt and part of the land is an active mineral working (AMW xiii) as described in paragraph 6.3 of the plan. In the proposed changes an additional area described as Laneside Quarry East was added (AMW xix). As a result the objection to the deposit draft plan in that respect has been conditionally withdrawn. The other objections in relation to Laneside Quarry seek identification as a site for waste disposal under policy WD3 and extension of the quarry area northwards and eastwards by designation of a strip of land under policy M2.

7.10.3 The objections at The Temple, Kirkheaton, apply to an area of some 19ha, 1km north-west of Grange Moor, also in the Green Belt on the proposals map. The purpose of the objections is the allocation of the land for mineral extraction with restoration by landfill (policies M2 and WD3).

7.10.4 In November 1994 the Council agreed proposed changes which would have allocated Laneside Quarry under policy WD3 and The Temple under policy M2 but these were withdrawn in July 1995. Numerous counter-objections were submitted opposing both the proposed changes for Laneside Quarry (to para 6.3 and policy WD3) and against the allocation at The Temple.

7.10.5 The objections by Elliotts Bricks in relation to each site were made as part of a single proposal. Although the two sites could be looked upon independently, there is a close connection between the intention to reduce brickearth extraction at Laneside Quarry from that permitted and to develop a new site at The Temple.

## Issues

7.10.6 i. whether there is a significant need for additional landfill capacity which would be met by the allocation of Laneside Quarry under policy WD3;

- ii. the effect on the landscape of the area of a new access road to Laneside Quarry and the restoration proposals, including the extension to the area for extraction under policy M2;
- iii. the effect of on-site activity on amenity as a result of the reduced extraction from Laneside Quarry and the use of the site for landfill;
- iv. whether the allocation of The Temple site for mineral working is necessary to provide suitable brickearth for Elliotts Brickworks;
- v. the effect on the landscape and amenity of mineral extraction/waste disposal at The Temple site; and
- vi. the effect on amenity of the change in the routeing and volume of traffic.

## Conclusions

### Whether there is a significant need for additional landfill capacity which would be met by the allocation of Laneside Quarry under policy WD3

7.10.7 According to PPG23, the requirement for landfill capacity is intended to be derived from the waste disposal plan. In its evidence the Council gives considerable weight to the draft WMP, dated March 1995, which concludes that sufficient landfill capacity is currently available and that there will continue to be sufficient capacity throughout the plan period (of the WMP), having regard to potential new landfill sites. The draft WMP explains that most future landfill sites are likely to be on former mineral workings and that current and closed workings have been examined to estimate future capacity. No details of sites are provided and it is therefore possible that Laneside Quarry has been regarded as a potential site. The deposit draft UDP was prepared in advance of the draft WMP and the general thrust of its conclusions, for example in paras 7.2 and 7.6, is that there is likely to be an increasing shortage of landfill space in Kirklees and that any appropriate opportunities for new capacity should be taken. These conclusions are significantly reinforced by the final version of the WYWMP, dated March 1996. That records capacity at available sites as equivalent to 6.4 years' landfill, but just 3-4 years for open gate sites and those accepting household waste. Concerning future voidspace, this is said to be sufficient only through the first half of the period 1994-2004. There is therefore a clear need to bring forward suitable new sites.

7.10.8 The objector seeks to establish that there is the potential to attract 170,000 tonnes pa of household waste for disposal, on the assumption that the Huddersfield incinerator will not re-open and that some waste will be attracted from Calderdale and Bradford. These figures must be treated with considerable caution, one reason being that there would be competition to secure contracts. Nevertheless there is a general need for additional landfill capacity from the evidence in the deposit draft plan and in the WYWMP which should be given some weight.

### The effect on the landscape of the area of a new access road to Laneside Quarry and the restoration proposals, including the extension to the area for extraction under policy M2

7.10.9 The landscape around Laneside Quarry is pleasingly undulating and predominantly open. The quarry is cut into the south and west facing slopes of Cockley Hill and there is rising land on the south side of Lane Side. An important part of the proposals is a new road to be constructed between the site and the B6118 Bellstring Lane. I am satisfied that with

careful siting, design and screening this need not be especially noticeable, even when first constructed.

7.10.10 The restoration proposals envisage creating a landform resembling what existed before extraction, landscaped to repeat the characteristic field pattern. In my judgement the steep quarry faces which exist now are seriously out of place, particularly in views from higher land to the south and west. The planning conditions relating to restoration included in the relevant permissions are of little value but that is not important because the Environment Act 1995 provides the opportunity to impose new conditions. Possible amelioration by planting on benches in the quarry face or in the base of the quarry were mentioned at the inquiry and there are other opportunities which might involve restraint on the amount of extraction and a more imaginative finished landform. Nevertheless, in these undulating surroundings where the site is exposed to view from some higher land, such limited solutions would be much less satisfactory than restoration to create a sympathetic landform, which would depend upon landfill occurring. These conclusions are consistent with the report of the Inspector who held a public inquiry into different proposals in 1988. In his report the surroundings are described as part of a generally pleasing landscape, which I endorse, but that does not imply that the appearance of the objection site is appropriate in this setting nor does it comment on whether restoration of the landscape, including landfill, is desirable on visual grounds.

7.10.11 The third landscape effect is the proposed enlargement of the working area to reduce the gradient of the quarry faces and create a suitable batter for lining. The Council are particularly concerned at the impact of including The Knoll, a minor crest, and the effect on existing vegetation. Whereas The Knoll does stand slightly above the surrounding land, it already appears exposed because of the proximity of the quarry face adjoining the southern slope. The vegetation affected is sporadic and makes little contribution to the landscape. Nevertheless any extension to the quarry would marginally increase its visibility and should be avoided unless shown to be necessary to achieve a suitable restoration. The arguments made in support were that this was required to achieve an adequate operational width in the east and generally to create a suitable base for a liner. However it seemed possible that a liner could be installed by other means, so that the evidence was unconvincing.

#### The effect of on-site activity on amenity as a result of the reduced extraction from Laneside Quarry and the use of the site for landfill

7.10.12 The objection envisages not exploiting all the available depth of brickearth, so that extraction would be 1.8M tonnes rather than the 4M tonnes available, with a consequent effect on the net voidspace, which would be 1.8Mm<sup>3</sup> rather than 3M. This would necessarily affect the duration of activities, although quantification in this respect is very difficult, partly because of the fluctuating demand for bricks and uncertainty about the rate of landfill. The benefit from reduced extraction would be offset by any harm as a result of landfill.

7.10.13 The site is reasonably well-screened from Lane Side but there is a small number of dwellings opposite and to the west of the cemetery. Many representations mention the importance of the cemetery as a memorial and for visitors. The other principal effect would be upon users of the local footpaths, notably footpaths 9 and 10, which pass around the northern edge of the land and offer views down into the site. Noise, dust, and the appearance of the land would be detrimental, although I see no reason why there would be

significant harm to residents. Landfill may be unsightly to footpath users but this must be compared to the alternative view of the quarry and balanced with the arguments for this form of restoration. In reaching an overall conclusion, it is reasonable to assume that the detailed proposals and any conditions are designed to minimise harm. Some counter-objectors are concerned at the manner in which the quarry has been operated but adequate means exist, through the monitoring and enforcement of conditions on any planning permission or site licence, to ensure that any newly permitted development is carried out to a suitable standard. Thus for the duration of extraction and landfill there would be some detriment to the small number of nearby residents and to footpath users, but the amenity of residents would not be significantly harmed.

#### Whether the allocation of The Temple site for mineral working is necessary to provide suitable brickearth for Elliotts Brickworks

7.10.14 The objector's argument concerning the need for alternative supplies of brickearth is principally qualitative. Demand has been assumed to be 150,000 tonnes pa but this may prove optimistic bearing in mind the current level and the 10 year average of some 120,000 tonnes. Taking the 150,000 figure, available brickearth at Laneside Quarry is equivalent to 27 years' supply with full exploitation or 12 years' if extraction is restrained. The objector's case is that the variety of clays needed for mixing to produce the full range of quality bricks becomes increasingly scarce as the depth of the quarry increases. This would lead to a need to buy in clay, with an adverse effect on the profitability and viability of the enterprise. The evidence in this respect was relatively superficial and consequently I share the Council's reservations as to the strength of this argument. No details were provided of the particular bricks within the range likely to be affected nor of the technical characteristics of the available clay. The degree to which buying in would be required is also unknown. It seems possible that the business could continue for a good number of years without any substantial consequences. Some reservations were also raised by the Council as to the suitability of The Temple as an alternative source. On balance, I am satisfied that the borehole information and the evidence concerning viability is sufficient to demonstrate that, for the objector, The Temple is a suitable source of brickearth.

#### The effect on the landscape and amenity of mineral extraction/waste disposal at The Temple site

7.10.15 The Temple is an approximately triangular site at the northern end of an elevated plateau. The land has a scarp slope on its western edge and descends gradually eastwards. To the south there is mature woodland. The argument for the objector is that activities would not be noticeable because the substantial lead time would enable advance planting, particularly along the northern and eastern edges, to become effective. Planting would be supplemented by shallow mounds and any activities, including storage, would not go above the height of the screen mound adjoining the western perimeter. Views of the land tend to be from a distance and from lower ground, reducing the impact of any visible activity or change in appearance. The eventual restoration to amenity woodland is claimed to enhance the landscape and complement the adjoining woodland. Reference was also made in evidence to valid planning permissions affecting the land, one of which would allow opencast excavation, but in cross examination it was agreed that there was no evidence this was likely to be implemented, so that I give this no weight.

7.10.16 I agree with the Council that the site is prominent from certain directions because of its elevation but that does not necessarily mean that the activities proposed would have significant visual impact. As agreed by the Council's witness, some disturbance to the countryside would occur in achieving continuity of supply of mineral. The Council's concerns are substantially connected with the detail of mineral extraction and the extent to which this could be carried out without substantial above ground storage, particularly in the early stages. Whereas the objector identifies the opportunity to impose planning conditions, these must be realistic. On balance, I am satisfied that the scenario put forward for the objector based on the long lead time, substantial advance planting, and disposal of overburden without the formation of mounds, is realistic. Whereas activities at the site, including the new access, would not be unnoticed, these would not be exceptional or significantly harmful. On the contrary, a high standard could be achieved, both in the operational phase and subsequent restoration, so that the important features which have led to relatively high scores for grid squares containing parts of the site in the Council's district-wide landscape assessment would not be significantly prejudiced.

7.10.17 In addition to the effect on the landscape, the Council refer to the exposure of The Temple site and problems of dust and windblow. Whereas the site is elevated it is also well-contained and there are very few dwellings nearby. Thus I regard the effects on amenity as capable of being controlled to an acceptable level.

#### The effect on amenity of the change in the routeing and volume of traffic

7.10.18 Current lorry traffic consists of vehicles transporting brickearth to Spa Green Brickworks. The current 24 2-way trips daily are forecast to rise to 40 with the exhaustion of clay stocks from Spa Green Quarry and increased brick production. The current preferred route follows a short length of the A642 Wakefield Road and is then via unclassified local roads. The return trip is 6km long, with some 213 dwellings along its length. In addition to the adverse effect on residential amenity, parts of the route are sub-standard in terms of highway design, so that there would be a benefit in this respect if this lorry traffic were removed.

7.10.19 The objection envisages that all lorry traffic would use the new access to the B6118 and there is evidence to the effect that this junction can meet DoT standards. Many counter-objectors appear not to have been aware of the proposed new road but criticism of the effects of current traffic is an argument in support of the scheme. The route to Spa Green would be via Grange Moor, where the B6118 intersects the A642, passing some 110 dwellings. This is a substantially better route, both in highway terms and because fewer dwellings are affected, without intrusion on to unsuitable local roads within residential areas. The same route serves The Temple, so that increased production there in substitution for Laneside Quarry would make no difference.

7.10.20 The overall traffic effects depend fundamentally on the probable impact of landfill traffic to Laneside Quarry. Calculations for the objector assuming a maximum annual input of 170,000 tonnes suggest a daily flow of 214 vehicles, approaching the site from both directions along the B6118. The Council calculate the aggregate number of trips past dwellings (using the figure of 110 per one-way trip) but this is clearly an over-simplification. The need to landfill waste means that traffic would be diverted from other routes. The use of classified roads would reduce intrusion within residential areas. Furthermore traffic levels

will depend on the type of waste being accepted, with the possibility that there could be a more erratic pattern with peaks and troughs. The fundamental question is whether the B6118 is a suitable means of access to a quarry/landfill site. A significant increase in HGV movements would occur but there is no reason to regard the road as unsuitable in terms either of the effect on dwellings or with respect to highway safety and capacity. An important area of concern is whether heavy vehicles would go through Kirkheaton on local roads to reach the site rather than using classified roads. This is agreed to be unsatisfactory both for amenity and safety reasons. The Council note that there could be difficulties enforcing a Traffic Regulation Order and that on occasions the police have objected to area-wide bans. Nevertheless in my judgement it is reasonable to assume that the available means would be used to discourage landfill and quarry traffic from entering or leaving the site in this way. Overall, the increased traffic to import waste would necessarily cause some local detriment but this would be offset by the re-routeing of quarry vehicles. Subject to measures being taken to exclude traffic from Kirkheaton, the harm would not be great.

### Overall conclusions

7.10.21 These objections promote substantial and long term proposals. PPG12 emphasises the importance of the environment, recognition of the interests of future generations and the need for particular care where impacts may be irreversible or very difficult to undo. The concern expressed by the Council and on behalf of local residents is based in part upon an unwillingness to accede to the objections in the development plan, despite acknowledging the need for proposals which will restore Laneside Quarry. However, if the principle of the allocations is sound, these should be included, with the details to be subject to normal planning control and other relevant legislation, including possible legal agreements.

7.10.22 Many counter-objectors mention the Green Belt designation of the land but this is not an argument against what is proposed. On the contrary, PPG2 encourages enhancing the landscape of the Green Belt and improving damaged land. What is promoted in the objections is very different to the 1988 proposals for a very substantial extension to the quarry but with no importation of backfill. The principal and in my view compelling argument in support is the need to secure a suitable restoration of Laneside Quarry. That objective accords with national guidance for new minerals development and the purposes of the Environment Act 1995 in relation to extant planning permissions. Supporting advantages are the benefit from adding to the quantity and choice of landfill capacity and the opportunity to reduce the amount and duration of extraction. The eventual transfer of quarrying to The Temple will have disadvantages at that location but these are not great and there is the potential to carry out the development to a high standard, with any harm to amenity and the landscape controlled to an acceptable level. There would be some local harm from the additional traffic but this is essentially diverted from other routes and the B6118 and connecting principal roads are suitable. The overall duration of the restoration of Laneside Quarry is inevitably uncertain because of the effect of market conditions on the speed of extraction and of landfill. Nevertheless it is very possible that the linking of reduced extraction, landfill and the provision of an alternative source of brickearth would reduce the overall period of activity at Laneside Quarry. Careful overall design could minimise the effects of delay. Eventually there would be an environmental improvement, which could be achieved progressively, whereas continuing with quarrying is not a solution. One area of concern raised is that the allocations might not be taken up. Although I regard this as unlikely, in my view the Council would not thereby be disadvantaged. The Temple

allocation would remain unimplemented and the restoration of Laneside Quarry would have to be dealt with under the Environment Act 1995. Any material changes in circumstances could be taken into account when the plan was reviewed.

7.10.23 As to the specific objections, I endorse the proposed change to paragraph 6.3 to include Laneside Quarry East, this being simply a factual record of sites with permission where mineral extraction is expected during the plan period. I note that when the Council proposed to change the plan to allocate The Temple under policy M2, no change to policy WD3 was included. Whereas waste disposal would not occur within the period of the plan, the proposals for the land should be considered as a whole, that is including the future restoration. Policy WD3 would safeguard future use, which would be appropriate in this case. For the reasons I have explained, I am not convinced that an extension to the area of extraction at Laneside Quarry under policy M2 can be justified on the available evidence. This should not be included in the plan but could be evaluated when detailed proposals are made.

### Recommendations

- 7.10.24 That the plan be modified by:
- i. including Laneside Quarry East as an active mineral site in paragraph 6.3 and on the proposals map in accordance with the proposed changes [CD113 - plan 6.7];
  - ii. allocating the active mineral sites at Laneside Quarry under policy WD3 [AMWxiii and AMWxix on plan 6.7, CD113];
  - iii. allocating land at The Temple shown in plan 6.1, CD32, under policies M2 and WD3.

\*\*\*\*\*

### 7.11 POLICY WD3 *APPLETON QUARRY, SHEPLEY*

Objections: 2453 Marshalls Mono Limited

#### Issue

7.11.1 Whether the site is suitable to be safeguarded for future use for waste disposal under policy WD3.

#### Conclusions

7.11.2 In support of identification under WD3, the objector criticises the absence of an assessment of waste arisings and capacity. Furthermore it is argued that identification within the policy should represent the starting point in the search for and approval of suitable sites. The criteria in policy WD5 should not be applied as a prerequisite for inclusion within WD3. Whereas I have reservations about the absence of an assessment of need for landfill capacity and this has affected my conclusions elsewhere, I am not convinced this deficiency detracts from the purposes and relevance of policy WD3 or should influence the principles whereby sites are selected as being appropriate for inclusion there. The policy is broadly in two parts, a list of specific sites which are to be safeguarded for waste disposal and an expression of

support for the investigation of the potential to use mineral and opencast coal workings and derelict land. This site is already within the scope of the latter, so that it is necessary to decide whether specific identification is appropriate. That should not require the prior grant of planning permission but there should be grounds for confidence that the development can be carried out in an environmentally acceptable manner. Whereas the objector argues that without identification there is not the certainty to make further investigations, I disagree and regard the plan as sufficiently supportive in this respect. The creation of further landfill capacity is encouraged both in the reasoned justification and in the second part of policy WD3.

7.11.3 A number of important environmental issues would arise in proposals to landfill a void of some 2Mm<sup>3</sup> net on the objection site. Some subjects requiring further information, such as the control of landfill gas, are in my view unlikely to result in objections to the principle of the use. Screening would present some difficulties but any adverse impact would be likely to be outweighed by the benefit acknowledged by the Council from restoration to contours consistent with the surroundings. This contrasts with completion in accordance with the current planning permission, which would have significant disadvantages in terms of the resulting appearance of the land and the absence of a suitable use in its final condition.

7.11.4 There are a number of issues where the available evidence suggests that it would be inappropriate at this stage to reserve specifically the use of the site under WD3. No assessment has been made of the environmental impact of the traffic necessary to carry out the development. This could also be affected by whether the black shale on the site is suitable to construct containment cells, which it was acknowledged would be necessary in view of the probable importation of construction and demolition waste. Although the number of dwellings near the site is not large, there is a potential environmental impact both from traffic and on-site activity on those dwellings which are very close to the land. The problems of concurrent extraction and landfill are illustrated by the Council's evidence that the noise broadcast for the existing quarry operation is just within the acceptable maximum limit to prevent nuisance. In addition there is no information on how groundwater pollution might be avoided. Whereas the objector seeks to draw general support from the observations of the waste regulation authority on the application to determine planning conditions for the mining operations, the comment that a waste disposal licence could be issued is offset by the stated need to demonstrate that safeguards can be incorporated to prevent pollution and danger to public health. Overall I am not satisfied that there can be the necessary confidence that waste disposal could be carried out in an environmentally acceptable manner which would justify specific safeguarding under policy WD3.

**Recommendation**

7.11.5 No modification.

\*\*\*\*\*

## **7.12 POLICY WD3 SPA GREEN QUARRY, FENAY BRIDGE**

Objections: 2455 Elliotts Bricks Ltd

### **Issues**

7.12.1 Whether land at Spa Green Quarry should be allocated under policy WD3 and, if so, what boundary should be chosen.

### **Conclusions**

7.12.2 The objection applies to a defined part of the land where mineral workings have occurred adjoining the objector's brickworks. The terms of the most recent permission for the quarry as a whole (82/62/4996/C4) provided that mineral extraction should terminate at the end of August 1993, with a further three years for restoration. An application has been made to extend the life of the permission.

7.12.3 The details of restoration required under the planning permission necessitate the infill of one of the five restoration areas, area 5 on drawing 4.83/5. The Council acknowledge that this will require the importation of waste and published a proposed change adding WD3xv, Spa Green Quarry (East), which was intended to coincide with area 5. The objector supports this but the Council also accept that there is an error in draughting and that the area allocated on the proposals map should coincide with area 5. This would be a sensible boundary and would subsume the area defined in the objection.

### **Recommendations**

- 7.12.4
- i. modify the plan in accordance with the proposed changes [CD113] to include Spa Green Quarry (East), Huddersfield within policy WD3;
  - ii. modify the proposals map so that the area allocated under WD3 coincides with area 5 on plan 4.83/5 forming part of planning permission 82/62/4996/C4 rather than that shown in plan 7.3, CD113.

\*\*\*\*\*

## **7.13 POLICY WD3 TAYLOR HALL LANE, MIRFIELD**

Objections: 2985 Mr R Craggs

### **Issue**

7.13.1 Whether a future use for public open space or housing should be identified.

### **Conclusions**

7.13.2 The objector supports the reclamation of this former quarry by landfill, as safeguarded in the policy. The plan does not identify a future use for the sites within this policy and this approach is also appropriate here, bearing in mind that reclamation is the priority and that development is only likely to occur in the longer term.

**Recommendation**

7.13.3 No modification.

\*\*\*\*\*

## CHAPTER 8 - TRANSPORT

### 8.1 INTRODUCTION

8.1.1 The plan was prepared prior to the issue of PPG13 in March 1994. The Council considers that the plan accords with the main principles, but acknowledges that it does not take full account of the provisions of PPG13. The plan also draws on the Integrated Transport Study (ITS), published in August 1993, which did not include as key aims reducing the growth in traffic and reliance on the private car, which are now important elements of national guidance. Given the rapidly evolving state of thinking on transport issues, the ITS did not have the benefit of more recent guidance, such as the DoT HETA Division Guidance Note 1/95 on Induced Traffic. Of necessity I limit my recommendations to those arising from consideration of the objections made. Whilst the arguments for radical revision permeating, in particular, objection 0689 enable many of the points arising from the new PPG13 to be explored, it nevertheless remains difficult to draw together the full thrust of the guidance and the impact of changing information on transport trends simply by making amendments on a policy by policy basis. The Council may find it helpful, taking into account the recommendations I make, to undertake a more general review of the chapter to ensure that the strategy is fully consistent with the latest guidance and is clearly expressed in that context.

### 8.2 POLICY T1 *TRANSPORT STRATEGY*

Objections: 0689 Kirklees Green Parties  
1890 Holme Valley North Lib Dems

0690 Mid Yorkshire Chamber of Commerce  
7006 Holme Valley Parish Council

#### Issues

8.2.1 [1890] and [7006] are listed under Chapter 8. Both relate to the role of highway infrastructure in responding to traffic generation, a matter relevant to the strategy adopted in policy T1, and are fully covered in this section. The issues raised are whether the policy:

- i. should make specific reference to improving road infrastructure to meet the requirements of industry and commerce and to meet increases in traffic, in particular in the Holme Valley;
- ii. should include a commitment to traffic reduction and set a target for this;
- iii. is unclear and should be reworded to give priority to satisfying travel needs through "an effectively integrated system of public transport".

#### Conclusions

8.2.2 PPG13 advises that forecast levels of traffic growth cannot be met in full, that new road building or upgrading of highways will in some cases be environmentally unacceptable and that there are good reasons to place more weight on policies to manage demand. The ITS, having considered the topography and settlement pattern in Kirklees, concludes that new roads are unlikely to be built without severe environmental impact. Whilst not eschewing all highway improvements it recommends a strategy to address projected problems of congestion in part by making better use of existing infrastructure. This will involve shifts

in the modes of travel to those efficient in the use of capacity, such as public transport. The plan reflects the ITS. Given the resources likely to be available and considerations of environmental impact, greater emphasis on improving road infrastructure would be unrealistic and inconsistent with the approach advocated in national guidance.

8.2.3 A high proportion of traffic connected with industry and commerce is by road, so highway congestion affects the operation of this sector. Nevertheless, it does not follow that the requirements of industry and commerce are necessarily most effectively met by road infrastructure improvements. The correlation between increased road capacity and traffic growth requires consideration also of other measures to control congestion and maintain the effectiveness of the transport system. [0690] is concerned that consideration of economic issues has been excluded from the ITS and plan. I do not find this to be the case. The ITS cites a danger that if an integrated strategy is not implemented "the regeneration of the local economy will be prejudiced". Its evaluation framework includes measures of the ease of moving goods within and to and from the district and of accessibility to employment and assesses HGVs as an impact group. Businesses are a section of the community and travel needs encompass transport of goods as well as people. Thus, policy T1 is sufficient to address the requirements of industry and commerce and the general form of its wording is appropriate to a Part I policy.

8.2.4 Much of the road network in the Holme Valley is narrow and tortuous. Given the topography and character of the area, any significant alteration to the network would have a severe environmental impact. The plan broadly reflects the existing pattern of development in its distribution of sites for housing and for business and industry, with additional direction of the latter to locations closer to the M62 in the northern part of the district. As a result substantial development, relative to overall plan provision, is not focused on the Holme Valley. The plan includes a green route into Holmfirth consistent with the strategy of encouraging moves to alternative modes of transport. A new policy of highway development in the Holme Valley or specific mention of the area in policy T1 is neither desirable nor justified.

8.2.5 On issue ii, the lack of a commitment and target for traffic reduction is not inconsistent with the Council's support for the Road Traffic Reduction Bill. In its initial form this sought stabilisation of traffic at 1990 levels by 2000 and reductions thereafter, but envisaged action at national as well as local level. In contrast the plan is able to influence action with regard to land use only within Kirklees, where without specific action a 30% increase in traffic is projected by 2012. No national target for traffic reduction has been set. An aim of PPG13 is to reduce growth in the length and number of motorised journeys, rather than to achieve a reduction in absolute terms. The Road Traffic Reduction Act 1997 is to be brought into force by statutory instrument and will require local traffic authorities, when directed by the SoS, to specify targets for a reduction either in traffic or in the rate of growth or to indicate why it is inappropriate to do so. A report is to be made independent of the development plan process. Bearing in mind the uncertainty concerning the timing and effect of implementing the new legislation and as there is no evidence to show that, given the powers presently available to the Council, the suggested target of a 30% reduction in traffic levels by 2005 in Kirklees is achievable, it would be neither realistic nor effective to include such a commitment in the plan.

8.2.6 One benefit cited of setting a target is to provide a goal against which progress could be monitored. Whilst it would not be appropriate to adopt a target of traffic reduction, monitoring changes in the use of the transport network as well as changes in the network itself is important. The Council agree this can be done and a minor modification to Chapter 16 is recommended.

8.2.7 On issue iii, as the objector [0689] accepts, private transport will continue to be an element in meeting travel needs. The wording suggested for T1(i), which refers only to an integrated public transport system, would fail to encompass the role of private transport and is not appropriate. Nevertheless, some rewording is necessary. In addition to the grammatical uncertainty created by multiple references to "priority", the policy fails to refer to the aim of encouraging a modal shift away from car usage, which the Council confirms is now intended to be an integral part of the strategy. This would not be redressed by the amendment suggested in KB/T1/2. Also, the Council explained, during the inquiry, that the third element of the policy is intended to refer to locations served by the existing highway network not requiring new links and this is not clear from the present wording.

8.2.8 Minor alterations, with the aim of ensuring that the policy sets out the Council's transport strategy without ambiguity, were canvassed at the inquiry. The Council has not commented on these alterations. The objector [0689] gives a measure of support and suggests a further addition. Whilst this reflects in part advice in section 3 of PPG13, it is an oversimplification. Sites close to existing centres and services are not unlimited and the overall strategy is likely to be best served by directing development attracting or generating higher levels of trips to such sites, with less travel-intensive uses located elsewhere. It would not therefore be appropriate for policy T1 to direct all development to locations close to existing centres and services.

## Recommendations

- 8.2.9
- i. modify the last line of paragraph 16.3 to read "changes in the transport network and its usage";
  - ii. modify policy T1 to read:

**PRIORITY WILL BE GIVEN TO:**

- i SATISFYING THE NEEDS OF ALL SECTIONS OF THE COMMUNITY THROUGH AN EFFECTIVELY INTEGRATED TRANSPORT SYSTEM WITH EMPHASIS ON IMPROVING PUBLIC TRANSPORT AND ENCOURAGING A MODAL SHIFT AWAY FROM TRAVEL BY PRIVATE CAR;
- ii PROMOTING A TRANSPORT NETWORK ON WHICH IT IS SAFE TO TRAVEL AND WHICH CAUSES MINIMAL DISTURBANCE THROUGH DANGER, NOISE AND AIR POLLUTION; AND
- iii COORDINATING LAND USE CHANGE WITH TRANSPORT PROVISION SO AS TO MINIMISE THE NEED TO TRAVEL AND LOCATING NEW DEVELOPMENT WHERE IT CAN BEST BE SERVED BY PUBLIC TRANSPORT AND WHERE IT MINIMISES THE NEED FOR EXPANSION OF THE HIGHWAY NETWORK.

\*\*\*\*\*

## 8.3 POLICY T2 HIGHWAY IMPROVEMENTS

Objections:

0652 British Horse Society  
0689 Kirklees Green Parties

0671 Kirklees Bridleways Group

### Issues

8.3.1 These are whether :

- i. subparagraph i should include emphasis on pedestrians and cyclists;
- ii. subparagraph ii should be deleted, as meeting the requirements of industry and business is not in keeping with an integrated transport strategy;
- iii. subparagraph iii should be amended to "improving road safety for all road users including cyclists and horse riders";
- iv. subparagraphs iii and iv should indicate that safety and environmental conditions will be improved by reducing traffic throughout the district.

### Conclusions

8.3.2 The Council is concerned that including emphasis on pedestrians and cyclists would detract from the importance of assisting public transport and be inconsistent with the strategy in policy T1. As discussed at IR 8.2.7, the strategy includes encouraging a modal shift away from the private car. The recommended modification will make this explicit in policy T1. Whilst for longer journeys especially public transport is the most relevant alternative, the role of walking and cycling in providing choice for shorter trips should not be overlooked. DoT Local Authority C2/95 highlights the importance of cycling as an alternative to motorised transport and the increased prominence for cycling expected in transport packages. As PPG13 stresses, a high proportion of all journeys is very short. There is therefore scope for highway improvements directed to assisting walking and cycling to have a not insignificant effect. Rather than detracting from the importance of assisting public transport, improvements which assist walking can also be supportive of that mode. Without safe and convenient access on foot to reach public transport or to travel on from it to final destinations potential users of bus and rail may be discouraged. Reference to pedestrians and cyclists would be desirable and consistent with the overall strategy.

8.3.3 In pursuing objection [0689], an alternative policy used by York City Council is suggested. Whilst the suggested policy hierarchy is cited as an example in "PPG13 A Guide to Better Practice", these case studies are intended to illustrate points, not be prescriptive. The transport characteristics in York are not directly comparable to the Kirklees situation and it would be inappropriate to attempt to transpose part of an overall transport strategy to another area. [0689] also queries the meaning of the words "worst problems of personal accessibility" in subparagraph i of policy T2. The preceding text in the plan highlights the large proportion of the population who do not have priority use of a car and the corresponding importance of public transport to their accessibility. In contrast the following section headed "Accessibility" cites the most serious problems as those concerned with access to the motorway from some urban areas. Thus, the text holds out conflicting concepts of what may be meant by "problems of personal accessibility", making the plan unclear and ambiguous. Revision to overcome this lack of clarity is necessary and is considered at IR 8.4 in the context of the objection to policy T3.

8.3.4 Turning to issue ii, an integrated strategy does not mean that resources should not be directed to meet particular identified problems. It is clear from the consideration of objections relating to the business and industry chapter that existing firms and the attraction of new firms in older industrial areas are affected by access difficulties. The topography and industrial history of the district has left many industrial areas served by networks that are not suitable to the modes of transport now used. The Council seeks to resist the unrestricted push of new industry to more easily accessible peripheral greenfield sites close to the motorways and to foster regeneration of the older industrial areas. The approach is supported, but should not be pursued without the access implications being addressed. The inclusion of the requirements of business and industry in policy T2ii is appropriate.

8.3.5 With regard to issue iii, [0652] and [0671] are concerned that unless specific groups are mentioned their needs will be ignored and highway safety viewed solely in terms of vehicle safety. Accident figures are to be used in identifying schemes, so the safety of any users involved in accidents, not just vehicles, will be introduced into the equation. A danger of referring to safety for two particular groups of highway users is of omitting other groups who are vulnerable or require special consideration. Groups which come immediately to my mind are children, blind or partially-sighted pedestrians and wheelchair users and there will be more. The introduction of the words "for all users" would be preferable. The Council sees no disadvantage in this and agrees that there could be a benefit in showing there is no intention to discriminate against non-motorised users of the highway.

8.3.6 There is no evidence that the prospect of radically reducing traffic in the plan period is realistic. It would be irresponsible to rely on this happening and to ignore pressing safety or environmental concerns which can be improved by highway measures. The objector [0689] is concerned that highway improvements will mean by-passes, but improvements can include a variety of measures, such as altered priorities, new crossings, traffic calming and improved visibility at junctions. The wording in the preceding text that "it may even be necessary to consider" by-pass schemes does not have the ring of turning to these as a first resort. The policy does not predetermine the nature of the improvements, but allows proper consideration of various measures.

## Recommendations

8.3.7 Modify the plan as follows:

- i. add ",PEDESTRIANS AND CYCLISTS" after "TRANSPORT" in subparagraph i of policy T2;
- ii. add "FOR ALL USERS" after "SAFETY" in subparagraph iii of policy T2.

\*\*\*\*\*

## 8.4 POLICY T3 *PRIORITY FOR TACKLING ACCESSIBILITY PROBLEMS*

Objections: 0689 Kirklees Green Parties

### Issue

8.4.1 Whether the policy should be deleted on the basis that it would divert resources away from improvements in public transport accessibility.

## Conclusions

8.4.2 Policy T3 is in the first of 4 sections, headed respectively to correspond with the 4 elements set out in policy T2 to which highway improvements will be directed. In determining priorities for improving personal accessibility relevant aims of the plan include encouraging a more energy efficient and less polluting pattern of travel and taking account of the needs of those who are disadvantaged in their ability to avail themselves of facilities. As paragraph 8.12 of the plan states, a high proportion of the population does not have priority use of a car, so a high level of accessibility by public transport is essential if a significant sector of the community is not to be disadvantaged. Policy T3 and the related text at paragraph 8.18 do not give guidance on how problems of personal accessibility in these terms are to be assessed and prioritised. The policy concentrates almost exclusively on links to the motorway network. Whilst sections of these routes may co-incidently overlap with areas experiencing accessibility problems in terms of public transport operation, the definition of problem areas in the context of motorway access primarily addresses private car use rather than alternative modes. The policy wholly fails to follow an approach consistent with the aims of the plan and would dissipate resources away from measures to improve public transport.

8.4.3 With regard to whether the policy should therefore be deleted, the Council response indicates that it is intended to provide guidance also on accessibility for business and industry. This is not apparent in the plan. The policy is not within the section headed "Meeting the Needs of Business" and any reasonable interpretation would be that it stemmed from policy T2i alone. I nevertheless consider the policy in the context of the requirements of business and industry.

8.4.4 Accessibility for customers or employees should be covered by consideration of personal accessibility, but guidance addressed to the movement of goods is needed. Bearing in mind strategy in the plan to strengthen and broaden the economic base, to secure re-use of land and buildings and benefit the economically deprived parts of the district, reasonable priorities for improving accessibility for freight would be where difficulties are holding back the regeneration of older industrial areas or handicapping the operation of existing firms or where improvements will enhance attraction for inward investment. Policy T3 lacks focus in giving guidance in these terms. Not all the routes identified would be of assistance or merit priority. For instance at subparagraph i, Huddersfield is too wide a definition to highlight those parts of the urban area where firms have local access difficulties and the route to the M1 is too remote to aid business and industry by increasing motorway accessibility in the terms discussed at IR L1.1. CD40 indicates that the locations specified for priority were identified through the ITS and in earlier local plans, but no specific reference to the routes included in policy T3 is to be found in the ITS Final Report and Technical Appendices. The area specific local plan policy cited in the Council's response, HD/TN9, relates to the environmental problems of HGVs travelling through sensitive areas, rather than directly to accessibility problems. Thus, information supporting the areas identified is lacking.

8.4.5 I conclude that policy T3 should be deleted, but that as identification of accessibility problems by location can provide valuable detail, replacement guidance would be desirable. This should be focused and justified and take account of the special emphasis in policy T2i on improvements which assist public transport. The guidance would be clearer and more helpful if it were addressed separately to personal accessibility and to the

requirements of business and industry. The areas where action is needed, the problems to be overcome and the nature of potential solutions can be very different for movement of freight from those for movement of people. To attempt to combine the guidance on these two elements reduces clarity and undesirably clouds the fact that the two may at times be in conflict.

## Recommendations

8.4.6 Modify the plan as follows:

- i. delete policy T3;
- ii. revise paragraph 8.18 and substitute a new policy setting out priorities for personal accessibility, to give guidance to assist interpretation of policy T2i, consistent with the transport strategy;
- iii. revise paragraph 8.20 and substitute a new policy setting out priorities for access requirements of business and industry, based on the identification of where accessibility difficulties are holding back the regeneration of older industrial areas or handicapping the operation of existing firms or where improvements will enhance attraction for inward investment.

\*\*\*\*\*

## 8.5 POLICY T5 TRAFFIC CALMING

Objections: 1936 W S Burns  
2241 Ms C Burns

1937 D Burns  
2581 Mrs R M Burns

### Issue

8.5.1 Whether Upper Batley Low Lane and Windmill Lane should be included as a traffic calming zone.

### Conclusions

8.5.2 The objectors identify conflict between pedestrian and equestrian users and motorised traffic at Upper Batley Low Lane, which is essentially a small rural road acting as a district distributor, and Windmill Lane, which serves housing and schools. The combination of poor alignment and only a narrow footpath on Upper Batley Low Lane with use by heavy traffic and traffic speeds above the 30 mph limit could create safety and environmental problems for users. Nevertheless, it is neither necessary or desirable to specify these roads as a traffic calming zone in policy T5 for the following reasons.

8.5.3 Safety problems are addressed not through policy T5, which indicates that traffic calming measures will be introduced to alleviate the worst environmental effects of through traffic and HGVs, but by policy T4. This identifies criteria by which measures to improve road safety will be directed and does not identify particular areas for action. With respect to environmental problems, there is no evidence that these two roads warrant as high a priority as the broad zones identified in policy T5. Adding areas with lower priority to the policy would dissipate the resources likely to be available, reducing the effectiveness of the measures. The inclusion of individual streets would make the policy overly detailed and be inappropriate for traffic calming of the comprehensive nature intended in the plan, due to the

need to consider the effect on other routes. Although the policy specifies two broad zones where priority will be given to the introduction of traffic calming, it does not rule out measures elsewhere as resources allow. Thus, it is not essential for Upper Batley Low Lane and Windmill Lane to be identified in policy T5 for the problems cited to be investigated and measures as appropriate to be taken. This is illustrated by the fact that both roads are mentioned in the Birstall Transportation Study of August 1995, indicating that the use of these routes and its effects are being investigated.

## Recommendation

8.5.4 No modification.

\*\*\*\*\*

## 8.6 POLICY T6 AND PARAGRAPH 8.25 *THE STRATEGIC HIGHWAY NETWORK*

Objections: 7000 The Highways Agency

### Issue

8.6.1 Whether the text and policy adequately identify and describe the trunk road network, its importance and the role of the DoT.

### Conclusions

8.6.2 The objection would be met in part by the proposed change to paragraph 8.25 to explain the category of highway for which the SoS for Transport is the Highway Authority. The benefit of the proposed change will be reduced if there is no means in the plan of identifying which highways fall within the category referred to. Identification by asterisk and footnote of the relevant highways will not be unduly complicated nor difficult to understand. Drighlington By-Pass is no longer in the district, so only three highways are affected. The objector's suggestion of splitting Category 2ii will enable one footnote to suffice.

### Recommendations

- 8.6.3 Modify the plan as follows:
- i. amend paragraph 8.25 in accordance with the proposed change as set out in CD113;
  - ii. amend Category 2ii in policy T6 to read "A58 (HALIFAX) - M62 JUNCTION 26";
  - iii. insert a new Category 2iii in policy T6 to read "A58 M62 - (LEEDS)" and renumber following highways accordingly;
  - iv. identify by asterisk and footnote Category 1i, Category 2i and Category 2ii in policy T6 as "Department of Transport Highway".

\*\*\*\*\*

## 8.7 PARAGRAPH 8.26 HIGHWAY SCHEMES

Objections: 0690 Mid Yorkshire Chamber of Commerce

7000 The Highways Agency

### Issues

- 8.7.1
- i. whether the text accurately reflects the position on M62 widening and the M62/M606 link;
  - ii. should the text, having noted the abandonment of the M1/M62 link, acknowledge that the Government has stated some other form of link would be considered.

### Conclusions

8.7.2 Regarding the accuracy of the text, [7000] is met by the proposed change. Concerning the abandonment of the M1/M62 link, the objector [0690] accepts that any alternative to the link contemplated at national level was in the form of widening the existing motorway rather than a link across Kirklees. Subject to the proposed change, the text explains the latest situation on motorway widening. As the paragraph is intended simply to provide factual background information on DoT schemes, further modification is unnecessary and would not be appropriate.

### Recommendation

- 8.7.3 Modify paragraph 8.26 in accordance with the proposed change set out in CD113.

\*\*\*\*\*

## 8.8 POLICY T8 MAJOR HIGHWAY SCHEMES

Objections: 0689 Kirklees Green Parties  
0753 Holme Valley Civic Society  
7006 Holme Valley Parish Council

0738 Mid Yorkshire Chamber of Commerce  
1778 Coats Viyella

### Issues

- 8.8.1 These are whether:
- i. schemes i), iv), v), vi), vii), and ix) should be deleted;
  - ii. scheme viii) should be deleted or amended from a relief road to a by-pass;
  - iii. schemes should be added for the following:
    - a) an alternative link across north Kirklees following the abandonment of the M1/M62 link road;
    - b) upgrading of the A616 from Honley to Flouch;
    - c) improvement to Upperthong Lane, Holmfirth;
    - d) improvement to Thornhill Road, Dewsbury.

### Conclusions

8.8.2 As PPG12 advises, the inclusion of road schemes in the plan enables both the need for the scheme and the line of the route to be assessed. [0689] is primarily an objection relating to the need for the schemes, rather than the line, on the basis that in principle new

road construction and widening of major routes caters for continued growth in traffic rather than aiding a reduction.

8.8.3 As recognised in the HETA Division Guidance Note 1/95, increased road capacity can release suppressed journeys and stimulate new journeys. To the extent that induced traffic can be a factor, the concern in [0689] that road building and widening is capable of undermining the national aim to reduce growth in motorised journeys is valid. However, what is proposed in the plan is not a widespread building programme with the aim of meeting forecast levels of traffic growth. The schemes are intended to meet one or more of the purposes set out in policy T2. If when assessed in that context a need for the scheme is found then the fact that it may as a corollary include an increase in road capacity is not a reason to conclude that it is necessarily contrary to national guidance.

8.8.4 [0689] also express the view that the schemes should not proceed without thorough investigation and environmental assessment of alternatives. In general it is not possible for me to comment on alternatives since, for most of the schemes, none have been advanced in the objections. Environmental considerations should be part of the plan process, but it is at the time of any planning application that the formal EIA should be considered. In the absence of evidence at the level of detail appropriate to an EIA, in considering objections concerning the environmental impact of the schemes I address the matter only in broad terms.

#### **Scheme i) - A62 Gelderd Road, Batley**

8.8.5 Gelderd Road provides a link to the M62, in particular for existing industrial and commercial areas at Birstall Smithies and at Centre 27, and carries a high volume of HGVs. Ample evidence is given in connection with objections concerning individual sites in the Batley and Birstall area, of severe congestion problems at Gelderd Road. At the Business and Industry RTS the adverse effect of this on industrial users in the area was drawn out. The Birstall Transportation Study of August 1995 cites, as examples of the impact of this congestion, occasions when standing traffic on the M62 has occurred, temporary road closures by the police, perceived displacement of non-local traffic onto the unsuitable surrounding residential and town centre road network and concern by the emergency services at increased response times. Events, such as the well publicised opening of a major store at Centre 27, must be recognised as exceptional occurrences. Nevertheless, the ongoing situation is such that, in terms of serving business and industry and improving safety and environmental conditions, alterations at Gelderd Road would be beneficial.

8.8.6 The scheme described in the plan involves carriageway widening to provide a third crawler lane and right turning arrangements along the section of the A62 south of Pheasant Drive to a point 200m north of the A643 junction. For the section of the A62 north of Pheasant Drive to Spring Ram roundabout a dual carriageway is proposed, but is intended to be a later phase undertaken only as necessary in conjunction with further development. The report of 7 October 1993 to the Council's Highways and Transportation Committee (LCD59) confirms that this later phase is not currently necessary, that it may be required in connection with future development and that the Council are not committed to undertaking it, so that it will be reliant on funding from developers. In these circumstances, the inclusion of the later phase in policy T8 is inconsistent with the approach taken by the Council with regard to improvements at Thornhill Road, Dewsbury and the statement in KB/T8/6 that

schemes included in policy T8 are ones which the Council is committed to implementing through its own endeavour. To avoid this undesirable inconsistency the later phase should be removed from policy T8 and an improvement line for it protected through policy T9.

8.8.7 With regard to the section south of Pheasant Drive, more detailed information given in LCD59 and CD128 shows pedestrian refuges, bus laybys and a new footway between Nab Lane and Greenacres Drive. The scheme is not excessive in the context of the purposes to be served and encompasses assistance to HGV movement for existing firms, bus operation and pedestrian movement, consistent with policy T2.

#### **Scheme iv) - Field Lane Link, Batley**

8.8.8 The plan indicates that the scheme is to make junction improvements at Bradford Road and Hick Lane, particularly for pedestrians, and to reduce traffic levels on Hick Lane. The Council's response expands the purposes to include reducing traffic levels on Station Road, improving bus flows, assisting the enhancement of the Station Road Conservation Area and improving access to Hickwell and New Ing Mills as part of the Batley Mills economic strategy. The objector does not dispute the desirability of removing through traffic from Batley town centre, improving bus flows and pedestrian safety.

8.8.9 Field Lane serves an area close to Batley town centre containing a number of commercial and industrial premises, which generate HGV movements, and substantial vacant mill premises in need of regeneration. The geometry of the existing road network creates access difficulties, particularly for commercial vehicles. Traffic from Field Lane to the A652 has to negotiate a sharp bend and exit onto the A652 is impeded by the proximity to the light controlled Grange Road junction and queuing traffic. HGVs turning left from the A652 into Bar Street to reach Field Lane have to cross out of the correct carriageway. The junction of Field Lane with Wellington Street and Victoria Avenue gives confused priorities and the geometry precludes certain turning manoeuvres by HGVs. It is evident that, given these difficulties, significant traffic diverts onto an alternative route to the A652 via Hick Lane. Both Hick Lane and its junction with the A652 are in the Station Road Conservation Area and form the main route for pedestrians between the station and the town centre. The opportunity to improve conditions for pedestrians and to enhance the Conservation Area is hindered by the amount of traffic using Hick Lane. This situation warrants improvement.

8.8.10 The scheme would move the junction of Wellington Street with Field Lane away from the difficult Victoria Avenue junction and realign the road to remove the acute bend. As illustrated in LCD59, it would allow removal of through traffic from Hick Lane, alteration of signalling priorities at the junction with Station Road and linked signal control with the Grange Road junction. In addition to aiding the operation of existing businesses, the scheme would have environmental and safety benefits and be at a reasonable scale for the purposes to be served.

#### **Scheme v) - A62 Ring Road, Huddersfield Town Centre, Phases 4,5 & 6**

8.8.11 This scheme is also specified in policy TC29. The situation described in the Council's response and explained in the TPP shows a change from the plan, in that Phase 6 is now separately evaluated as a free-standing scheme of bus priority and corridor improvements on the A629 Wakefield Road.

8.8.12 For Phases 4 and 5, the scheme is to improve pedestrian facilities and increase capacity. It forms part of a package for central Huddersfield in the TPP, which includes town centre traffic management, environmental improvements and rail and bus passenger facilities. Earlier phases of improvements to the Ring Road have been completed, including as Phase 1 the partial revision of a junction which also forms part of Phase 4. The ring road tightly encircles the town centre. High traffic flows and the width of road with inadequate crossing facilities act as a barrier to pedestrian movement to and from the main central area. In addition to inconvenience created to pedestrians and the reduced attractiveness of walking to the town centre, there are high levels of pedestrian accidents on part of the ring road. The high level of congestion on the ring road leads to vehicles travelling through the centre, particularly at peak times. This thwarts an aim of the Huddersfield Challenge put forward in the SRB bid to improve the town centre and attract a greater level of use.

8.8.13 The scheme, in that it would allow removal of traffic from the centre and improvement of pedestrian crossing facilities, would bring benefits in terms of environmental conditions and road safety. It does go further than simply providing increased capacity to cater for traffic displaced from the centre. As the TPP submission makes clear, the junction improvements will also provide increased capacity to reduce the current level of congestion. There is no evidence to show that the relief of the town centre from traffic could be achieved with a reduced scheme of alterations. Various bus routes use the ring road so one effect of easing the congestion is to assist their operation. It is not a radial route into a centre and there is no evidence to show that the increased capacity would have a significant effect in encouraging more traffic. In effect the scheme is dealing with the results of traffic brought in by radial routes to a congested area rather than adding to the ability of traffic to reach that congested area.

8.8.14 In places the carriageway would be brought closer to residential properties. The environmental impact could be mitigated by noise insulation and is not demonstrated to be so severe as to override the benefits of the scheme.

8.8.15 With regard to the A629 Wakefield Road improvements, a bus priority scheme has recently been implemented from Waterloo to Moldgreen. The scheme described in the TPP would continue this on to the junction with the ring road. From observations of this route it is clear that buses presently suffer delays. As many bus routes terminate in the town centre, it would be inconsistent to aid bus operation partly along a radial route, but not to continue measures as far as the ring road. The scheme is more comprehensive than the measures already carried out and includes carriageway widening. This is to allow an inbound 24 hour bus-only lane to be introduced and the scheme does not show the addition of an extra lane for general traffic which could affect the underlying concern of [0689]. As Phase 6 is now separate from Phases 4 and 5 and has a different emphasis, the description in the plan will need to be revised accordingly.

#### **Scheme vi) - A62 Leeds Road, Huddersfield**

8.8.16 The scheme covers the length of the A62 from Hillhouse Lane to Cooper Bridge roundabout. The plan describes it as being required to reduce delays, improve safety and assist HGV turning movements to industrial premises. No preferred solution is given, but one option noted for consideration is a realignment to carry through traffic away from the established industrial area. This description is not reflected in an area of search for such

realignment on the proposals map and gives a high degree of uncertainty as to what is proposed.

8.8.17 Although some frontage housing remains, this section of the A62 is a primarily industrial corridor for which the road provides a route to the M62. It also forms one of the main radial routes into Huddersfield town centre, carrying traffic feeding in from residential areas to the north and north-east. For residential areas, such as Deighton and Dalton, it also serves as a route to Leeds, so that commuter use of the road occurs in both directions. Given the complex usage of the road a by-pass to take through traffic away from the industrial area, as implied in the plan, would have repercussions not just on industrial access but also for ease of commuting along a radial route. PPG13 advises against the building of local roads simply to facilitate commuting by car into congested urban centres. Whilst the uncertainty of the scheme proposed in the plan precludes proper assessment, such a by-pass scheme would be unlikely to be compatible with plan aims and national guidance. The inclusion of the scheme as set out in the plan and to which the objection relates is not recommended.

8.8.18 During the course of responding to the objection, the Council provided more up to date information. The options of major widening or a by-pass have been reassessed and are now considered by the Council to be inappropriate. A decision with which, for the above reasons as well as due to the environmental impact of the necessary demolition, I concur. A scheme consisting of bus priority measures and junction improvements, mainly through the introduction of traffic signals, is proposed. The TPP provides the information that traffic signals at Bradley Mills Road and the new Retail Park have been installed and had success in reducing delay considerably for all road users. Thus, there is evidence to support the view that the revised scheme will benefit the operation of business and industry through improving accessibility to existing industrial premises on Leeds Road. Bus priority measures will be consistent with the inclusion of Leeds Road as a green route under policy T12 and with the aim of improving personal accessibility especially with regard to public transport. In the context of policy T2, there is justification for the revised scheme and modifications should be made to the plan to accurately reflect the Council's present position.

#### **Scheme vii) - A62 Manchester Road, Longroyd Bridge, Huddersfield**

8.8.19 The plan describes the scheme as carriageway widening and junction improvements to improve safety and capacity into Huddersfield town centre. Considering the safety element first, the situation at Longroyd Bridge is of three busy junctions in close proximity, those with St Thomas Road and Longroyd Lane being light controlled and complex with right turn lanes. None of the junctions has pedestrian crossing facilities and the sharp left turn from Manchester Road into Longroyd Lane makes the manoeuvre difficult, especially for larger vehicles such as buses, without conflict with emerging traffic. There is no dispute between the Council and the objector [0689] that there is a history of accidents and that safety is an issue which needs to be addressed. The objector considers that safety measures, such as lower speed limits; along Manchester Road as whole would be a preferable alternative. Additional measures, as necessary, elsewhere along the road are not a substitute for nor incompatible with improvements at this identified hazard. To the extent that the scheme allows the geometry of the turn into Longroyd Lane to be improved and pedestrian refuges and signalling phases to be introduced, it gives safety benefits. However, there is no evidence that carriageway widening along Manchester Road is required on safety grounds.

8.8.20 On the question of capacity, as with the A62 Leeds Road, this is a main radial route into Huddersfield Town Centre where advice in PPG13 against the building of local roads simply to facilitate commuting by car into congested urban centres is relevant. Bearing in mind capacity problems on the ring road and the intention to remove non-essential traffic from the town centre, alterations primarily to increase capacity on Manchester Road would be incompatible with plan aims and national guidance. That element of the scheme is not justified.

8.8.21 In the course of responding to the objection the Council clarified that, while there may be an increase in capacity, it is more likely that the scheme would be used for bus route improvements. Both Manchester Road and Longroyd Lane are identified as green routes to which policy T12 applies. Alterations essential for the implementation of that policy would be consistent with plan aims and national guidance to promote modes of transport alternative to the private car. In KB/T8/1 and KB/T8/7, the Council further clarifies that the scheme is now linked to the Manchester Road bus priority measures and will need to be reassessed to ensure it is compatible with these. Although the Council argues that the scheme has not changed from the plan, it is therefore clear that one of its stated purposes has altered radically. Reassessment in relation to bus priority proposals has not yet started. Until this is done, it is not possible to know to what extent the form of the scheme will alter from that described in the plan and illustrated in LCD59, although given the configuration at the Longroyd Lane junction some realignment may feature to assist bus turning movements, as well as for safety reasons.

8.8.22 In summary, I do not consider the full scheme as described in the plan should be included. Elements of it to improve safety are reasonable and, as works to alter the geometry of the Longroyd Lane junction would bring any scheme into the major category, require inclusion under policy T8. Further alterations as part of bus priority measures may well be justified, but this cannot be certain until reassessment of the scheme against its present purposes has been undertaken. On the basis of the information before me, I am not therefore able to make a recommendation regarding further modification of the scheme and its description in the plan to include elements for bus priority purposes.

#### **Scheme viii) - Holmfirth Relief Road**

8.8.23 The scheme is described as a new direct link between the A635 and the A6024 as an alternative to Bridge Lane. Its purpose is to improve safety and reduce environmental problems in the shopping area with specific reference to Victoria Street. As the plan indicates, Bridge Lane is tortuous. Its alignment and gradient make egress onto the A635 unsafe and difficult. Holmfirth town centre is a focus for local people and tourists and there are high pedestrian flows in the centre. As I observed vehicular traffic in the centre creates a continuous impact, in terms of noise, fumes and visual presence, particularly along Victoria Street where queues form back from the traffic lights at the junction with the A6024. As there are places of interest to pedestrians on both sides of the street, inconvenience is caused for those seeking to cross the congested traffic area. Thus, in terms of improving safety and environmental conditions, there is a case for alterations to the traffic situation in and close to the town centre.

8.8.24 However, no accident figures are given nor figures of traffic flows using that junction, where the volume of movements did not appear high, so the extent of the safety

gain from the new link is not clear. Also, whilst the plan indicates that supplementary measures could be introduced to improve the shopping environment in Victoria Street, the scheme is not stated to be linked with pedestrianisation of that section of the town centre. A635 traffic along Towngate, an area heavily used by pedestrians, could be reduced, but this could be partly offset by traffic from the B6106 using Towngate and the new link rather than Victoria Street to reach the A635 west and the A6024. Data for traffic flows is not given. The extent to which the scheme would enable traffic to be removed from parts of the centre and its benefit in that respect are not clear. The strength of the case for alterations and the degree to which the scheme would bring benefits in safety and environmental conditions are not fully demonstrated. Against these benefits there is the impact of the scheme to consider.

8.8.25 The new road would cross the river in an area also used by pedestrians. There are pedestrian flows from the car park at Market Street to the town centre, using the pedestrian bridge over the river, and leisure use of a riverside rest created by the Community Trust in 1993 immediately at the point of the proposed crossing. There is also leisure use of gardens at the former burial ground and of the walkway along the river. Buildings presently shield this area from the noise of traffic on surrounding roads providing a relatively quiet enclave. The new road crossing would create an impact from vehicular traffic which would affect a stretch along the valley. Due to the change in levels from Huddersfield Road up to Station Road, the crossing would be on an elevated section. Even if a bridge could be designed so that in itself it was in keeping with the appearance of the conservation area, the noise and visual intrusion from the traffic would be exacerbated by this elevation. The potential environmental benefit in the town centre and gain in safety on Bridge Lane, would therefore be counterpoised by very serious environmental harm to an area close to the town centre used by many of the same people as in the centre. I am not satisfied that this scheme is justified.

8.8.26 The objector [7006] suggests a by-pass would be more appropriate and the objector [0753] suggests an alternative of a valley crossing further from the town centre, possibly from Berry Bank to Sands. The feasibility of neither proposal has been assessed. Evidence is not given to show that a sufficient proportion of traffic in the town centre is primarily through traffic, as opposed to that attracted to the town, to enable a by-pass beyond the town to be effective in addressing the localised problems. With regard to a valley crossing within the built up area but further from the centre, the Council's concern that traffic using Dunford Road could be unwilling to divert so far could be overcome by corollary measures of restrictions and traffic management on alternative roads, such as Bridge Lane. However, the area between Sands and Berry Bank is identified in the plan as valuable open space designated as UGS and steep changes in level still have to be negotiated there. The environmental impact would have to be carefully assessed and may well prove to be as problematic as with the proposed scheme. It would not be appropriate to substitute an untested and not clearly defined alternative for the scheme proposed in the plan.

8.8.27 Further investigation of the means to address safety and environmental problems in and near Holmfirth Town Centre is needed before any scheme is included in the plan.

#### **Scheme ix) - Flockton By-pass**

8.8.28 The A637, a primary road linking the A642 and the M1, passes through Flockton village. At one point within the village it is too narrow for 2 vehicles to pass and a priority system for west bound traffic operates with give way signing. There is also a stretch too

narrow for a HGV and another vehicle to pass and a priority system is signed. A weight restriction for east bound traffic was introduced to ease potential conflict in 1971. HGVs are prohibited from just south of the A642 at Grange Moor. An alternative east bound route is signed via the A642 and B6117 through Netherton to rejoin the A637 at Midgley. The scheme is to provide a new single carriageway road linking the A642 and A637 east of Flockton to remove non-essential traffic from the village.

8.8.29 During the inquiry, it became clear that the Council is in the process of reappraising the scheme, inherited from the former County Council, to reassess whether a by-pass is justified. Additional information supplied subsequently in KB/T8/8 and KB/T8/9 shows that officers have been asked to look again at the feasibility of a by-pass and that, as at July 1996, the appraisal was not complete. The Council's evidence in support of the scheme is subject to the outcome of this appraisal.

8.8.30 The Council indicates that a general assessment of the need for the scheme was undertaken in the ITS. The Final Report and Technical Appendices of the ITS show that what was carried out was not an individual assessment for the Flockton by-pass, but a test of Theme 9 which also included other local by-passes and relief roads. Following evaluation of ten themes, elements from these were drawn together into 3 strategies. The ITS does not give any reason why the Flockton by-pass, rather than any of the other schemes in Theme 9, is translated into a core element.

8.8.31 In the plan the scheme is stated to be important for road safety reasons. KB/T8/1 adds to this that it is also necessary to improve the residential environment and transport efficiency. With regard to transport efficiency, the Council does not give any explicit explanation of the problems perceived nor evidence to support a need for the scheme. KB/T8/1 refers to the HGV diversion of 4.5km and states that the road is one of the major routes from north Barnsley to the M62 and that the scheme is of increased importance since the abandonment of the M1-M62 link. This suggests that the need for the scheme in terms of transport efficiency is being advanced in the context of long distance through traffic and that the benefit is viewed in terms of reducing journey length. This is not supported by the general theme assessment in the ITS, which concludes that external accessibility is largely unchanged by Theme 9. A significant benefit to transport efficiency is not established.

8.8.32 At the inquiry the Council explained that the road is not high on the Kirklees list of safety problem areas. Whilst KB/T8/9 states that the accident rate is above the national average for this type of road on the basis of 3 year figures up to May 1996, KB/T8/8 states that accident records show it is no worse than the national average. This gives a degree of uncertainty on the severity of the safety issue. In the context of road safety the Council refers only to the two narrower sections of road within the village. At the moment, these are controlled by no more than give way signing and priority signing respectively. Thus, there is scope to reduce the potential for vehicle conflict by more formal control, such as traffic lights. The objector cites measures undertaken on through routes which affect settlements elsewhere in this country and on the continent. Whether they would be effective on this stretch of the A637 could not be determined without more detailed appraisal, but the evidence is that where implemented such measures have resulted in significant accident reduction, suggesting that a by-pass may not be only solution in safety terms.

8.8.33 The impact of the scheme on safety elsewhere should also be considered. Near Midgley, east of Flockton, the A637 crosses a narrow bridge with acute bends at either end. This lies to the west of where the alternative Netherton route joins the A637 and is within the stretch subject to a HGV restriction on east bound traffic. The proposed by-pass would rejoin the A637 west of the bridge and thus reintroduce two-way HGV traffic there. Without alterations conflict between HGVs would be likely to result. This area is outside Kirklees and information is not given on whether there is intended to be a complementary scheme for improvements.

8.8.34 With regard to environmental improvements, the present situation adds to HGV traffic through Netherton, which like Flockton is a mainly linear village with many residential properties affected along the main road. The scheme would remove the need for the HGV diversion, but no information is given on whether other HGV trips would be diverted from Netherton or on the scale of improvement anticipated.

8.8.35 The Council explains that a local group, "TRAFFIC", has been formed to press for measures to reduce traffic problems in Flockton. No representations were made by the group so information on the nature of the measures favoured is not available to me. However, the existence of the group supports the view that problems are caused for residents of Flockton by the traffic conditions. The objector does not dispute this, but suggests alternatives to a by-pass to mitigate the impact. The Council argues against the type of scheme suggested on the basis that traffic speed is not the problem in the major portion of Flockton. While schemes of the nature cited generally include an element of traffic speed reduction, since this directly affects both safety and the level of noise caused by traffic, their effect is not restricted to this element. Other suggestions such as improved arrangements for pedestrian priority, crossings and different road surfaces are included. Despite the lack of opportunity in Flockton to provide a footpath for much of the south side of the road, most properties do enjoy pedestrian facilities and the potential exists for improvements in terms of safety, convenience, noise and reduced severance. The visual presence of high volumes of traffic, about 8% of which is made up of HGVs and buses, would remain and alternative measures would not benefit residents to the same degree as removing through traffic. However, since the Council is not in a position to show the nature, extent and severity of the environmental problems, it is not possible to establish on the information before me that such reduced measures could not overcome the problems in Flockton to a reasonable extent.

8.8.36 A by-pass would itself have an environmental impact. As stated in the ITS at Appendix 5/48, a significant amount of land would be required in the Green Belt, there would be severe visual intrusion and natural habitats would be disturbed. The information available to me, including my observations from periods spent in the village, does not amount to the evidence of need, having regard to environmental impact, which PPG12 requires to be shown if the scheme is to be included in the plan.

8.8.37 Options for the route for a by-pass are being reviewed and have not yet been assessed. The line as presently shown on the proposals map is not therefore firm. If my recommendation is not accepted and the scheme is included in the plan, the line should be deleted from the proposals map and an area of search indicated instead as set out in KB/T8/9.

### **Issue iii(a) - Link across north Kirklees**

8.8.38 Objection [0738] seeks inclusion of an alternative scheme in the context of the M1/M62 link having been abandoned. An alternative, such as a dual carriageway, is promoted as an improvement on the present situation of no proper route for through traffic on a south-east to north-west axis and of benefit to business and industrial sites in the Heavy Woollen area which suffer from poor transport links. During the inquiry, the objector clarified that a dual carriageway link is no longer being pursued, but recognition of the need for a main road is sought. Work undertaken for the DoT when the M1/M62 link was considered shows that a dual carriageway would be incapable of accommodating both through traffic between the motorways and local traffic. A single carriageway road would be even less capable of coping with generated flows. Thus, in addition to its adverse environmental impact, which in the form of a motorway has been assessed and rejected by the DpT and which would still be substantial in the form of a dual carriageway or new road, such a link would not be feasible in operational terms.

8.8.39 The objector raises particular concerns over transport links to business and industry sites in Mirfield, Heckmondwike and Ravensthorpe. The main benefits identified in the study of a motorway link were to long distance through traffic, rather than that originating or ending in Kirklees. A link in an alternative form is not the most effective way of addressing local access problems and should not be included in the plan on that basis. Specific schemes targeted to and tailored for the areas cited are likely to be more effective. The Council acknowledges congestion in these areas. KB/Tx/4 indicates that investigations into problems and solutions are to start soon for the Heckmondwike area and in a year or two for the A644 corridor, Ravensthorpe and Mirfield. It is not necessary to signal in the plan the intention to carry out this investigative work in order for it to proceed. Given the very early stage of this work and the uncertainty as to what form any proposed improvements could take and since, as PPG13 advises, only firm proposals should be included in development plans, inclusion of schemes under policy T8 would not be reasonable.

### **Issue iii(b) - A616 from Honley to Flouch**

8.8.40 The objector [7006] seeks the upgrading of the A616 to provide an improved link to the M1, but gives no evidence to support a need for such upgrading. The Council's evidence is that the road does not carry a heavy flow and has spare capacity even at peak times. There is no justification for the inclusion in the plan of the suggested scheme.

### **Issue iii(c) - Upperthong Lane, Holmfirth**

8.8.41 Upperthong Lane serves local traffic from Upperthong, a small suburb of Holmfirth, to the A635. The Council acknowledges that traffic flows warrant localised widening and footway provision. There is no evidence that more extensive works than those identified by the Council are justified by the present traffic situation or by traffic likely to be generated by allocated development. High accident rates are not cited. Widening of the south section of Upperthong Lane would require demolition of properties, with undesirable consequences for the character of the Holmfirth Conservation Area. The works identified by the Council are not of the nature of a major road scheme appropriate for inclusion in policy T8 and improvement lines for them are protected in policy T9. The plan therefore makes adequate provision without modification.

## Issue iii(d) - Thornhill Road, Dewsbury

8.8.42 The objector [1778] is concerned that improvements to Thornhill Road, for which contributions are sought from his firm under a section 106 agreement, will benefit a wider area and should be undertaken by the Council and included in policy T8. No information is given to challenge the Council's assessment that the improvements are not necessary to solve existing problems, but are needed only if further development proceeds. In these circumstances, where the need for highway improvement is directly created by the development, it is consistent with national guidance for developers to be required to pay. Whilst the improvements will also serve other allocated sites, there is evidence that development at those sites is also subject to section 106 agreements relating to the highway improvements. Thus, equitable arrangements for funding works made necessary by new development are being sought. On the basis that the Council distinguishes schemes under policy T8 as those it is committed to implementing through its own endeavour, it would be unrealistic and inappropriate to add a scheme for Thornhill Road to policy T8. Improvement lines are maintained in policy T9 for Thornhill Road, so adequate provision is made in the plan to accommodate the works.

### Recommendations

8.8.43 Modify the plan as follows:

- i. delete from paragraph 8.29 the last two sentences of the description of scheme i at A62 Gelderd Road, Birstall, delete from the proposals map the section identified as Phase 3 on map ref: HD/193/C/49 in LCD59 and add the improvement line for that phase to policy T9;
- ii. in policy T8 delete Phase 6 in scheme v at A62 Ring Road, Huddersfield and add as a scheme "A629 WAKEFIELD ROAD, HUDDERSFIELD"; in paragraph 8.29 add as a scheme "**A629 Wakefield Road, Huddersfield**. See Town Centre Inset Plan and paragraph 15.55A and 15.56"; add a new paragraph 15.55A to describe the scheme consistent with the description at page 38 of the TPP (LCD112);
- iii. delete from paragraph 8.29 the description of scheme vi at A62 Leeds Road, Huddersfield and substitute a description to make it clear that the scheme consists of bus priority measures and junction improvements, the latter mainly through the introduction of traffic signals;
- iv. delete from paragraph 8.29 reference to carriageway widening and improved capacity on the main radial route into Huddersfield town centre in scheme vii at A62 Manchester Road, Longroyd Bridge, Huddersfield;
- v. delete scheme viii Holmfirth Relief Road from policy T8, paragraph 8.29 and the proposals map;
- vi. delete scheme ix Flockton By-pass from policy T8, paragraph 8.29 and the proposals map.

\*\*\*\*\*

## **8.9 POLICY T9 IMPROVEMENT LINES FOR HIGHWAY SCHEMES**

Objections: 0753 Holme Valley Civic Society

### **Issue**

8.9.1 Whether New Road, Holmfirth and Thong Lane, Thongsbridge should be improved.

### **Conclusions**

8.9.2 The roads provide alternative routes to the village of Netherthong from the A6024. New Road, the B6107, has residential development along it and the Council acknowledges a need for footway improvements. An improvement line for these is protected by the policy. There is no evidence that more extensive improvements are justified. Thong Lane is a more rural route, passing through the Green Belt. The Council's evidence of low traffic volumes and no reported accidents in the last 3 years is not disputed. Particularly as New Road gives a preferable classified route, there is no justification for improving or upgrading Thong Lane.

### **Recommendation**

8.9.3 No modification.

\*\*\*\*\*

## **8.10 POLICY T10 HIGHWAY CONSIDERATIONS IN NEW DEVELOPMENT**

Objections: 0689 Kirklees Green Parties

### **Issue**

8.10.1 Whether the policy should indicate that development will not be permitted if it cannot be served adequately by public transport.

### **Conclusions**

8.10.2 Policy T1iii sets out, as part of the transport strategy, the importance of new development being located where it can be accommodated by the existing highway network and served by public transport. Policy T10 expands on the Part I policy in respect of the highway network element. Public transport accessibility is implicitly addressed in the plan in policies R1, which refers to the need for recreational facilities to be accessible to all sectors of the community, and S1, which intends town and local centres, places with good public transport links, to remain the focus of various activities. Thus, the thread of taking into account public transport accessibility in the location of development runs through a number of policies. However, no detailed transport policy directly carries forward the public transport element of T1iii in the same way as policy T10 does for the highway network.

8.10.3 This inconsistency in approach deflects attention from the importance of accessibility of development by public transport, contrary to the thrust of national guidance to promote alternative modes of transport to the private car. There is no evident justification for this inconsistency. While sites allocated for housing have been assessed against a factor of public transport accessibility, development proposals in the plan have been examined, as

paragraph 8.33 explains, to ensure they do not have unacceptable effects on the highway network. This prior examination does not remove the need for a policy addressing the impact in detail on the highway network. Neither does the examination of housing sites in respect of proximity to bus routes remove the need for a policy concerning the relationship of new development and public transport accessibility.

8.10.4 The Council argues against including the wording suggested in [0689] as reference to public transport is not appropriate when applied to all scales of development. At the inquiry the Council clarified that the first element in policy T10, whether new development can be served adequately by the existing highway network, is intended to address issues of congestion. This must therefore be directed at development which attracts or generates a significant number of journeys. For such development it is as appropriate to consider public transport accessibility. Indeed it would be difficult to separate the two assessments, since the availability and likely use of public transport could affect the number of trips by private vehicle to be accommodated on the highway network. The type of development to which the public transport reference is relevant should be qualified, but there is no difficulty in doing that within the policy. Qualification would also be helpful in clarifying the application of the existing first element.

8.10.5 The Council considers that for developments such as major business and industrial estates it is not necessary to assess public transport accessibility, as the scale of development will be enough to create the necessary base load and impetus for the introduction of new services. However, it is important to ensure not just that there is the potential for improved public transport accessibility, but that the potential is realised. Location where existing services can be supported is most beneficial in utilising resources, but there will be situations where development in locations with existing poor levels of public transport is unavoidable, but where adequate improvements can be made. In such cases where improvements are needed to bring the development into line with the thrust of national and plan aims, those improvements reasonably relate directly to the development and an input may be required through such means as Section 106 agreements. A policy context to these is advisable. A similar point arises under policy T19 and I recommend cross reference to this in the plan.

## Recommendations

- 8.10.6
- i. modify policy T10 by deleting in the first and second lines "IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK, OR," and inserting after "PROBLEMS" in line 5 ", OR, IN THE CASE OF DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS, IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK AND BY PUBLIC TRANSPORT";
  - ii. modify the section heading to read "Highway and Accessibility Considerations in New Development";
  - iii. modify the supporting text to include reference to: the importance of sites providing a choice of means of travel; the desirability of locating development where public transport provision is already good, but where this is not possible to realising the potential for public transport accessibility through improvements; the requirements of policy T19 as recommended to be modified at IR 8.20.18iv.

\*\*\*\*\*

## 8.11 PARAGRAPH 8.34

Objections: 0645 Nordiclinc Limited

7000 The Highways Agency

### Issue

8.11.1 [0645] is listed also under policy T10, but relates to the preceding text rather than the policy. The issue raised is whether the text accurately reflects circular advice.

### Conclusions

8.11.2 Although not formally put forward as a further change, revised wording for paragraph 8.34 is to be recommended to elected members as set out in KB/B14.4/3. The wording was drafted by the objector [7000] and the objector [0645] indicates that it more accurately summarises circular advice, so it would meet both objections. However, revised guidelines for developer contributions to trunk road improvements have since been issued in "Control of Development Adjacent to Trunk Roads - Guidelines for the Highway Agency" July 1996 and in DoT Press Release 221. In essence these signal a change in emphasis from developers being required to pay for improvements to cater for all traffic expected in a 15 year design period, to developers being expected to pay only for road improvements to ensure conditions are no worse than if development had not taken place. In view of this, paragraph 8.34 in the plan or as intended to be revised, in particular the last sentence, does not accurately reflect national guidelines.

8.11.3 The paragraph merely gives background information on DoT policy. As this is set out in published material the plan would not lose clarity by referring to where it is to be found, rather than by attempting to summarise the policy - a process inherently open to errors of interpretation. If the Council nevertheless considers the inclusion in the plan of a summary is helpful further revision is necessary.

### Recommendation

8.11.4 Modify paragraph 8.34 either to direct users of the plan to where national guidance in relation to trunk roads is set out or to reflect national guidance accurately.

\*\*\*\*\*

## 8.12 POLICY T12 *BUS SERVICE IMPROVEMENTS*

Objections: 1250 Kirkburton and District Civic Society

2513 Kirkburton Civic Society

### Issue

8.12.1 Whether the green route on the A629 should be extended to a settlement in Kirkburton or to Storthes Hall Campus.

### Conclusions

8.12.2 Green routes indicate roads where priority is to be given to the introduction of physical measures to improve bus movement. In determining the priorities, the density of

bus routes and the existence of impediments to movement were considered. There is little change in the nature of the A629 between the stretch subject to a green route and where the objectors seek an extension. The Council accepts that there are difficulties at Far Dene, similar to those at the junction of Rowley Lane and the A629, where the route terminates in the plan. Thus it is the density of bus routes on which the Council relies for the termination of the route short of the extension sought. The indication is that the density decreases beyond Rowley Lane. Bearing in mind that priorities for using scarce resources have to be set with consideration of situations throughout the district, I see no reason to question the judgement made by the Council in the present circumstances on this route.

8.12.3 Nevertheless, the University development at Storthes Hall can be expected to affect the demand for and viability of bus services. In the context of an objection to policy T24, the Council confirms that the University has made an informal agreement to operate services to Storthes Hall. The real prospect that bus service density along the A629 could change within the plan period should be taken into account. It would be reasonable to investigate this further and if necessary review priority in the light of this.

### **Recommendations**

8.12.4 Investigate prospects for altered bus service densities arising from the Storthes Hall development and, in the light of this, review the priority for a green route on the A629 south of Rowley Lane.

\*\*\*\*\*

### **8.13 POLICY T13 *PARK AND RIDE FACILITIES***

Objections: 0689 Kirklees Green Parties

#### **Issues**

- 8.13.1 Whether the policy should be deleted on the basis that it would:
- i. be ineffective in reducing car usage;
  - ii. lead to a two-tier bus service;
  - iii. lead to loss of valuable land to car parking.

#### **Conclusions**

8.13.2 The objector is concerned that these facilities would encourage private car use to reach bus services. If users had previously made the whole journey by public transport, the system would be encouraging additional private car use for part of the journey, doing nothing to ease congestion in the town centre and potentially damaging the viability of other bus services by removing custom. However, if users had previously made the whole journey by private car there is clear benefit in the system. Park and ride schemes have been operated in many towns. Not all have been successful, but they provide evidence of the impact of the system and lessons for improving its effectiveness. "PPG13 A Guide to Good Practice" cites evidence from Oxford of around a quarter of users using park and ride as an alternative to bus travel, which although relatively high is still a minority of users. The Good Practice Guide, RPG12 and PPG13 all draw out that, to be effective, park and ride schemes should be part of a wider transport strategy, supported by bus priority measures, central area

parking restrictions and traffic management measures to prevent additional car travel induced by the freed road capacity. The plan includes, through policy T12, bus priority measures, but not the latter two key elements. Without these, policy T13 would not bring about the desired results in reducing the growth in car usage and congestion.

8.13.3 In its response, and confirmed at the Inquiry, the Council accepts the need for complementary restrictions on town centre parking and the introduction of measures to manage road capacity, at an early stage in conjunction with the park and ride facilities to avoid alternative travel patterns being established. While detailed arrangements would be a matter for the implementation stage the Council agrees that statements of the principle could be included in the plan. Subject to this inclusion, there is sufficient prospect of park and ride facilities being effective in reducing car usage to justify retention of the policy.

8.13.4 Bus services from the park and ride facility are envisaged in the plan as being express services and may well be faster than some existing services. Unconnected with park and ride schemes, a combination of direct and stopping services running into town centres is not unusual. In that they allow differing travelling needs to be met, varying tiers of service are not in themselves undesirable. The Council indicates that it will give consideration to access to the express services for users on cycle and foot, so the inequity of those without access to a car being excluded from services likely to be receiving public finance support is not inherent in the policy.

8.13.5 Land will be necessary for the parking areas. With careful selection of sites and possible dual use with activities occurring outside the normal working day, land valuable for other uses or of particular merit as open space can be avoided. I do not consider that the land take will override the potential benefits of the schemes.

## **Recommendation**

8.13.6 Modify paragraph 8.37 by the addition of a sentence at the end to read:

Complementary restrictions on town centre parking and measures to manage road capacity are essential components in the effectiveness of the schemes and will be introduced at an early stage in conjunction with the park and ride facilities.

\*\*\*\*\*

## **8.14 POLICIES T16 TO T18 AND PARAGRAPHS 8.38, 8.42 AND 8.43 PEDESTRIANS AND CYCLISTS**

Objections: 0652, 0653 & 1640 British Horse Society

0671 & 1641 Kirklees Bridleways Group

## **Issues**

8.14.1 Whether it is appropriate to direct resources to pedestrians and cyclists alone and whether provision for equestrian use should be included.

## Conclusions

8.14.2 The essence of the section is to further that element of the transport strategy which seeks a modal shift. Whilst the objectors are sceptical of altering behaviour to increase use of cycling for day to day travel and consider it will remain a largely recreational activity, the approach in the plan is consistent with national guidance. PPG13 stresses that a high proportion of all journeys is very short and that better conditions for pedestrians and cyclists could lead to a significant change in travel choices. It draws comparison with other countries which have taken steps to make cycle use attractive for day to day travel and highlights a number of measures, with which the plan accords. The fact that provision made under these policies may well be used also for recreational purposes does not detract from the underlying strategy. In contrast equestrian use, which the objectors accept is a recreational activity, does not provide an alternative mode for trips which would otherwise be undertaken by motorised transport. The emphasis on pedestrian and cycle use and the lack of reference to equestrian use is appropriate.

8.14.3 In the discussion at the inquiry on the strategic routes, the Council indicated that combined equestrian use would not be ruled out. Its inclusion would be dependent on whether conflict with pedestrian and cycle use could be avoided. This approach is consistent with PPG13 advice to consider sometimes route sharing with horses where space allows. In addition to the width available, detailed considerations of surface requirements and access arrangements are relevant to whether triple use will be feasible. Damaged surfaces would not be conducive to encouraging pedestrian and cycle use for day to day travel. As the objectors indicated at the inquiry, allowing equestrian use would preclude barriers to deter motorcycles. Given the purpose of policy T18, making routes safe, attractive and convenient for pedestrians and cyclists would take priority in the event of any conflict. In view of this and as the possibility of satisfactory triple use is a matter for the detailed implementation stage, reference to equestrian use of the routes is not justified in the plan.

## Recommendation

8.14.4 No modification.

\*\*\*\*\*

## 8.15 POLICIES T16 PEDESTRIANS ROUTES IN NEW DEVELOPMENT

Objections: 0650 Action for Rural Rights of Way  
0671 Kirklees Bridleways Group

0652 British Horse Society

### Issues

- 8.15.1
- i. whether the policy should safeguard rights of way rather than just footpaths;
  - ii. whether, bearing in mind advice in C2/93, the policy should make it clear that estate roads are not considered suitable for diverted public rights of way.

### Conclusions

8.15.2 Bridleways can be used by pedestrians. Particularly where new development is extending at the urban fringe, they have a role in providing access within the newly

urbanised environment as well as in providing safe links for users from urban areas to the wider rural network. It would be inconsistent and undesirable to exclude them from a policy addressed to pedestrian movement, simply because they can also be used by equestrians. The policy should relate to all public rights of way, not just footpaths. Whilst there would be some overlap with policy R13 the policies would not be inconsistent nor a direct duplication.

8.15.3 The Council argues that, since the policy also safeguards informal paths, C2/93 is not relevant. While informal paths are useful indicators of desire lines and of assistance in drawing up the pedestrian routes and assessing whether the final arrangement is satisfactory, to require the safeguarding of a line with no legal status is excessive. The element of the policy which safeguards routes should be restricted to rights of way and thus C2/93 is relevant. This advises in Annex D that where development affects a right of way consideration should be given to whether a new line for the route would be generally acceptable to the public. The policy refers to an alternative route, with no qualification on its quality. Rewording of the policy is necessary, but I do not recommend the wording suggested in objection [0650]. As originally suggested it would not allow for the possibility of estate roads being used. This is more stringent than C2/93 advice that they should be avoided wherever possible and would be too inflexible.

8.15.4 In the course of responding to the objection, the Council clarified that the policy is intended to support the philosophy of encouraging more people to walk for a greater number of journeys. The policy does not fully achieve this. Although it addresses the conditions within development conducive to this aim, and they are important, it does not address linkage between new development and potential destinations for those journeys. The text at paragraph 8.41 states that routes giving direct access to neighbourhood facilities will be encouraged. This guidance is not incorporated in the policy and is itself incomplete. It does not cover proposals to develop community facilities, in which case the external access to be encouraged will be to its catchment of residential and employment areas, nor links between homes and places of employment and between both of these and public transport. The first sentence of T16A suggested by the objector [0650] goes some way to recognising this aspect of external linkage, but is not wholly satisfactory for all types of development and overall T16A is too detailed. I recommend alternative rewording of the text and policy which will not be the only phrasing suitable, but encapsulates the intentions behind the guidance as clarified by the Council.

## **Recommendations**

8.15.5 i. modify policy T16 to read:

NEW DEVELOPMENT SHOULD MAKE PROVISION FOR SAFE, CONVENIENT AND PLEASANT PEDESTRIAN ROUTES, CONSISTENT WITH CRIME PREVENTION MEASURES OUTLINED IN POLICY BE23 AND WITH THE AIM OF PROVIDING ATTRACTIVE LINKS BETWEEN HOMES, PLACES OF EMPLOYMENT, COMMUNITY FACILITIES AND PUBLIC TRANSPORT. THE LINE OF EXISTING PUBLIC RIGHTS OF WAY WILL BE SAFEGUARDED EITHER BY INTEGRATION INTO THE OVERALL SCHEME OR BY DIVERSION WHERE AN ALTERNATIVE ROUTE WHICH MAINTAINS THE CHARACTER AND FUNCTION OF THE RIGHT OF WAY IS AVAILABLE.

- ii. modify paragraph 8.41 by replacing "to neighbourhood facilities" in lines 3 and 4 with "between homes, places of employment, community facilities and public transport";
- iii. modify paragraph 8.41 by replacing the last two sentences with "Existing informal footpaths represent 'desire lines' for pedestrians and will need to be taken into account in drawing up the pedestrian network and ensuring a satisfactory final scheme. Public rights of way will often form part of wider networks of amenity, as well as transport, value. Wherever possible new development should be designed around the existing line. Diversions may be acceptable where an alternative route of equivalent character can be devised. Estate roads will not in general be suitable for this purpose and should be avoided wherever possible."

\*\*\*\*\*

## 8.16 POLICY T18 AND PARAGRAPH 8.43 *STRATEGIC ROUTES FOR PEDESTRIANS AND CYCLISTS*

Objections:	0648 Huddersfield Ramblers Association 2335 Railtrack Property North East 2513 Kirkburton Civic Society	1249 Kirkburton and District Civic Society 2508 Mr J Wood
-------------	---	--

### Issues

- 8.16.1 These are whether:
- i. the plan should acknowledge that development of disused railway lines is dependent on acquisition from Railtrack and allow alternative development in the event of acquisition and development for strategic routes not proceeding;
  - ii. provision should be made for measures to avoid conflict between user groups when footpaths are upgraded;
  - iii. the strategic routes should include the public footpath network off Quarry Lane, Cleckheaton and the creation of a footpath between Kirkburton and Dean Bottom.

### Conclusions

8.16.2 The factor of land ownership is not confined to the development of strategic routes. In including proposals in the plan, it is unnecessary to spell out particular ownership constraints provided their resolution is not unrealistic. In the case of the strategic routes, ownership has not proved a bar on some sections which are already implemented. The Council has taken account of resources available to implement further sections and the policy is not unrealistic, although routes may be progressed in stages. The first additional sentence suggested in [2335] would be inaccurate as some sections of the disused lines have passed from Railtrack ownership. The second could hamper implementation, by holding out the prospect of alternative uses with higher land values if the routes are not developed and thereby hindering negotiation. This would be contrary to national guidance to encourage provision for cycling, in particular PPG13 which makes specific reference to the use of redundant railway lines for this purpose. In Kirklees with its hilly topography, the

opportunity for lower gradients provided by disused railway lines is particularly important and should be utilised.

8.16.3 Possible conflict between users needs to be taken into account on strategic routes, whether these are created from scratch or by upgrading footpaths. The Council acknowledges that this will be a normal consideration in drawing up the schemes. The detailed design and management of the routes, to limit conflict between legitimate users and discourage use which could cause hazards or inconvenience to pedestrians and cyclists, is a matter best left to the implementation stage. It is adequately covered in the plan by reference to "safe and attractive routes", so there is no need for modification.

8.16.4 Although listed under policy T18, [1249], [2508] and [2513] relate to footpaths rather than combined pedestrian and cycle routes. The network of public footpaths near Quarry Lane crosses open land at gradients which, unlike the disused railway lines forming the main element of the routes in T18, are not conducive to cycle use. The paths provide an alternative from the road network for pedestrians to travel between Hightown, a residential area with no local centre, and Cleckheaton, where there are more facilities, so that as suggested in [2508] maintenance, signing and management of the network would be beneficial. However, it is not necessary to modify the plan to achieve this since policy T14 addresses the improvement of pedestrian routes.

8.16.5 One reason which had been given by the Council against including the creation of a footpath from Kirkburton to Dean Bottom in the plan was the difficulty of representing it. The Council later accepted the facile nature of this argument and I am satisfied that it would be perfectly feasible to identify specific schemes for new pedestrian routes in the plan, whether on the proposals map or by verbal description. Nevertheless, given the range of opportunities for new footpaths to occur over the life of the plan, the general inclusion of specific schemes would introduce excessive detail and inflexibility. The inclusion of just the one suggested scheme would imply a priority which is not justified. I understand the concern of the objectors [1249 & 2513], that implementation of a footpath identified in a previous local plan should not be prejudiced. Progress towards the route has been advanced by conditions on permissions at the former Town Hall and by the creation of a small park area with public access. Pedestrian access from there to Springfield over land understood to be in Council ownership is also evident on the ground. It would be unfortunate if the potential benefit of this progress was not realised by the eventual completion of pedestrian links. However, policy T14 covers the creation of new pedestrian routes and virtually all the suggested route falls within UGS where it could be regarded as enhancing recreation opportunities. The direction of resources, whether from the Council or other bodies, to the suggested scheme would therefore be consistent with the plan without necessitating modification.

## **Recommendation**

8.16.6 No modification.

\*\*\*\*\*

## 8.17 POLICY T18i & ii *STRATEGIC ROUTES FOR PEDESTRIANS AND CYCLISTS - HUDDERSFIELD TOWN CENTRE TO MIRFIELD AND MIRFIELD TO CLECKHEATON*

Objections: 2362 & 4794 Mirfield Road Safety Committee (J G Kent) 2363 L M Stalmach

### Issue

8.17.1 Whether the schemes should be amended to include details of safe routes across the A644 at Church Lane and between Woodend Road and Hurst Lane, Mirfield.

### Conclusions

8.17.2 The objections are not in principle to the provision of these strategic cycle and pedestrian routes. The concern is to ensure they are not implemented in a way which is unsafe. The objections draw attention to possible misuse of the routes by motorcyclists and horse riders, but at the inquiry it was made clear that deletion of the schemes is not sought on account of this possibility. The issues of measures to avoid conflict between legitimate users and abuse by others and of equestrian use are covered at IR 8.16.3 and 8.14.3.

8.17.3 The A644 in the vicinity of Church Lane is busy and visibility is fairly poor where the route crosses the road. Creating a route which will bring additional pedestrians and cyclists to this point will therefore require improved crossing arrangements. The Council acknowledges this. Since this area is within the line of scheme T18ii, such arrangements will be an integral part of the details of the scheme. The whole thrust of the policy is to provide safe routes for pedestrians and cyclists, so the achievement of a safe solution in concert with implementation of the scheme is implicit in the policy. It is not necessary to specify particular arrangements in the plan and to do so would introduce undesirable inflexibility.

8.17.4 Although schemes T18i and T18ii form separate routes there are likely to be users going on from one to the other when both are available. The objectors and the Council agree that there is no realistic prospect of a fully off-road link between them and that, due the nature of the road network between Woodend Road and Hurst Lane and the traffic using it, measures to minimise risk to cyclists and pedestrians will be needed. It is not suggested by the objectors that suitable measures would not be possible. On-road schemes for cyclists elsewhere illustrate various traffic management techniques which could ensure that a route across this road network is suitable for pedestrians and cyclists. From the Council's responses I do not doubt that it will instigate signing and other necessary measures at the appropriate time. The point of dispute is whether or not there should be a commitment in the plan to delay implementation until arrangements for a safe route are resolved.

8.17.5 Due to the resources available and as presented for funding in the TPP, the schemes are unlikely to be implemented at the same time. Each, even as an individual scheme, will provide a link between centres and bring considerable benefit to safety for pedestrians and cyclists in providing stretches away from the normal highway network. It would be undesirable to delay either scheme pending resolution of a link which at the time may not be necessary and when alternative measures to ensure safe dispersal of users to various other destinations may be more important. Similarly due to resources, the schemes may be implemented in stages. Some sections are already in place where adjoining

development has provided an opportunity for implementation. It would be undesirable to lose such opportunities and jeopardise sections which do not bring users directly onto the highway network which is of concern. It would be sufficient to acknowledge in the plan that the implications for users rejoining the existing highway network will be addressed in the course of implementing the schemes. As these safety implications will occur at various points along the routes, not just at Mirfield, such a general reference would be of greater benefit.

### **Recommendation**

8.17.6 Modify paragraph 8.43 by inserting after "urban area." in line 8 a new sentence as follows:

Signing and measures to facilitate the safety of users joining and leaving the routes via the existing highway network will be undertaken as part of the implementation of the schemes.

\*\*\*\*\*

### **8.18 POLICY T18v STRATEGIC ROUTE FOR PEDESTRIANS AND CYCLISTS BATLEY TO HUDDERSFIELD ROAD, BIRSTALL**

Objections: 2416 Mr C Mann

#### **Issue**

8.18.1 Whether the route from Boothroyd Lane to railway bridge No 9, Batley should be more clearly defined and limited to a width of 2m along the south-western boundary.

#### **Conclusions**

8.18.2 Much of the strategic route has already been undertaken and this section is a short gap between surfaced paths. It is important that it remains on the proposals map to enable the link to be made in the future. There is sufficient width along this section for a pedestrian and cycle path to be created in such a way as to avoid adverse affect on the adjoining business. The policy does not remove the need for negotiation with land owners at the time of implementation. Thus, it is not essential to specify in the plan detailed widths and alignment. Such prescription would be undesirable as it would remove the flexibility to respond to the results of negotiation. Although I do not recommend modification to the plan, I note that a degree of uncertainty on the question of detailed requirements has prevailed at this site for more than a decade. A footpath link was proposed in the HWDLP adopted in 1985, but was not progressed. I strongly urge that, to end that uncertainty, early discussions and negotiation with the land owner on detailed requirements are pursued.

#### **Recommendation**

8.18.3 No modification.

\*\*\*\*\*

## 8.19 POLICIES T18ix AND NE5 STRATEGIC ROUTE FOR PEDESTRIANS AND CYCLISTS - KIRKBURTON TO LEEDS ROAD, HUDDERSFIELD

Objections:	0082 A L Crowther	0166 D Render	0167 Mrs N Crowther
	0168 D Mosley	0254 Mikron (UK) Ltd	0366 J Sykes
	0367 Ms D B Armitage	0368 J Gibson	0369 Dr R S Higson
	0370 C & G Dyson	0374 C C Prideaux	0651 Elliotts Bricks
	2478 R A Burns	2768 Mr A Coop	

### Background

8.19.1 [0254] is not an objection to the route in principle, but seeks assurance that it will not affect existing car parking and security arrangements at Tandem Industrial Estate. [2768] is not an objection to pedestrian use, but is limited to cycle use over that section of the route within UGS south of School Lane, Dalton. The other objections seek either total deletion of the route, deletion in part or rerouting of particular sections. Amendments to the route onto agricultural land are suggested between Jagger Lane and Cold Royd Lane, Dalton [0166] and between Far Dene and Rowley Lane, Kirkburton [0366]. Objections 0366 to 0370 and 2478 indicate alternative designation of the route as a wildlife corridor under policy NE5 would be preferable.

### Issues

8.19.2 Whether designation as a pedestrian and cycle route in the plan is appropriate bearing in mind:

- i. its effectiveness in encouraging cycle use;
- ii. the adequacy of alternative routes for pedestrians and cyclists;
- iii. the impact on residential amenity;
- iv. the impact on existing uses on the route and adjoining land;
- v. safety for users;
- v. the impact on wildlife and the environment;
- vi. the feasibility of implementation in the light of fragmented land ownership.

### Conclusions

8.19.3 PPG12 and PPG13 emphasise the importance of providing facilities to encourage cycle use, as one element in the overall strategy to limit vehicle emissions while maintaining an effective transport system. National guidance makes it clear that it is incumbent on local authorities to include in their plans appropriate policies with the aim of reducing the need to travel especially by car. The option of waiting for draconian curbs on traffic, presently outside the scope of the Council's powers, as advanced in [0167] is not available.

8.19.4 Cycle use in Kirklees is below the national average. Rather than suggesting there is no need for the route, this indicates an opportunity to make significant improvements from a low starting point by releasing suppressed demand. Countryside Commission and Royal Commission on Environmental Pollution reports cited in KB/T18ix/1 identify traffic related problems, including fear of accidents, as a factor in low cycle use. The hilly nature of much of Kirklees is likely to be an additional, local factor. Use of redundant railway lines is one of the ways of making cycling safer and more attractive outlined in PPG13 and the Royal Commission report supports the view that segregated routes are effective in increasing cycle use. Whilst works of regrading or bridging would be needed at a number of points,

including Far Dene, these are not unusually onerous and the scheme would provide not just a segregated route but one which was relatively level. A section of the route runs almost parallel to Penistone Road. This is heavily used by fast moving traffic and was regarded in a Kirklees Cycling Forum questionnaire as the second most dangerous road for cyclists in the district. The route would thus provide an alternative to a perceived problem area for cyclists. Throughout its length it passes near areas of residential and commercial use and the section from Kirkburton to Lepton links outlying settlements with places of employment at no great distance. It is suitably located to serve day to day travel needs as well as recreational journeys. For all these reasons the route can be expected to be particularly effective in encouraging cycle use. Whilst PPG13 notes that redundant railway lines may sometimes serve the dual purpose of providing linear parks, that is not essential in making them attractive for cycle use and the lack of a dual use here does not detract from the effectiveness of the route.

8.19.5 There is insufficient room to provide cycle paths on Penistone Road or on the network of roads to the east, many of which are narrow, twisting and subject to changes in gradient. These suggested alternatives would not in any case have the benefits of a segregated route. The suggested routes across agricultural land at Dalton and Kirkburton, would cover terrain which is not conducive to cycling or pedestrian use for day to day travel. The path given in some detail in [0366] crosses fields at a relatively steep gradient over a long haul and at the Highburton end passes through a very narrow section constrained between walls. It is wholly unsuited for the purposes at hand.

8.19.6 The scheme would bring public access to the rear of residential properties in Primrose Lane and Far Dene. In part the route lies at the base of a cutting which, together with existing vegetation, provides an effective screen against both disturbance and overlooking to adjoining property. Whilst access to the banks of the cutting could not be wholly precluded, it could be discouraged as part of the detail of the scheme by such measures as additional planting, with considerable success if appropriate species are selected. Where the route is on embankment views to dwellings are possible. However, given the width of the embankment the route would not be brought so close to these properties as to cause undue disturbance or loss of privacy. The relationship would give less scope for such problems than the proximity of many roads and footpaths to dwellings.

8.19.7 North of Far Dene the former track bed is used for grazing horses in conjunction with fields on either side. Although public access through agricultural land used by livestock is common, the activities here are could be disrupted due to the nature of the individual animals and the greater possibility of conflict within the constrained area of the cutting. Nevertheless, grazing and exercise land would remain available in the adjoining fields. Accompanied movement of the horses between these would not be an insurmountable problem. The stable, which is lower than the former railway, would be no more vulnerable to damage by users of the route than many buildings in Kirklees close to and below the level of public highways and there is scope for relocation, if that proved necessary for peace of mind of the owner or in reorganising use of the grazing land. The possible effects on the land owner's activities and measures to minimise them would need to be addressed through negotiation or, if necessary, the established procedures for land acquisition, but are not so serious as to outweigh the wider benefits of the scheme.

8.19.8 West of Fenay Bridge Road the route is used for brick storage and lies close to haulage and vehicle servicing areas. The brick storage is a temporary use, conditioned to cease before implementation of the route would be likely. It cannot be assumed that the use would become permanent as, irrespective of the strategic route, matters such as environmental impact and highway safety would be considered in any proposal for continued use. With regard to the other uses, there is sufficient room to accommodate the route alongside these, with measures to ensure security for the business and safe passage of users past diesel tanks and vehicle manoeuvring areas. As at the Tandem Industrial Estate, these arrangements can reasonably be left to the detailed implementation.

8.19.9 The route crosses a number of roads. Even where these are not bridged as part of the scheme, there is an overall benefit in safety for users in taking them away from traffic for long stretches. The alternative of pedestrians and cyclists using the road network involves them travelling alongside traffic and still requires other roads and junctions to be crossed. As discussed at IR 8.17 the Council is alert to the safety implications of users rejoining the highway system and I recommend a modification to make this clear in the plan. There is evidence on the ground of pedestrian use, whether authorised or not, of the viaduct between Rowley Lane and Far Dene. Whilst there is a substantial drop, the viaduct is wide enough to enable users to keep well away from the walls at the edge and there is no evidence of accidents, as opposed to deliberate acts from the viaduct, having occurred. The implementation of the strategic route would enable any safety measures found necessary to be carried out so that, rather than creating a hazard, it would give an opportunity to address any existing safety concerns.

8.19.10 The objectors' concern over wildlife and the environment is understandable, but unrealistically pessimistic. There are numerous examples of cycleways and footpaths on disused railways successfully coexisting with very sensitive environments. The quality of surface required and the compaction effects from cycling are not of a nature to require significant excavation or to cause damage to tree roots. The situation here is that there is ample room to accommodate the relatively narrow area required for the route without undue intrusion into vegetated areas. There are places, such as the coppice at Far Dene, where more intensive growth will mean some tree loss, but these are limited. Various options exist to minimise the impact. For instance at Far Dene extensive regrading could be avoided on the north side by the use of lightweight bridging across the road. Only limited regrading would be necessary at the south side as the gradient at the side of the track down to the road is less steep. The public already gain access to sections of the route and this includes cycle use in places such as south of School Lane, Dalton as revealed by tyre marks. Despite this access a good variety of wildlife and vegetation flourishes including, as reported by objectors, a protected species. The group concerned with this species do not object to the route and creation of the route would not itself damage the habitat. Whilst increased access has its dangers, increased legitimate public use also provides improved surveillance which could detect or deter illegal acts. Designation as a pedestrian and cycle route, rather than under policy NE5, is not incompatible with the protection of the wildlife value of the land.

8.19.11 More detailed work on costing and negotiation with land owners will be needed. Successful outcomes cannot be guaranteed, but ownership need not be a bar to implementation. Negotiation and, if necessary, legal procedures for acquisition ensure adequate consideration of the interests of property owners. Fragmented ownership is a feature of all the routes covered in T18, but some sections are already implemented following

opportunities created by adjacent development. On this route there are examples of conditions imposed on permissions and section 106 agreements to protect the route. The 5 year programme of the TPP gives a timetable for submission for resources towards its implementation. This is consistent with the latest advice on TPP submission in DoT Local Authority C2/95, which gives increased emphasis on provision for cyclists. The scheme is sufficiently realistic to be included in the plan.

## Recommendation

8.19.12 No modification.

\*\*\*\*\*

## 8.20 POLICY T19 AND PARAGRAPH 8.45 *CAR PARKING*

Objections:	0667 Nordcline Limited	0689, 5494 [PC] & 6002 [PC] Kirklees Green Parties
	5483 House Builders Federation [PC]	5818 Marley Properties Ltd [PC]
	5822 Nationwide Building Society [PC]	6000 McDonalds Ltd [PC]
	6001 University of Huddersfield [PC]	6003 [PC] & 7004 Government Office for Yorks & Humberside

## Background

8.20.1 The objections seek inclusion of parking standards in the plan and rewording of the policy. The Council's proposed changes include revision of paragraph 8.45 and agree the principle of including standards in the plan. They do not set final standards, but include those published for consultation, as set out in CD31. Counter objections 5483, 5818 and 5822 made prior to February 1995 must relate to the consultation standards. Counter objection 5494 relates to the revision of the text. On 1 February 1995 the Council agreed revised parking standards as a further proposed change, as set out in CD113. Subject to these, counter objection 5483 is conditionally withdrawn. Counter objections 6000 to 6003 are to the further proposed change. Where specific standards are referred to in this report these are as set out in CD113.

## Issues

- 8.20.2 These are whether:
- i. parking standards should be for guidance only and allow proposals to be considered on their merits;
  - ii. standards should be set out as part of the plan;
  - iii. the policy should state that parking provision will reflect a commitment to traffic reduction and increased public transport use;
  - iv. the policy should set maximum and operational minimum standards, rather than minimum requirements;
  - v. parking standards should give consideration to areas with varying levels of public transport accessibility;
  - vi. revised paragraph 8.45 should refer also to locations with "potentially" good public transport access;
  - vii. the policy should include provision of spaces for disabled drivers and cycle parking;
  - viii. the degree of detail for different classes of development is excessive;

- ix. there is inconsistency between standards for different classes of development and excessive requirements;
- x. higher education should be a category to be determined on its merits.

## Conclusions

8.20.3 On issues i and ii, the policy requires parking in accordance with particular standards. To refer to these as being for guidance only would undesirably reduce clarity. Although individual circumstances of proposals will be material considerations, this does not remove the desirability of providing a clear policy context against which to weigh them. Bearing in mind that the standards will be a factor in determining planning applications and the judgement in *Great Portland Estates plc v Westminster CC* [1985] AC661, it is essential for them to form part of the plan. This latter element would be met by the Council's proposed changes.

8.20.4 Turning to issue iii, it is an integral part of national guidance and the Council's strategy to encourage a modal shift in transport use. PPG13 highlights that availability of parking has a major influence on the choice of means of transport. Thus, parking policy is an important element in pursuing that strategy and should be formulated with one of its aims being to promote increased use of modes other than the private car. The bearing of parking provision on use of the highway network is recognised in paragraph 8.44. Inclusion of a commitment in the policy, in addition to reference in the text, is not necessary provided the policy adequately reflects this aim. I go on to consider whether it does in the context of the following issues.

8.20.5 PPG13 paragraph 4.5 clearly advises that standards in plans should be set as a range of maximum and operational minimum amounts of parking. The Council acknowledges that policy T19 does not include the concept of maximum amounts of parking. The reasons given for this stance are that maximum standards may be seen as a deterrent to inward investment and that the very low position of the Town Retail Centre, 89th nationally, is attributed in part to a lack of town centre parking. Kirklees is not alone in seeking inward investment and is not a district highlighted in RPG12, as other areas are, as being significantly more in need of such investment than other districts in the region. PPG13 recognises the need for strategic policies on parking to avoid the destructive potential for competitive provision by neighbouring authorities and RPG12 reiterates that development plans should define maximum levels of parking in new developments. The authorities bordering Kirklees are subject to the same strategic framework and any impact this has on inward investment, albeit that where UDPs have already been adopted the guidance cannot be incorporated until review stage. This necessary time lag between plans at varying stages is a national situation, rather than an unusual local manifestation. With regard to the position of the Town Retail Centre, this argument is not applicable to most of the standards, which do not relate to retail development, nor to that element of the retail class standards for staff rather than customer parking. Local circumstances do not justify inconsistency with national guidance by the failure to set maximum parking levels.

8.20.6 PPG13 advises that the level of parking required should in general be kept to the operational minimum. The Council indicated at the inquiry that it considers the standards specified in the further proposed changes do this. However, it was also clarified that this is on the basis that operational minimum is interpreted by the Council as the demand for

parking, including that for visitors, employees and servicing, based on past surveys, rather than the minimum at which a use could operate. Setting standards on this basis, in effect to meet demand, is contrary to the overall thrust of national guidance. As paragraph 8.45 explains, an aim of parking policy must be to ensure that arrangements are made in development so those attracted to the site do not adversely affect safety, the environment or the function of the transport network. Nevertheless, indiscriminate on-street parking in dangerous or inconvenient places can be controlled through use of measures such as TROs and residents parking schemes, so this aim of the policy does not justify requiring standards above the operational minimum.

8.20.7 On issue v, PPG13 recommends reduced parking standards where there is a good alternative to use of the private car. The plan does not do this. In its response the Council regards an index of public transport accessibility as an interesting concept, but expresses reservations arising from deregulation. Deregulation is nationwide and, despite the measure of uncertainty thereby caused, other authorities have found work on this basis possible. There is no evidence of local circumstances to preclude this approach in Kirklees. A considerable body of information on public transport levels exists in the ITS, so identification of areas with differing levels of accessibility need not be a lengthy process affecting the time scale for adoption of the plan.

8.20.8 "PPG13 A Guide to Better Practice" points out the dangers of simply restricting or reducing parking in locations with good public transport access, in that this can encourage perverse investment decisions selecting locations with poor levels of accessibility. PPG13 also advises that parking at peripheral sites should not be set so high as to disadvantage more central areas. Simply reducing parking standards at locations with good public transport accessibility, such as central sites, could create this undesirable imbalance. A more effective approach is suggested in the Guide of reducing the requirements for parking in good locations, but also seeking through commuted payments and section 106 agreements the upgrading of public transport provision where this is poor.

8.20.9 The plan uses footnote 3 to the standards to indicate that commuted sums towards new public transport will be considered as an alternative where the developer is unable to provide the required spaces. Footnote 4 is used to indicate that the guidelines may be relaxed by reference to local factors, such as the availability of public transport. This approach is not an adequate alternative to setting out standards for broad areas with differing levels of public transport accessibility. It does not give clear guidance, is undesirably vague and is reactive rather than promoting an approach to further the Council's overall strategy. It is likely to lead to a haphazard approach, with commuted sums only considered where the developer is unable to provide spaces. Positive direction is needed to specify the circumstances in which they will be actively sought.

8.20.10 In discussion on the objections, the interrelationship and consistency with other policies was raised. Policy T19 requires off-street parking in new developments in accord with set standards. In town centres provision of parking in private spaces detracts from the Council's ability to exercise control over the use of parking to favour short stay over long stay use and therefore from the aims of policy T20. Whilst footnote 3 to the parking standards makes reference to consideration being given to commuted payments for public parking, this is only where space cannot be provided in the development. Similarly policy T21 only comes into play for proposals which are unable to incorporate sufficient parking.

As PPG6 paragraph 2.31 sets out, in town centres the need is for parking to serve the centre as a whole, not dedicated parking for individual developments. It is not adequate for the plan to rely on those circumstances where the development site is incapable of providing the spaces for such an approach to be followed. The policy should make it clear that in town centres where parking is to be provided it should serve the centre as a whole.

8.20.11 On issue vi, as discussed above reducing parking standards only where public transport access is already good can bring dangers of skewing investment decisions. However further revision of paragraph 8.45 to add the words "or potentially good", as suggested in [6002], would be vague in that with sufficient subsidy most areas could be brought within that description. Bearing in mind the conclusions above, more radical revision of the text than simply adding the suggested words would in any case be appropriate.

8.20.12 The provision of parking for use by disabled people is covered by policy BE22 and there is no need for duplication in policy T19. On the question of cycle parking, it is an aim of both national guidance and the plan to encourage more trips by cycle. Adequate facilities at the journey end contribute to that aim and PPG13 recommends that secure cycle parking is sought in all major developments, in town centres and at educational institutions. Whilst demand in Kirklees may not be high currently, the plan includes measures to give improved conditions for cycling with the expectation of change in the plan period. It would therefore be inconsistent for the plan not to accord with national guidance on cycle parking provision. The Council indicates its intention of giving consideration to this matter.

8.20.13 On issue viii, the Council's experience is that previous less detailed standards proved a drain on officer time. Whilst PPG13 indicates that parking standards should be set for broad classes of development, in view of this experience, where a distinction between types of development can be made which avoids repetitive interpretation it is reasonable to reflect this in the standards. However, the degree of detail attempted creates distinctions between types of development for which no reason is evident. This is considered further in the context of issue ix.

8.20.14 [6001] highlights that essentially the same activity in various types of development is treated as giving rise to different parking requirements. In many categories the standard for parking space for staff is set at a ratio of one to three. Examples of higher parking requirements for staff include those for schools, colleges, playgroups, car repair workshops, libraries and medical centres. In the medical class, the nature of doctors' or veterinary surgeons' work, who are likely to go from surgery out on call, provides a good example of where there is a case for a distinction. However, there is no indication that the nature of the work of staff at the other examples cited requires a greater level of car commuting than for other staff. Similarly the location of the types of development in the examples, which may be spread throughout the community, are not inherently different from the location of categories with lower requirements, for instance public houses or community centres. Thus higher staff parking standards in many instances are not justified and create undesirable inconsistency. Where parking requirements are cited in terms of floor space closer examination is needed. Industrial job densities are notoriously variable, but information in KB/BRT/7 gives some insight. With a mean employment weighted figure of employee density in manufacturing premises of around 35sq m, even allowing for visitor requirements, the standards for classes B2 to B7 would be likely to result in a higher requirement for staff parking than a one in three ratio. Again no justification in terms of the nature of work or

location is evident. It seems there is considerable inconsistency between the standards for different categories of development, justifying a review. When the inconsistencies are removed, there is likely to be scope for simplifying and reducing the categories of development addressed.

8.20.15 The distinction between Classes A1, A2 and A3 is criticised by other objectors. A particular concern of [6000] is the impact of the different standards for Classes A1 and A3 in town centres. Since it is rarely possible to create more on-site parking in such areas, the higher requirement for A3 use is seen as unreasonably inhibiting changes to that use. My recommendations which direct town centre provision away from private on-site solutions, would overcome this problem. Even though, for other reasons, I do not recommend reliance solely on footnote 3, that would allow consideration of alternative measures to meet parking requirements in such situations. On whether a distinction between the classes is justified, [6000] refers to them being within Class A "retailing town centre uses". Part A of the Schedule to the UCO is not described in that manner. Whilst uses in all three classes may be appropriate in town centres, that is not the only location to be considered and they remain separate classes. There is no evidence to dispute the Council's contention that they operate so as to give differing profiles of customer and staff activity and therefore differing profiles of parking requirements justifying separate standards.

8.20.16 Although [5818] and [6003] regard the standards, in particular for Class A1 as high, no alternative figures are suggested nor evidence to support them given. [5818] indicates that the Class A1 standards are out of line with those of other authorities around the country and with the requirements identified by retail operators. In contrast, the Council indicates the standards are below national recommended levels. This conflicting information warrants investigation as part of the review of the standards I recommend, which should take account of PPG13 advice not to require developers to provide more spaces than they wish unless there are significant safety or traffic management implications.

8.20.17 On issue x, the main concern of [6001] is the treatment of the University development. The Council indicates that the particular factors raised in that counter objection would all be considered in the TIA. Higher education, which would include the University development, is not specified as a category in the parking standards so footnote 1 applies. This makes it clear that development which is not specified will be considered on its merits. This is essentially what is sought by the counter objection and there is no need for modification.

## Recommendations

- 8.20.18
- i. modify the plan to include parking standards as Appendix 2;
  - ii. carry out work to provide a definition by which locations where accessibility to public transport is poor can be identified and incorporate this in the plan;
  - iii. revise the parking standards from those in the proposed further changes to:
    - a. give maximum and operational minimum amounts of parking;
    - b. remove unjustified inconsistencies between the different categories of development and simplify the categories addressed;
    - c. take account of locations with differing levels of public transport accessibility;

- d. include cycle parking in major developments, town centres and at educational institutions;
- iv. modify policy T19 to read:

THE PROVISION OF OFF-STREET PARKING WILL BE REQUIRED IN NEW DEVELOPMENTS IN ACCORDANCE WITH THE STANDARDS SET OUT IN APPENDIX 2. WHERE PARKING IS PROVIDED IN CONNECTION WITH NEW DEVELOPMENTS IN TOWN CENTRES ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT IT IS AVAILABLE TO SERVE THE CENTRE AS A WHOLE AND MANAGED IN ACCORDANCE WITH POLICY T20. PROPOSALS FOR DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS AND WHICH ARE TO BE LOCATED WHERE ACCESSIBILITY TO PUBLIC TRANSPORT IS POOR SHOULD INCLUDE ARRANGEMENTS FOR THE IMPROVEMENT OF PUBLIC TRANSPORT PROVISION, IN ADDITION TO MEETING THE PARKING STANDARDS.

- v. modify the supporting text to accord with the revised policy, to identify the town centres where the second element of policy T19 applies and to specify that it is proposed to implement the final two elements of policy T19 by means of planning obligations.

\*\*\*\*\*

## **8.21 POLICY T20 AND PARAGRAPH 8.46 TOWN CENTRE CAR PARKING MANAGEMENT**

Objections: 0689 Kirklees Green Parties

### **Issues**

- 8.21.1 i. whether the plan should provide for overall parking provision in town centres to be progressively reduced;
- ii. whether the policy is undesirable on the basis that it will not be effective in reducing traffic.

### **Conclusions**

8.21.2 Paragraph 8.46 indicates a need to increase parking space for shoppers in town centres. The objector disputes that this is necessary to improve the attractiveness of the centres. The Council provides no evidence of the need for more parking in other centres and for Huddersfield its evidence for additional spaces comes from the HETS Transport Consultants survey of 1989. Given subsequent changes in guidance on transport matters, this is a relatively dated report. Also it indicates only that there may be a need for an additional 1,000 to 2,000 spaces. A committed permission at Kingsgate would provide around 1,100 spaces. On the basis of this information it would be inappropriate for the plan to make further reference to additional parking being needed. Furthermore, bearing in mind the

major influence of parking availability on the choice of means of transport, such a reference would be inconsistent with strategy in the plan and national guidance to reduce reliance on the private car. Revision of paragraph 8.46 is justified.

8.21.3 [0689] seeks progressive reduction of provision. To an extent this is supported by PPG13 advice to encourage redevelopment of private parking space which is above more recent standards. However, PPG6 makes it clear that for town centres to compete effectively with out of centre development they must remain attractive to people who arrive by car. It is also important to avoid discrepancies between town centres. Bearing in mind the importance of town centres remaining the focus for uses that attract a large number of trips and the danger of displacing these trips further afield, care is needed in going further without concerted action with nearby authorities. The joint statement of the five West Yorkshire authorities in the TPP supports action to manage central parking stock to provide for visitors, shoppers and service traffic and to discourage all day parking by commuters, but gives no indication of a common approach of overall reductions in parking levels. I am not therefore persuaded that a commitment to a reduction is presently feasible.

8.21.4 On issue ii, as [0689] points out, a higher turnover of spaces through management for short stay use will allow more trips to be generated. This will tend to be spread throughout the day, rather than at peak times of greatest congestion. PPG6 and PPG13 support policies which give priority to short-term parking for visitors and discourage long-term parking for commuters. In so far as policy T20 does not make a commitment to the provision of additional parking spaces, but sets out the management approach to available spaces, its intention is consistent with this national guidance. However, growth in the supply of long stay parking spaces, above that necessitated by new development, would undermine the effectiveness of managing the spaces and be inconsistent with PPG13 guidance and strategy in the plan to encourage a modal shift away from car use. The policy should therefore make it clear that additional long stay parking provision will be resisted.

8.21.5 The Council indicates that the inconvenience and increase in journey time from restriction of long-stay parking to peripheral locations is intended to encourage commuters to use other modes of transport to work. The extent to which this will be effective will need to be monitored. However, the Council's response makes it clear that pricing mechanism is also to be used as a means of deterring car commuting. This will go further than simply managing the spaces to direct long stay use to peripheral locations and the policy should reflect this. Reference to parking charges in the reasoned justification would improve consistency with PPG13 advice and more accurately reflect the Council's intentions.

### **Recommendation**

8.21.6 i. modify paragraph 8.46 by deletion of the third sentence and substitution therefor of:

Nevertheless, if town centres are to compete effectively with out of centre developments they must remain attractive to people who arrive by car as well as by other modes of travel.

ii. modify paragraph 8.46 to include the statement that parking charges will be used as a means of deterring commuting by car;

iii. modify policy T20 to read:

IN TOWN CENTRES CAR PARKING PROVISION WILL BE MANAGED TO DISCOURAGE LONG STAY USE. IT WILL ALSO BE MANAGED TO ENCOURAGE THE USE OF PARKING PROVISION CLOSE TO THE SHOPPING AREA FOR SHORT STAY PURPOSES AND TO DIRECT LONG STAY USE TO PARKING PROVISION ON THE PERIPHERY OF TOWN CENTRES, NORMALLY WHERE CONVENIENT ACCESS TO MAIN RADIAL ROUTES IS AVAILABLE. ADDITIONAL LONG STAY PARKING, ABOVE THAT REQUIRED BY NEW DEVELOPMENT IN ACCORDANCE WITH POLICY T19, WILL NOT BE PERMITTED.

\*\*\*\*\*

## **8.22 POLICY T22 RAIL LINE BETWEEN BRADLEY AND BRADLEY WOOD**

Objections: 0689 Kirklees Green Parties

### **Issue**

8.22.1 Whether the policy should include a firm commitment to reopening and introducing a rail service on the safeguarded line.

### **Conclusions**

8.22.2 Funding for development of proposals to extend the rail passenger network for a service between Huddersfield and Bradford via Brighouse and Halifax has been achieved through the Calderdale 1995/96 TPP bid. This covers sections of the route in Calderdale and in neighbouring districts. Policy T22 is sufficient to ensure that the scheme is not inhibited by other development. Extension of the policy to give a commitment to introducing a rail service is not necessary for realisation of the scheme and, since the provision of rail services is an operational matter outside the land use remit of the plan, would be an inappropriate addition.

### **Recommendation**

8.22.3 No modification.

\*\*\*\*\*

## **8.23 PARAGRAPH 8.56 ENHANCEMENT OF RAILWAY STATIONS**

Objections: 0646 Batley Action Ltd

### **Issues**

8.23.1 Whether there should be:  
i. reference to Batley Station as an area for regeneration;  
ii. a positive statement on improved public safety measures at transport termini.

## Conclusions

8.23.2 Paragraph 8.56 describes improvements made to railway stations and policy T24 supports proposals for their enhancement. These are all inclusive and therefore encompass Batley Station. In addition Batley Station is in a regeneration area identified on the proposals map and in the City Challenge area, both of which are highlighted in terms of the focus for regeneration in paragraph 1.4 of the plan. The area is thus comprehensively covered in the plan and there is no need for an additional reference.

8.23.3 Public safety is important at transport termini. Where development is proposed at existing stations or to create new ones policy BE23 adequately covers public safety considerations and duplication of policy should be avoided. Where no development is involved improvements in public safety would depend primarily on operational factors. It would be inappropriate and of no benefit to include in the plan a statement of aspiration.

## Recommendation

8.23.4 No modification.

\*\*\*\*\*

## 8.24 POLICY T24 RAILWAY STATIONS

Objections: 0689 Kirklees Green Parties

### Issue

8.24.1 Whether the policy should state that a bus link to the University campus at Storthes Hall from Stockmoor Station and secure cycle parking at the station will be provided.

## Conclusions

8.24.2 Local authorities' powers to subsidise the provision of bus services should not be confused with their role as planning authorities preparing development plans. As PPG12 explains, plans should contain policies and proposals for the development and use of land. Whilst policies such as T12, which identifies routes where there will be measures to give priority to bus movement, incorporate the necessary land use element, the provision of bus services is an essentially operational matter outside the remit of the plan. PPG13 advises that where development can take place only with improvements to public transport, a contribution from the developer would be appropriate. Policies linking development to services in certain circumstances would not be ruled out, but no argument is advanced that the development at Storthes Hall is dependent on public transport improvements. The indication from the Council is that the informal agreement with the University to operate bus services does not specify routing and that services to Huddersfield town centre are more likely than to Stockmoor Station. In addition to considerations of its appropriateness in a development plan, the reference to a bus service to the station would not therefore reflect a firm prospect.

8.24.3 The reservation of land for cycle parking would be a land use matter, but there is no indication of any proposals for such a scheme at Stockmoor Station. No evidence is

advanced that greater priority should be given to such provision there than at other stations in the district. Policy T24 is positive in indicating that enhancement of stations, particularly where it would enhance integration with other transport modes, will be acceptable. Secure cycle parking would be covered by this positive guidance in the policy.

### **Recommendation**

8.24.4 No modification.

\*\*\*\*\*

## **8.25 NEW POLICY TX1 SAFEGUARDING RAILWAY LINES**

Objections: 0689 Kirklees Green Parties

### **Issue**

8.25.1 Whether there should be policies to safeguard the former Meltham - Huddersfield, Kirkburton - Huddersfield and Spen Valley railway lines for rail services.

### **Conclusions**

8.25.2 Policy T23 safeguards all disused railways from development which would prevent reuse for transport purposes. It encompasses these specific former lines and, as a transport purpose, any future reopening for rail services. A further policy would be unnecessary duplication.

### **Recommendation**

8.25.3 No modification.

\*\*\*\*\*

## **8.26 NEW POLICY TX2 SAFEGUARDING LAND FOR RAIL IMPROVEMENTS**

Objections: 0689 Kirklees Green Parties

### **Issue**

8.26.1 Whether there should be a policy to safeguard land for future improvements to provide Bradford - Dewsbury and Dewsbury - Wakefield rail services.

### **Conclusions**

8.26.2 [0689] does not specify the additional land requested for protection. As advised in PPG13, only firm proposals should be included in development plans. There is no indication of any work having been done on the need for, feasibility of or resources available for the suggested future improvements. Such a policy would therefore be neither clear in where it applied nor justified.

## Recommendation

8.26.3 No modification.

\*\*\*\*\*

## 8.27 NEW POLICY TX3 AND PARAGRAPH 8.52 *RAIL SERVICES*

Objections: 0646 Batley Action Ltd 0689 Kirklees Green Parties  
7006 Holme Valley Parish Council

### Issues

8.27.1 Whether there should be a policy to provide a direct Bradford - Wakefield rail service, reference to improved rail services at Batley Station or reference to maintaining and, if possible, improving the rail link between Huddersfield and Sheffield.

### Conclusions

8.27.2 Paragraph 8.53 indicates that the Council will continue in its role with the PTA to support rail services with a view to improving quality and reliability. Since the provision of rail services is an operational matter outside the land use remit of the plan, the background information given in that paragraph is as far as the plan can reasonably go in this respect.

## Recommendation

8.27.3 No modification.

\*\*\*\*\*

## 8.28 NEW POLICY TX4 *GUIDED BUS ROUTE*

Objections: 2360 Mr K Andrews

### Issue

8.28.1 Whether there should be provision for a guided bus route along the strategic pedestrian and cycle routes between Huddersfield and Heckmondwike (T18i & ii).

### Conclusions

8.28.2 As the objector and the Council agree, access problems in the A644 corridor have been identified. Since part of the pedestrian and cycle route provides a direct link shadowing green routes proposed on the A644, it may be that the investigation of the problems and solutions for the corridor will include looking at the feasibility of a guided bus link. However, at a general level the ITS found capital intensive schemes, such as guided bus routes, difficult to justify and the area investigations have not yet started. The example given by the objector of guided bus links being provided in Leeds relates to a section of some 0.5km. Although initial indications regarding the success of that scheme are encouraging and further links are under consideration, the scale and nature is in contrast to the suggested

scheme here. The route put forward is upwards of 11km, with few points of contact along it with the existing highway network to assist implementation in stages. Bearing in mind PPG12 and PPG13 advice, to take account of resources available and to include in plans only firm proposals for transport schemes which will commence in the plan period, the scheme is not so realistic as to be appropriate for inclusion.

8.28.3 The objector does not consider there is a direct conflict between the pedestrian and cycle routes and a guided bus scheme. The scale of works needed to introduce the former is not so great as to prohibit or reduce the likelihood of a later guided bus scheme if that became feasible, so the plan does not preclude consideration of the scheme in the future.

**Recommendation**

8.28.4 No modification.

\*\*\*\*\*

**8.29 NEW POLICY TX5 SIGNS FOR PEOPLE WITH DISABILITIES**

Objections: 3321 One Voice - Kirklees Federation of Disabled People

**Issue**

8.29.1 The objection, although listed under the Transport chapter, refers to the plan as a whole. It raises the issue of whether provision for signs to meet the needs of people with disabilities should be made to reflect equality of opportunity.

**Conclusions**

8.29.2 The type of signs to which the objection relates would in the main fall within classes having deemed consent and the plan is not relevant in providing guidance on the control of these. With regard to providing incentive for such signs, policy G5 sets the general strategy on equality of opportunity and a number of policies take this on with respect to people with disabilities to require adequate access and provision of facilities. The approach in policy BE20 is to provide access which is not separate from that for the general population, so separate signing would not be necessary. Where access and facilities are separate from those for the general population signing specifically to enable their use by people with disabilities must be regarded as an integral part of their provision, implicit in the requirement for the access or facility. Explicit reference to signs is not therefore necessary.

**Recommendation**

8.29.3 No modification.

\*\*\*\*\*



## CHAPTER 9 - DERELICT AND NEGLECTED LAND

### 9.1 CHAPTER 9 *SPORT AND RECREATION*

Objections: 1511 Sports Council

#### Issue

9.1.1 Whether greater emphasis should be given to sport and recreation as a potential use for derelict land.

#### Conclusions

9.1.2 Policy DL2 sets out the general approach to priorities in the reclamation of derelict land. All land derelict in 1993 has been surveyed and priorities for reclamation determined. The plan lists within policy DL3 all those sites where reclamation is high or medium priority and includes a proposed use. Of the total of 257ha for reclamation, 80ha are proposed for public open space and other formal recreation uses, compared to about 75ha for industry or housing.

9.1.3 RPG12 expresses a priority for the use of reclaimed derelict land for immediate industrial, commercial or residential development, although the role of other uses such as sport and recreation is also recognised. Against this background the approach in the plan represents a reasonable balance between competing priorities and there are no grounds to give any greater emphasis to sport and recreation as sought in the objection.

#### Recommendation

9.1.4 No modification.

\*\*\*\*\*

### 9.2 **POLICIES DL1 AND DL3** ***FOOTPATH/CYCLEWAY FROM HOWDEN CLOUGH TO BATLEY STATION***

Objections: 2418 Mr B L Hartley  
2421 Mrs J Miller

2420 Mr and Mrs J A Cromack  
2576 Mr D Cartwright

#### Issue

9.2.1 Whether the footpath/cycleway proposed from Howden Clough to Batley Station affecting four derelict land sites should be abandoned.

#### Conclusions

9.2.2 The cycleway was one of a number of strategic routes for pedestrians and cyclists identified on the proposals map under policy T18. Arising out of the objections, which

highlighted problems of implementation, the Council has now agreed a further proposed change deleting the scheme. The Council intends that three of the derelict land sites identified for reclamation under policy DL3 should be deleted and that the fourth, the former Bradford Road Branch Line, should be shown for environmental improvement by tree planting only. This would entirely satisfy the points made by the objectors.

### Recommendations

- 9.2.3 Modify the plan by:
- i. deleting from policy DL3 the following sites:  
Dismantled Railway, Boggard Fields, Upper Batley;  
Stoney Lane, Lamplands, Batley;  
Batley Field Hill, Upper Batley.
  - ii. in policy DL3, deleting "cycleway" from the proposed use in policy DL3 of the Bradford Road Branch Line, Howley Street to Grange Road, Batley.

\*\*\*\*\*

### 9.3 PARAGRAPH 9.9 AND POLICY DL3 *EQUESTRIAN USE*

Objections: 1512 & 1513 Kirklees Bridleways Group 1514 British Horse Society

#### Issue

9.3.1 Whether bridleways or equestrian use should be identified as a prospective soft end use in the footnote to Figure DL1 or as a proposed use of sites listed under policy DL3.

#### Conclusions

9.3.2 The objections stress the need for off-road routes for horse riders. I accept the Council's evidence that the description of soft end uses as a Footnote to Figure DL1 is not intended to be exhaustive, nor is it so written, and that when considering individual schemes the needs of horse riders could be accommodated in appropriate cases where there was a demand. Although "path" was suggested by the objectors as an alternative to "footpaths", that would be less meaningful and would not necessarily be read as including public use. A change to "public path" would make a fine distinction which is unnecessary in the context of this general description, so that no modification is required.

9.3.3 Concerning the proposed uses listed for sites under DL3, representations by the same objectors seeking inclusion of equestrian use of strategic footpaths and cycleways, some of which are on derelict land, have been dealt with under policy T18. Although the objections also criticise the identification of "footpath" as a proposed use, there is no specific evidence to suggest that for any particular site this designation should be replaced by, for example, "bridleway". Thus I do not believe a variation to the plan in this respect is justified on the information available, while the suitability of a particular route for bridleway status could be put forward when individual reclamation schemes were being prepared.

**Recommendation**

9.3.4 No modification.

\*\*\*\*\*

**9.4 POLICY DL3 SITE OFF PENISTONE ROAD, DOGLEY, HIGHBURTON**

Objections: 1042 Kirkburton and District Civic Society

**Issue**

9.4.1 Whether the site address should be Kirkburton.

**Conclusions**

9.4.2 The Council agree with the objector that the site address should be Kirkburton, not Highburton.

**Recommendation**

9.4.3 Modify the plan to give the address of the site as "off Penistone Road, Dogley, Kirkburton".

\*\*\*\*\*

**9.5 POLICY DL3, SITE HN40  
FORMER CLAY PITS, KILNER BANK, HUDDERSFIELD**

Objections: 1516 Elliotts Bricks Ltd

**Issue**

9.5.1 Whether the proposed use of the site should include recreational uses associated with Huddersfield Stadium.

**Conclusions**

9.5.2 The objection seeks an addition to the proposed use of the site, currently stated to be tree planting/public open space. The area of the objection site is that shown as derelict land in the consultation draft plan, which is slightly reduced in the deposit draft, but this has no material effect on the issue raised by the objector.

9.5.3 The site is also allocated as UGS and is part of a much larger area of UGS consisting mainly of steeply sloping and wooded land. The derelict land is dominated by a steep-sided former claypit, for which reclamation would be very beneficial. The site is elevated and prominent from central Huddersfield so that reclamation with substantial tree planting to be compatible with the surrounding land would be highly appropriate.

9.5.4 The objector draws attention to the proximity of the stadium but that is some distance away and in a very different setting on flat land closely associated with built development. Given the differences in circumstances, I do not accept that uses associated with the stadium would be likely to be suitable. Any proposals could properly be considered against policy D3.

**Recommendation**

9.5.5 No modification.

\*\*\*\*\*

**9.6 POLICY DL3, SITE HN42 ST ANDREWS ROAD, HUDDERSFIELD**

Objections: 2350 Holset Engineering

**Issue**

9.6.1 Whether the proposed use should be expanded from "industry after clearance" to include "related uses".

**Conclusions**

9.6.2 The plan proposes the reclamation of this derelict and contaminated land containing neglected buildings. The site is in a predominantly industrial area and, apart from the Derelict Land notation, is unallocated in the plan. The objector intends to use the site for employee car parking in connection with an adjoining industrial use, for which planning permission has been granted. The parking would replace space taken up by the development of site B6.1.

9.6.3 The proposed use within policy DL3 is a general description only of the broad category or character of development. It is reasonable to regard this as including activities allied to industry, which would normally be ancillary to the main use for the purposes of the UCO, so that no uncertainty is created by the terms of the designation.

**Recommendation**

9.6.4 No modification.

\*\*\*\*\*

## CHAPTER 10 - BUSINESS AND INDUSTRY

### **10.1 POLICY B1 BUSINESS AND INDUSTRY STRATEGY**

Objections: 2153 Ramfield plc  
2847 Mr S Marsden

2292 Designaim Developments Ltd  
5494 Kirklees Green Parties [PC]

#### **Issues**

10.1.1 These are whether:

- i. the policy should acknowledge in subparagraph i the employment generating potential of retailing;
- ii. subparagraph ii would undesirably inhibit alternative beneficial use of sites for which there is limited demand for industrial reuse or redevelopment.

The Council's proposed change would revise subparagraph ii to read "maintaining a stock of business premises and sites sufficient to meet identifiable demands". The counter objection raises the issue of whether it should maintain a stock only at "sustainable levels".

#### **Conclusions**

10.1.2 The policy sets out in seven broad elements the strategy by which the plan intends to meet the employment needs of the district. The last five elements are not in dispute.

10.1.3 On issue i, whilst there is employment in retailing, there are situations where this land use or the expectation of it can inhibit development for business and industry. This potential conflict is recognised in PPG6 at paragraph 3.23. Also the location of retail development raises matters, such as the vitality and viability of centres, accessibility and sustainable patterns of travel, on which advice is given in PPG6. The plan approach of dealing with retailing as a separate chapter from business and industry enables this national advice to be taken properly into account and provides clear guidance on the necessary distinction between land for industrial and business use and land for retailing. The introduction of "including retailing" into subparagraph i as suggested would create undesirable ambiguity and potential conflict with policies in chapter 13. The later change suggested by the objector [2847] of amending "new businesses" in subparagraph i to "new employment generating businesses" would not improve the meaning of the policy.

10.1.4 On issue ii, in Kirklees many established industrial premises remain in 19th century premises in locations, such as along the river valleys, dictated by traditional industrial requirements no longer applicable. Bearing in mind topographical and access constraints, not all will be capable of adaption or redevelopment to be suitable for modern business and industry. It is of no benefit to the owners or the community for premises with no prospect of future business and industrial use to remain vacant or largely unused and decaying. Similarly the local economy will not be assisted by firms being hampered in their activities by continued use of unsuitable premises. As worded in the plan, subparagraph ii of the policy includes no reference to the suitability of premises and sites or likely demand for them. It could therefore lead to an undesirable lack of flexibility in permitting alternative uses and should be revised.

10.1.5 In revising it the following points are relevant. It is not necessary to include, as [2153] suggests, reference to other policy objectives of the plan, as other relevant policies would automatically be part of the consideration of any proposal to be weighed alongside the business and industry policy. The potential problems of unsuitable premises discussed above should not apply to those sites allocated in the plan, since there has been the opportunity to challenge their suitability. It should be made clear, by the introduction of "established" to define premises and sites, that subparagraph ii is not addressed to allocated sites. Small new firms may be reliant when starting up on the availability of affordable premises. Older premises, even where not ideal for modern industry, can thus play a role in assisting the formation of new enterprises, an essential component of economic vitality and an effective source of new employment. Many established premises are in sustainable locations close to housing which grew up around the traditional employment centres. If they can be put to business and industrial use or redeveloped for such use without harming residential amenities there is significant benefit from reducing the need for travel in keeping that relationship. Suitable new industrial land has proved difficult to find in Kirklees, as highlighted by the release of playing fields and Green Belt for allocations. For all these reasons resisting release of premises and sites which are capable of contributing to economic activity and have a realistic prospect of doing so should remain a basic element of the strategy.

10.1.6 The Council's proposed change would not adequately cover this basic element. Firstly, as discussed in IR L1.1 and highlighted in the appeal decision cited in KB/BRT/6, there are difficulties in obtaining precision in demonstrating "identifiable demands" at district level. This would create problems in interpreting and applying the policy. Secondly, policy B1 must be read and interpreted as a whole. The first element of the strategy is "providing land to accommodate the requirements of existing Kirklees businesses and the establishment of new businesses". Bearing this in mind, "maintaining a stock of business premises and sites sufficient to meet identifiable demands" could in theory be achieved, even if perfectly suitable existing business and industrial premises were being released for alternative uses, provided at the other end of the equation new land was being provided. Given the difficulties of finding new industrial land without impinging on other policy objectives, this is not a desirable or tenable scenario. I have no doubt that it is not what the Council intends. Nevertheless, the proposed wording of subparagraph ii, with no reference to the suitability of premises and sites, contains nothing to preclude such an interpretation. I do not therefore recommend the proposed change, but a revision based on the points discussed in IR 10.1.5.

10.1.7 It seems to me that the limitation of premises and sites to sustainable levels suggested in [5494] is of more relevance to the provision of land for new sites. The issues and arguments raised on overall business and industry land supply are considered in IR L1.1. It is not clear what the objector intends to be meant by sustainable levels, so such an addition to the revised subparagraph ii would lack the necessary precision to give clear guidance.

10.1.8 There was no objection to the second half of subparagraph ii, namely "within established business areas, securing environmental improvement and development beneficial to established businesses", but no counter objection to its deletion by the proposed change. I therefore do not comment on its inclusion or otherwise, apart from a point raised in respect of similar wording in policy B4. "Established business areas" are not defined or identified in the plan. Without this being done any policy referring to proposals within them would lack clarity on where it applied.

**Recommendation**

10.1.9 Modify policy B1 by deleting from subparagraph ii "MAINTAINING THE STOCK OF BUSINESS PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS" and substituting therefor the words:

MAINTAINING THE STOCK OF ESTABLISHED BUSINESS AND INDUSTRIAL PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS OR WHERE THEY ARE UNSUITABLE FOR BUSINESS AND INDUSTRIAL USE OR THERE IS NO REALISTIC PROSPECT OF REUSE OR REDEVELOPMENT FOR SUCH PURPOSES.

\*\*\*\*\*

**10.2 POLICY B2 LAND FOR BUSINESS AND INDUSTRY**

Objections: 2847 Mr S Marsden

**Issue**

10.2.1 Whether the policy should be made more flexible to allow other employment generating uses to be accommodated on allocated sites.

**Conclusions**

10.2.2 PPG12 advises that when allocating sites there should be a realistic expectation of the development proceeding. If individual sites allocated under policy B2 are considered not to meet this assessment the remedy is to remove their allocation. Although [2847] refers to the merits of a particular site, it does not seek its removal. Circumstances could transpire to make alternative development preferable to an industrial use, but relevant arguments would be material considerations to be weighed against the plan. This is not a reason to introduce ambiguity and uncertainty into the plan policy itself.

10.2.3 The advice in PPG4 cited by the objector makes it clear that development plans should identify the appropriate uses for previously used urban land. The advice cited in PPG6 (now superseded) related to an example of where alternative use is preferable to keeping land vacant when a plan is not up to date. Neither piece of guidance points to accepting alternative uses in the plan policy allocating business and industry sites. Indeed PPG4 at paragraph 3 has the opposite thrust in emphasising that plans should give industrial and commercial developers and communities greater certainty about the types of development that will or will not be permitted in a given location. Policy B2, which sets out the classes for which the land is allocated in order to ensure it is kept available for those purposes, provides that certainty and is consistent with national guidance.

**Recommendation**

10.2.4 No modification.

\*\*\*\*\*

## 10.3 POLICY B3 *BUFFER ZONES*

Objections:	0697 White Rose Development Enterprises Ltd	0964 Mr J C H Mason
	0965 Mr D Wood	0966 Mr G Hirst
	2170 Mr M Rathmell	2384 Mr K Hall
	2385 Mr & Mrs N Jowett	2386 Mr & Mrs B Crank
	2387 Mr J Wood	2605 Mr A Livesey
	2653 Mr H Armitage	2654 Mr & Mrs D Broster
	2844 Rural Development Commission	

### Issues

- 10.3.1 These are whether:
- the identification of buffer zones should be deleted and reference made in the text to them being formed between business and industry allocations and residential use where appropriate;
  - the detailing and extent of buffer zones should form part of development briefs rather than be allocations in the plan;
  - the plan should indicate how buffer zones would be managed and maintained;
  - buffer zones are appropriate for sites allocated for class B1 use alone;
  - the policy would fail to prevent buffer zones being compromised by construction and should be more clearly worded.

### Conclusions

10.3.2 With the exception of [2170] and [2844], the objections also relate to the extent of the buffer zone shown at allocation B8.1. The site specific points are dealt with at IR 19.1. With regard to the first three issues, PPG12 advises that plans must take into account environmental considerations, such as safeguarding the amenity of residential districts, and the objectors recognise the need for an appropriate transition between residential and industrial developments. The disagreement centres on the appropriate means of guiding that transition in the plan. Policy B3 and the general identification of the extent of buffer zones on the proposals map are not a substitute for development briefs and conditions on planning permissions. The latter will at the appropriate stage give more detailed guidance and control on both the creation and maintenance of buffer zones, which could not be given within the plan because the requirements will vary due to site and development specific characteristics. Policy B3 and identification on the proposals map are necessary to provide a framework within which decisions on development briefs and planning applications will be made. The alternative of a reference in the text to buffer zones being formed where appropriate would remove the certainty as to where such measures will be required and reduce the clarity of the plan.

10.3.3 I now turn to the fourth issue. PPG4 advises that it may not be appropriate to separate industry and commerce from residential communities, but also makes it clear that much will depend on the scale of the development. Policy B3 is not concerned with individual proposals within residential areas, but with large scale allocations on sites previously not covered by built development. When developed these allocations can be expected to have a significant impact on both the character and appearance of the surrounding areas. It is not contrary to the thrust of PPG4 to plan for an amelioration of that expected impact. Whilst by definition Class B1 uses are those which can be carried out in any residential area without detriment to amenity by reason of noise, vibration, smell, fumes,

smoke, soot, ash and grit, the definition does not address visual impact. As explained at paragraph 10.18 of the plan, buffer zones are intended to minimise visual impact as well as disturbance and the concept is applicable to sites restricted to Class B1 uses.

10.3.4 As the objector [2844] points out, buildings for employees' facilities or parking could have as great a visual impact as some Class B1 uses. It would be inconsistent to keep buffer zones free of Class B1 industrial buildings unless the potential impact of other incursions was also adequately controlled. Nevertheless, to do this it is not necessary nor desirable to rule out all buildings as the objector [2170] suggests. Some buildings could be required to facilitate beneficial use of the buffer zones for such purposes as sports activities and should not be precluded. Rewording the policy, to make it clear that development in buffer zones will be permitted only where both amenity of neighbouring occupiers and visual concerns would not be prejudiced, would provide adequate control. Regarding the other rewording suggested in [2170], I conclude that whether "should" or "must" is used would not affect materially the strength of the policy.

### Recommendation

10.3.5 Modify policy B3 by the deletion of the third sentence, which begins in line 7 and the substitution therefor of "DRAINAGE WORKS, CAR PARKING AND FACILITIES FOR EMPLOYEES WILL BE PERMITTED ONLY WHERE THE AMENITY OF OCCUPIERS OF NEIGHBOURING LAND AND THE VISUAL AMENITY OF THE SURROUNDING AREA WOULD NOT BE PREJUDICED."

\*\*\*\*\*

## 10.4 POLICY B4 *ESTABLISHED BUSINESS AREAS*

Objections:	0407 & 2838 Batley Action Ltd	2171 Texas Homecare Ltd
	2292 Designaim Developments Ltd	2383 Mr & Mrs K & M Moorhouse
	2835 S Lyles plc and S Lyles Sons & Co Ltd	2845 & 5481[PC] British Telecommunications plc
	2846 McDonald's Restaurant Ltd	2848 Holme Valley Civic Society
	2850 Trebor Bassett Ltd	2853 Marley Properties Ltd

### Background

10.4.1 [0407] and [2848] are listed against chapter 10, [2383] against policy B1, [2835], [2838], [2845] and [2850] against chapter 10 in addition to B4. All the objections are relevant to policy B4 and are covered in this section. The Council's proposed change to reword policy B4 is supported by and would meet [2171], [2835], [2846] and [2853].

### Issues

- 10.4.2 These are whether the policy:
- is inconsistent with national guidance;
  - should be more flexible and take account of demand, environmental benefits, suitability of premises and sites and the economic viability of reuse;
  - should be clarified by the identification of the "Established Business Areas" and supplemented by a more flexible policy outside those areas;
  - should be more proactive;
  - should allow or encourage reuse of industrial sites for housing.

## Conclusions

10.4.3 Policy B4 in the plan states that permission will not be given except in certain circumstances. Objectors consider this to be too negative an approach and cite guidance in PPG1, that the planning system should operate on the basis of development being allowed, having regard to the plan and all material considerations, unless it would cause demonstrable harm. That advice is not repeated in the revised PPG1. In addition, whilst in general positively worded policies are advocated, negative expression can be compatible even with the previous PPG1 advice provided there is a basis of harm in what such policies seek to resist. As advised in PPG4, plans should provide for the needs of business and ensure a variety of sites is available. Existing premises are a resource which adds to that variety. Loss of industrial land and premises is thus capable of causing harm to an interest of acknowledged importance. The example in PPG4 paragraph 11 of a particular type of land which may need to be protected for industrial use does not imply that this is the sole situation in which protection of industrial premises can be countenanced. In principle policy B4 is not inconsistent with national guidance and on the same basis, as it removes the negative form of expression, neither is the policy as proposed to be changed. Whether policy B4 is reasonable given the circumstances in this district I consider with regard to issue ii.

10.4.4 As discussed at IR 10.1.4, restricting the reuse or redevelopment of established business and industrial premises for alternative uses in circumstances where the likely result otherwise would be decay is neither reasonable nor beneficial. Given the nature and location of many of the older established premises and the evidence produced during the inquiry of a significant number of vacant and under-used premises particularly in regeneration areas, limiting permission to the three circumstances set out in plan policy B4 could well result in decay or continued under-use. The suitability of the premises and prospects for future business and industrial use need to be taken into account. Revision of the policy to include factors such as demand, suitability, environmental benefits and economic viability as sought in the objections is justified.

10.4.5 The revised wording agreed in the proposed change would adequately cover these factors. Applied in the context of policy B1 modified as I recommend, the proposed policy B4 would give the necessary detail to discriminate between, on the one hand, premises and sites capable of contributing to economic activity without environmental problems and with a realistic prospect of doing so and, on the other hand, those premises and sites which could reasonably be released for alternative uses. There is one area where the proposed policy could usefully be supplemented by another factor. As cited in [2292], PPG4 highlights at paragraph 11 the importance of sites close to rail and waterways in providing opportunities for more energy efficient modes of freight transport. In KB/BRT3/3 the Council acknowledges that opportunities for sites for business and industry to be served by rail or water are limited in this district. However, whereas open land in such locations is scarce the legacy of older business and industrial premises includes a proportion close to rail lines or waterways previously used for freight. As PPG 4 advises, protecting such sites would not be justified if there was no realistic prospect of use for industry or commerce in the foreseeable future, but it is a relevant factor in weighing up the relative advantages of sites for such use. Particularly in cases where the other considerations set out in policy B4 are finely balanced, the potential for energy efficient modes of transport should not be overlooked.

10.4.6 Turning to issue iii, [2845] correctly highlights that, unless "Established Business Areas" are identified in the plan, it is not clear where policy B4 applies. The proposed change removes the concept of such areas from the policy and would thus overcome this lack of clarity. The change does not however meet the main thrust of the objection, continued in [5481], which argues for an approach whereby the definition of established business areas allows a more flexible policy to apply outside those areas.

10.4.7 While that approach by other authorities is cited, the circumstances in Kirklees must be taken into account. Here the industrial legacy is such that many industrial premises are not grouped into homogeneous areas but mix closely with housing and other uses. The HLP and HWLDP identify employment priority areas, covering concentrations of industrial premises, but their proposals maps reveal mills and works remaining outside those areas. These are potentially valuable to the economic base of the area and, as set out in IR 10.1.5, to sustainable patterns of travel. In view of this potential value and more recent advice than the local plans in PPG4, that it may not be appropriate to separate industry and commerce from residential communities, a more flexible policy outside defined areas as suggested in [2845] and [5481] would not be desirable. Also, even in the employment priority areas, older premises identified as vacant or under-used are to be found, so that allowance for contraction of industrial and business use there and introduction of alternative uses should not be ruled out. In this district the better premises are not always conveniently grouped together in business areas. The approach advocated in the proposed policy B4 of setting out considerations applicable wherever premises are sited is more suitable for this district.

10.4.8 [2845] and [5481] cite benefits of a more flexible approach as improvements to residential amenity and maximising the potential of unused land and redundant buildings in the interests of urban regeneration, reducing pressure on fringe areas and adding to the choice of development sites. The impact on amenity and detailed considerations to ensure, in the context of policy B1, that unsuitable or unrealistic industrial and business premises are not unnecessarily held back from alternative use are included in the proposed policy B4. In practice, the policy will enable poorer quality sites to be distinguished as the objection seeks. It may lead to permission for alternative use being more likely in mixed areas than in areas of mainly employment uses. In the latter, continued industrial use is less likely to create adverse environmental impact on neighbouring properties, scope for industrial reuse or redevelopment in conjunction with nearby businesses may be greater and the possibility of alternative use harming the operational flexibility of neighbouring business will be greater. Nevertheless, the policy does not require the identification of primarily business areas in order to operate. The cited benefits would be adequately realised by the proposed policy B4.

10.4.9 On issue iv, [0407 & 2838] seek a proactive approach to aid regeneration in the Batley City Challenge area. Batley City Challenge "From Rags to Riches" indicates there are 40 vacant or under-used mills and specifies five groups for priority investigation. The objector's reference to the Batley Mills Strategy highlights work which has been carried out, but not translated into specific planning guidance. Whereas the objector places the onus on flexibility, this can be double-edged since hope for higher value uses often in practice frustrates more realistic, suitable schemes. Clear direction to give a positive thrust to schemes for regeneration would be beneficial. In view of the specific areas and premises identified in the City Challenge and the timescale for action under that initiative, development briefs rather than general policies in the plan would be a more effective way forward. Given the wide range of activities covered by business and industrial use and the potential in policy

B4 as proposed to consider alternative uses, the plan would give ample scope for innovative employment generating schemes. Further modification is unnecessary to avoid hampering regeneration, to avoid inconsistency with the City Challenge programme or to enable development briefs to be progressed. Whilst I do not therefore recommend any modification, I do urge the Council if it has not already done so by the time of this report to prepare such briefs - thereby bringing together the information resource provided by consultants' reports and the overall policy context, covering matters such as maintaining the vitality and viability of town centres as mentioned in the Council's response document.

10.4.10 Objections seek both to resist use of industrial land for housing and to encourage it. [2848] is critical of housing allocations on such land but, as indicated in IR 10.1.4 and 10.4.4, it is not desirable to retain all existing industrial sites in that use. Where it has been possible to identify particular sites, which for whatever reason are unsuitable for continued business and industrial use and are capable of contributing to the housing land supply, allocation adds to the certainty of plan guidance. [2850] refers to the housing chapter and seeks text to acknowledge that use of existing industrial sites for housing may be appropriate. Paragraphs 11.24 and 11.33 indicate that opportunities within the main urban areas for new housing result largely from redevelopment and that change of use of buildings to residential use can provide a useful source of accommodation. Industrial sites and buildings are one source of redevelopment land and conversions and are therefore included in those general comments. More specific reference is not necessary. With regard to whether reuse of industrial premises and sites for housing should be encouraged, there is likely to be strong future pressure for housing land. Evidence has been given of a number of successful schemes, including conversions, especially for specialised or low cost homes. Such use may on occasion be the preferred alternative. However, it would be contrary to national guidance, in PPG4 paragraph 18, for this is to be at the expense of the operational flexibility of other industrial or business concerns. Policy B4 as proposed does not preclude housing, but through criterion v ensures that consideration is given to the impact on other businesses of introducing housing as a potentially incompatible use. It strikes a reasonable balance and more explicit general encouragement of housing would not be appropriate.

## Recommendations

- 10.4.11 i. modify policy B4 in accordance with the proposed changes as set out in CD113;  
ii. further modify the new policy B4 by the addition of a new criterion to read:  
"ix THE POTENTIAL FOR THE SITE TO BE SERVED BY RAIL OR WATER FOR THE TRANSPORT OF FREIGHT."

\*\*\*\*\*

## 10.5 POLICY B5 *EXTENSION OF BUSINESS PREMISES*

Objections: 2515 Z Hinchliffe and Sons Ltd  
2835 Mid Yorkshire Chamber of Commerce

2854 Morton International Ltd

## Issue

10.5.1 Whether the policy should explicitly give support to the expansion of existing business premises.

## Conclusions

10.5.2 Policy B1 sets out the elements by which the employment needs of the district will be met. These include "accommodating the extension of business premises except where there would be adverse environmental impact". The interpretation of this part of the policy must be that permission will be granted for extension of business premises except where there would be adverse environmental impact. This positive approach is in essence what is sought by the objectors. Since policy B5 must be applied in the context of the strategic policy, modification is not essential to ensure that the approach is carried through. However, the Council's objectives, of strengthening the economic base and providing for the needs of established firms, and the continuity from the strategic policy to the part II policy would be more clearly apparent if policy B5 was expressed positively. This can be done without sacrificing the appropriate consideration of the environmental impact.

10.5.3 The factors specified in policy B5 for consideration are ingrained in normal development control criteria, but they do provide guidance for users of the plan on what is intended in policy B1 by "environmental impact". Reference to policy B2, as suggested in [2854], is not needed as in allocating specific sites that policy does not create a limitation on business use elsewhere.

## Recommendation

10.5.4 Modify policy B5 to read:  
PROPOSALS FOR THE EXTENSION OF BUSINESS PREMISES WILL BE PERMITTED PROVIDED THE AMENITY OF OCCUPIERS OF NEIGHBOURING PROPERTIES, VISUAL AMENITY AND HIGHWAY SAFETY ARE SAFEGUARDED.

\*\*\*\*\*

## 10.6 POLICIES B6 TO B9 AND PARAGRAPHS 10.30, 10.31 AND 10.35 *OFFICE USE*

Objections: 2844 Rural Development Commission

7004 & 5843(PC) Department of the Environment

### Background and issue

10.6.1 [2844] is conditionally withdrawn subject to proposed changes to the text and policies. [5843] sustains the basis of the objections [7004] to policies B6 to B8 and the text and adds a counter objection to policy B9 as intended to be worded by the proposed changes.

10.6.2 The issue raised is whether the direction of the policies and text to B1 office use rather than to class B1 use as a whole is contrary to national guidance and should be widened.

## Conclusions

10.6.3 PPG4 highlights that Class B1, covering light industrial, office and research and development use but excluding general industry, presents an opportunity to provide positively

for enterprise and investment while affording environmental protection. It advises against development plans restricting the flexibility afforded by Class B1. In its response the Council indicates that there is no intention to restrict the scope of Class B1 uses, but acknowledges that the intended emphasis of the policies is on the office component of B1 use. Such an emphasis is contrary to the thrust of PPG4, that the whole of Class B1 use should be harnessed and provided for to give the opportunity for enterprise and investment. Unless there are particular local circumstances this emphasis would be unjustified.

10.6.4 The Council sees the office component of Class B1 use as the significant catalyst for economic diversification and regeneration. However, no arguments or evidence are provided to support this view, that implicitly other Class B1 uses are of lesser significance. Paragraph 10.30 of the plan refers to considerable market interest in creating office accommodation by conversion of older industrial buildings, but this is in the context of "many cities and towns in the UK". There is no reference to the particular Kirklees situation and it is not demonstrated that local circumstances justify a different approach in Kirklees.

10.6.5 Also in its response the Council indicates that it would support the introduction of the research and development and industrial components of B1 use in the circumstances covered by policies B6 to B9. As worded in the plan, policies B6 to B8 are inaccurate in conveying this intention since they do not encompass the research and development and industrial components. In that respect they are incomplete in explaining the Council's intended approach and fail to give adequate guidance on such proposals. The policies and text require rewording to bring them into accord with national guidance and to reflect accurately the Council's intended approach.

10.6.6 The proposed changes would substitute the term "office uses except those falling within Class A2" as a replacement for the term "B1 office use" in policy B6 and paragraph 10.31. Since the definition of Class B1 in the UCO starts "Use for all or any of the following purposes - a) as an office other than a use within Class A2 ....", this part of the proposed changes is an exercise solely in semantics. It does not alter the thrust of the policies or text. The proposed changes also include the deletion of "B1" in places and would leave policies B7, B8 and B9 relating to office use alone. This would compound the unjustified distinction between B1 office use and other components of Class B1 use and introduce coverage of offices not in Class B1, which would create additional problems.

10.6.7 Under policy B7 as proposed, offices within Class A2 would be permitted in town and local centres without any further restriction on location. Policy S11 relates to service uses which can include A2 offices. It indicates they will be permitted in town and large local centres, but not within primary shopping frontages. In the further changes in CD125 a proportion of non shopping uses, including uses in Class A2, would be accepted. The proposed changes to policy B7 would result in an element of contradiction, as well as unnecessary duplication, between policies B7 and S11. Similarly the proposed policies B8 and B9 relating to "offices" would include some A2 uses. Since these are by definition where the service is to visiting members of the public, it is inconsistent with the plan aim of encouraging a more energy efficient pattern of movement if there is no consideration in their location or expansion in residential areas of accessibility issues. No such consideration is included in the revised policies by the proposed changes.

10.6.8 The proposed changes would not achieve the required revision to the policies and text and I recommend that they are not made.

**Recommendations**

- 10.6.9 i. modify paragraphs 10.30, 10.31 and 10.35 to include reference to the opportunities, provisos and potential for the research and development and industrial components of Class B1 use as well as the office component;
- ii. modify policies B6, B7 and B8 by the deletion respectively of the terms "B1 OFFICE USE" and "B1 OFFICES" and the substitution therefor of "CLASS B1 USES";
- iii. the modifications to paragraphs 10.30, 10.31 and 10.35 and policies B6, B7, B8 and B9 as set out in the proposed changes in CD113 be not made.

\*\*\*\*\*

**10.7 POLICY B7 *B1 (OFFICE) USE IN CENTRES***

Objections: 2855 Mid Yorkshire Chamber of Commerce

**Issue**

10.7.1 Whether the policy should be reworded to replace "normally be permitted" by "be encouraged" and to replace "except where" by "having due regard to", in order to give a greater level of certainty to developers that development will be allowed.

**Conclusions**

10.7.2 The suggested wording, to indicate that the establishment of B1 offices will "be encouraged having due regard to" continuity of shopping frontages, would make the policy less clear and certain. What is meant by "encouraged" and the way in which regard is to be paid to the matters cited would be open to interpretation. In contrast the indication in the policy as contained in the plan that development will be permitted except where a specified situation would occur is unequivocal and positive.

**Recommendation**

10.7.3 No modification.

\*\*\*\*\*

**10.8 POLICY B9 *EXTENSION FOR B1 USE IN RESIDENTIAL AREAS***

Objections: 2855 Mid Yorkshire Chamber of Commerce

**Issue**

10.8.1 Whether the policy should indicate that the proposals will be considered "to be acceptable" having regard to the factors set out.

## Conclusions

10.8.2 Policy B9 does not oppose the extension of buildings used for class B1 purposes in residential areas, but sets out what matters will be taken into account. The form of words suggested in the objection could be interpreted as indicating that proposals will be considered acceptable, irrespective of the outcome of the assessment of those matters. This would be inconsistent with PPG4 advice that planning decisions must reconcile necessary development with environmental protection. Accordingly, I do not recommend the modification sought in the objection.

10.8.3 In the interests of consistency I draw attention to my conclusions at IR 10.5 on policy B5. There is overlap between the two policies, in that proposals to which B9 is applicable will also be included in the wider category of proposals covered by B5. A similar positive form of expression as I recommend for policy B5 would also be appropriate for policy B9 if it were to remain in the plan. However, the matters set out in policy B9, of impact on the host building and amenity of occupiers of neighbouring residential property, are encompassed in those set out in policy B5, of visual amenity and amenity of occupiers of neighbouring property. Policy B9 adds nothing of substance to the guidance and is superfluous. It creates uncertainty as to whether it should be applied in addition to or in place of policy B5 in residential areas and contains an element of inconsistency in that it does not require consideration of highway safety. The plan could be improved and shortened by its omission. Since this deletion would not arise from the objection I do not make it as a recommendation, but urge the Council to consider the value of policy B9 at the same time as it considers the recommendation on policy B5.

## Recommendation

10.8.4 No modification.

\*\*\*\*\*

## 10.9 POLICY B15 *SMALL HOTELS AND GUEST HOUSES*

Objections: 2502 Tetley Pub Company Ltd

### Issue

10.9.1 Whether suitable smaller hotel sites should be allocated in the plan.

### Conclusions

10.9.2 Typically smaller hotels are established, not only by new building, but from the conversion of a wide variety of properties, so that it would be unrealistic to expect a comprehensive identification of suitable sites. The type of small hotels and guest houses to which policy B15 relates can occupy relatively small areas of land and many suitable sites for these are likely to be below the 0.4ha threshold used in the plan for allocations. PPG12 sounds a note of caution on the level of detail in plans, due to the potential delay in their adoption, and a reduction of the threshold level is not recommended. Allocation of smaller

hotel sites would give guidance which was incomplete to such an extent as to be potentially misleading and would create an unnecessary level of detail in the plan.

### **Recommendation**

10.9.3 No modification.

\*\*\*\*\*

## **10.10 POLICY B17 AGRICULTURAL BUILDINGS AND DWELLINGS**

Objections: 2839 NFU North East Region

### **Issues**

10.10.1 These are whether:

- i. the first sentence should be qualified by the insertion of "normally";
- ii. the policy is unreasonably demanding and should refer to "unacceptably" detrimental effect on the landscape.

### **Conclusions**

10.10.2 The use of "normally" is not helpful as it does not provide more flexibility than is ensured by the planning legislation and as it can cause uncertainty. In general clearer guidance is provided by policies setting out criteria by which development will or will not be permitted. Policy B17 does this, with the second sentence giving the circumstances in which development on isolated sites will be acceptable.

10.10.3 The policy guides agricultural buildings and dwellings towards existing building groups. It is only where this is not possible for operational reasons and isolated sites are affected that the policy requires a judgement to be made of the visual impact of the development. This is to be made, not in relation to the site in which context even minor development could have a significant effect, but in the wider context of "the landscape". The policy does not preclude development which affects the landscape, but only that where the effect is detrimental. This is not inconsistent with national guidance. PPG2 advises that even appropriate development should not injure the visual amenity of the Green Belt. Annex E to revised PPG7 advises that agricultural developments should be assimilated into the landscape without compromising their function. It gives guidance on various approaches to assist this, concluding that it should be possible to reconcile proposals with the need to conserve the landscape. The policy is not therefore unrealistic nor unreasonably demanding.

### **Recommendation**

10.10.4 No modification.

\*\*\*\*\*

## 10.11 POLICY B18 AGRICULTURAL BUILDINGS AND DWELLINGS

Objections: 2839 NFU North East Region

### Issue

10.11.1 Whether the policy is unreasonably demanding in respect of its landscape requirement and should be qualified by the insertion of "unacceptably" in subparagraph ii.

### Conclusions

10.11.2 The policy states that agricultural buildings, dwellings or extensions should not detract from the landscape character of the area. In considering a proposal against this criterion, the judgement will be whether it reflects and respects the essential features, nature and pattern which make up the character of the landscape. In Kirklees, where the landscape is primarily a result of working agriculture, associated buildings are generally part of the character of the landscape, apart from in the more remote uplands. The criterion will not therefore inhibit buildings to an unrealistic degree. It is appropriate for new development to respect the existing character of the area. The approach will require landscape features and patterns, such as woodland, skylines and the grouping of buildings, to be taken into account in the siting of buildings and matters such as local traditions, materials and scale to be taken into account in their design. This is consistent with the advice in revised PPG7 Annex E. As indicated in the annex it should be possible to reconcile proposals with the need to conserve the landscape. The policy is not unrealistic nor unreasonably demanding and qualification of it is unnecessary.

### Recommendation

10.11.3 No modification.

\*\*\*\*\*

## 10.12 POLICY B23 AND PARAGRAPH 10.61 DIVERSIFICATION OF THE RURAL ECONOMY

Objections: 1162 G S Planning 2844 Rural Development Commission

### Issues

- 10.12.1
- i. whether a policy to protect the best and most versatile agricultural land is needed;
  - ii. whether a more positive approach to rural diversification should be adopted by adding specific wording to the text and policy.

### Conclusions

10.12.2 The protection of the best and most versatile agricultural land is adequately covered by policy EP2 as proposed to be changed and recommended. This is relevant to all types of development and an additional policy within the business and industry chapter would be unnecessary duplication.

10.12.3 On issue ii, the suggested addition of "and alternative commercial use" after "diversification" in paragraph 10.61 would be a tautology since diversification encompasses alternative commercial use. This is clear from paragraph 10.59 where diversification is discussed as "involving the incorporation of new enterprises .... and providing substitute employment opportunities ....".

10.12.4 National guidance gives strong support for the desirability of diversifying the rural economy, but nothing in this overrides national guidance which gives a general presumption against inappropriate development in the Green Belt. The particular local circumstances in Kirklees where almost all rural land is within the Green Belt must be taken into account in framing the approach to diversification. Policy B23 covers proposals not just for reuse of buildings, but also those where extension or new building is involved and which therefore are likely to be inappropriate in terms of PPG2 advice. To indicate as suggested by the objector that proposals will be considered favourably, and thus go further than the policy's present neutral wording with the identification of specific issues to be considered, would run contrary to the advice in paragraph 3.3 of PPG2.

### **Recommendation**

10.12.5 No modification.

\*\*\*\*\*

## **10.13 POLICIES B17, B18 AND B20 TO B23 AGRICULTURE**

Objections: 2843 Mr J Wood

### **Issues**

- 10.13.1 These are whether the section should:
- i. be redrafted after consultation with agricultural interests;
  - ii. include positive policies to recognise the needs of agriculture as a business and ensure environmental considerations do not prevent flexibility and adaptability.

### **Conclusions**

10.13.2 This section has been subject to the same consultation as the rest of the plan and there is no indication that the statutory requirements have not been met. Some of those recognised by the objector as having an informed opinion, notably the NFU and Ministry of Agriculture, have made specific representations. Further consultation on agricultural interests is not appropriate.

10.13.3 The objector suggests that national guidance on agriculture has been ignored and that the section seeks to amend matters on which there is legislation, but no specific examples are given. The plan does not act to remove rights of "permitted development" conferred by the GPDO. It is appropriate that it gives clear guidance on the consideration of proposals not so permitted and of proposals which the GPDO requires to be submitted to the Council. Agriculture, like any business, is not exempt from considerations of the impact on the environment. The policies reflect guidance in PPG7 on this matter and are not negatively

worded. The plan approach towards agricultural development does not require general review as suggested by the objector.

### **Recommendation**

10.13.4 No modification.

\*\*\*\*\*

## **10.14 NEW POLICY BX1 *RELOCATION OF BUSINESSES***

Objections: 2839 NFU North East Region

### **Issue**

10.14.1 Whether there should be a policy to give favourable consideration to the relocation of businesses in conflict with neighbouring land uses.

### **Conclusions**

10.14.2 Although an example is given of a livestock base in a village, the objection and wording of the suggested policy relate to businesses in general, not just to agricultural enterprises. Policy B4 is relevant to decisions on the redevelopment of the site to be vacated and gives adequate guidance to ensure the impact on local amenity is taken into account.

10.14.3 With regard to the development at the proposed site for relocation, where this is in accord with other policies or proposals in the plan no further policy such as that suggested is necessary. Where the development at the new site is not in accord with the plan, such as where business is proposed on land allocated for another purpose, the suggested policy to give favourable consideration to the development would have to be weighed against the conflicting policy or proposal. As worded it does not give sufficiently comprehensive guidance to allow this to be done properly. Other factors of relevance are not covered, including such matters as the importance of the business continuing, the severity of conflict at the existing site, other measures for its mitigation and the availability of other potential relocation sites which do accord with the plan. I am not satisfied that it will be appropriate as a general rule to favour development proposals on the basis that relocation removes a source of conflict. Since the beneficial effect of removing a conflicting land use will in any case be a material consideration, the formulation of a necessarily more complex policy to encompass all relevant factors would not be justified nor result in clear guidance.

10.14.4 Where agricultural enterprises are involved policy B17 covers operational reasons in considering development on isolated sites. In the example given of relocation beyond a village the ability for a livestock unit to be operated without causing nuisance to neighbours is therefore already able to be taken into account. A further policy is unnecessary.

### **Recommendation**

10.14.5 No modification.

\*\*\*\*\*

## CHAPTER 11 - HOUSING

### 11.1 POLICY H1 *STRATEGY*

Objections:	0153 S P Jaggar 0511 G Harrison 0579 Hassall Homes 2618 Redrow Homes	0440 Kirklees Green Parties 0514 House-Builders Federation 1162 G S Planning and Development
-------------	---	--

#### Issues

- 11.1.1 These are whether:
- criteria ii should refer to market demand;
  - criteria iv and v are relevant and necessary;
  - the availability of previously used land should reduce the allocation of greenfield sites;
  - the policy should encourage the re-use of empty residential property; and
  - whether the policy should express a priority to the allocation of land at locations highly accessible by means other than the private car.

#### Conclusions

11.1.2 Objection [0511] seeks an additional policy and is dealt with in IR 11.14.

11.1.3 On the first issue, the policy for the most part summarises the main means by which demand for housing is to be met. PPG3 identifies the desirability of taking into account the local pattern of market demand and the policy would be more complete and better reflect national guidance if the criterion recognised this. This would not diminish the importance of environmental and other policies in assessing the suitability of sites but would give formal recognition to market factors, so that these would not be overlooked.

11.1.4 Concerning criteria iv and v, PPG12 advises that Part I of the plan should set out the general policies and proposals of strategic importance for the development and use of land. The Council describe the purpose of policy H1 as being to state the broad strategy for meeting housing need. [0579] argues that criterion iv does not ensure provision but is a requirement to be applied. Whereas this is partly correct, the criterion does also describe how needs will be met, albeit that the Council's role will not generally involve direct provision. However criterion v has a very weak link to meeting need, since only in very exceptional circumstances would poor design lead to a failure to meet need, especially because design in this respect is concerned principally with the external attributes of housing development. Furthermore other Part I policies, G4 and BE1, already deal adequately with this subject.

11.1.5 With respect to issue iii, in the course of preparing the plan all urban open land has been investigated as a potential land resource, with a view to identifying its most suitable use. Where land is unallocated in the plan, future development would be assessed under policy D2, which does not impose any general constraint. The reclamation of derelict land will provide some 114ha for development and, since many derelict sites are in the rural areas, I have no reason to believe that opportunities for built development have been

overlooked within the overall proposals for reclamation. Subject to the detailed consideration of site specific objections, there is no general evidence demonstrating that previously used land could make a greater contribution to the availability of housing land.

11.1.6 The Council do not resist the objective of encouraging the re-use of empty residential property but question how this could be achieved through the plan. I agree that this is not a land use matter, so that it would be unsuitable as a new criterion in the policy.

11.1.7 Concerning issue v, some objectors propose that the criteria should include the principles which will influence the allocation of sites for development, including the desirability of selecting locations highly accessible by means other than the private car and other factors, such as recognition of environmental policies and the relationship to existing settlements. Sustainability considerations and the need to minimise the need to travel, particularly by private car, are dealt with in policies G2 and G3. Environmental considerations are dealt with throughout the plan, while paragraph 11.25 summarises the criteria against which potential housing sites have been evaluated. There would be no advantage in extending this policy to set out matters dealt with elsewhere in the plan.

## Recommendations

11.1.8 Modify the plan by:

- i. adding at the end of criterion ii, "HAVING REGARD TO LOCAL PATTERNS OF DEMAND";
- ii. deleting criterion v.

\*\*\*\*\*

## 11.2 POLICY H6 ALLOCATIONS FOR HOUSING

Objections:

0513 Fairclough Homes  
1096 Kenneth Hall (Builder) Ltd  
1376 Eric Roberts & Sons  
2213 Joshua Tetley & Son Ltd  
7006 Holme Valley Parish Council

0993 Shevill & Bradd Ltd  
1162 G S Planning & Development  
2212 P M Plant  
2504 Mirfield Town Council

## Issues

11.2.1 This section is concerned with those objections to the housing allocations under policy H6 which are not directed at the overall adequacy of the supply (already covered in Chapter L1) or the merits of individual sites. The main issues arising from these objections are whether:

- i. the distribution of allocations across the district is reasonable and accords with national guidance, in particular PPG's 3 and 13;
- ii. maximum densities should be defined; and
- iii. the time for development to be completed should be set.

## Conclusions

11.2.2 PPG3 suggests the desirability of providing a varied distribution of housing sites, taking into account the local pattern of demand, so far as environmental policies permit. For each of the UDP areas the Council has calculated the share of population, households,

historic completions and allocations. The general picture which this provides is of a widespread distribution of allocations generally in scale with each area's share of population, households and completions. In relation to those areas which have been the subject of objection, completions in Mirfield have been somewhat lower than its share of population and the scale of allocations resembles the rate of completions, so that there is no evidence of excessive concentration. The proportion of allocations in the Holme Valley is slightly in excess of the share of population/households and close to the rate of completions, giving no support to the argument that there is a relative deficiency there. Objector [1162] proposes that 35% of allocations should be in the Huddersfield area, whereas these are around 29%, which is lower than the share of population or historic completions, both about 32%. Of itself, I do not regard this small difference as significant because there is no over-riding need to balance allocations, although it is a useful broad indicator of the way the distribution is spread.

11.2.3 PPG13 emphasises the benefit from concentrating new housing where there is a high level of accessibility by means other than the private car, particularly in larger urban areas. This is reflected in one of the criteria used by the Council to evaluate prospective housing sites. Comparison of the spread of allocations between UDP areas is not necessarily a good test of the effectiveness of the plan in this respect since there may be significant variations in the degree of accessibility within some areas. Nevertheless the relatively even distribution of allocations notwithstanding the accessibility differences between areas suggests that there is no coherent strategy to follow the principles in PPG13, perhaps because of the weight which has been given to other factors in selecting and comparing sites. Whereas I do not believe that any specific modification or a comprehensive review is justified arising out of objections criticising the spread of sites, when looking at site specific objections the suitability of the location in terms of the principles in PPG13 will be an important consideration.

11.2.4 Concerning the imposition of maximum densities, this is neither necessary nor desirable. Other policies in the plan would be effective to control the character of a development, notably BE1 and 2. Imposing a maximum density for each site in the plan would be inflexible as the housing market changes. Such a restraint might prevent an increase in density which would be desirable to minimise the need to utilise greenfield sites, particularly because PPG13 encourages maintaining and where appropriate increasing existing densities.

11.2.5 The Annex to C11/95 explains why planning conditions requiring the completion of a whole development are impractical and should not normally be imposed. These arguments are equally relevant to the inclusion of such requirements in a development plan. No modification would be justified in this respect, although this would not limit the opportunity for the local planning authority to serve a completion notice under section 94 of the 1990 Act in appropriate circumstances.

## **Recommendation**

11.2.6 No modification.

\*\*\*\*\*

### **11.3 POLICY H7 RANGE OF HOUSE TYPES**

Objections:

2955 White Rose Development Enterprises

2956 Mr R Farrar

#### **Issue**

11.3.1 Whether the policy should omit reference to the needs of the locality and include marketing considerations.

#### **Conclusions**

11.3.2 The Council argue that it is necessary to have regard to the housing needs of the locality so as to avoid concentration within developments on a limited type of dwelling. PPG3 para 6 advises that the mix of house types should be regulated only when there are specific planning reasons for doing so and marketing considerations should be taken into account. C13/96 expresses a need to ensure that there is an appropriate mix of types of housing to encourage the development of mixed communities, which may include counteracting any local imbalance between affordable and market housing.

11.3.3 The policy is reasonable in seeking mixed development, in terms of type and size of dwelling, provided that this is founded in local need, but this should be applied flexibly. The reference to catering for the needs of the locality implies that the spread of provision should reflect any disparity between local households and the dwelling stock. This may be unduly rigid, since the advice in C13/96 is promoting variety in relation to the current character of local housing and people may be willing to move between areas. The replacement of "cater" by "appropriate to" is recommended to enable variety within the community to be encouraged. In view of the importance attached to marketing considerations in national guidance, this factor should be included.

#### **Recommendation**

11.3.4 Modify the policy to read:

HOUSING PROPOSALS SHOULD INCORPORATE A MIX OF HOUSE TYPES AND SIZES APPROPRIATE TO THE NEEDS OF THE LOCALITY, TAKING INTO ACCOUNT MARKETING CONSIDERATIONS, PARTICULARLY WHERE THE DEVELOPMENT IS ON A SUBSTANTIAL SCALE.

\*\*\*\*\*

### **11.4 POLICY H8 CONVERSION TO RESIDENTIAL USE**

Objections:

0437 British Telecommunications plc

#### **Issue**

11.4.1 Whether the policy should apply to redevelopment for residential use.

## Conclusions

11.4.2 The policy supports residential conversions, subject to consideration of a number of factors. The redevelopment of buildings for residential use raises additional issues, such as potential conflict with plan proposals and the character of the development. Thus extension of the policy to apply to redevelopment would be undesirable and is also unnecessary, because policy D2 already provides a satisfactory basis for considering schemes of this kind.

## Recommendation

11.4.3 No modification.

\*\*\*\*\*

## 11.5 POLICY H10 AND PARAGRAPHS 11.35-11.45 *PROVISION OF AFFORDABLE HOUSING*

Objections:	0514 House-Builders Federation	0579 Hassall Homes
	1162 GS Planning & Development	2955 White Rose Development Enterprises
	2956 R Farrar	

## Issues

- 11.5.1
- i. whether policy H10 is consistent with national policy;
  - ii. whether the reasoned justification is necessary, comprehensive and clearly expressed.

## Conclusions

11.5.2 The overall approach to affordable housing is explained in PPG3 and the recent C13/96. There should be a good understanding of the needs of the area over the development plan period, which will require to be kept up to date. Where need is demonstrated, what is meant by affordable housing should be defined in the plan. The plan should also indicate how many affordable homes need to be provided, setting targets for specific suitable sites and expressing the intention to negotiate with developers for the inclusion of an element of affordable housing on such sites.

11.5.3 The plan includes a generalised definition of affordable housing in paragraph 11.36 which reflects the intentions of national guidance. [0579] suggests that the future needs of households should be mentioned but I regard this as unnecessary, since it must be implicit in the current definition that the accommodation is suitable for the known requirements of the household.

11.5.4 The policy is very flexibly worded, leaving the details of provision to negotiation on each site. There are no targets, either overall or by site. The Council would have preferred to include a general quota as a basis for negotiations but this would be contrary to guidance. Whereas the definition of indicative targets for suitable sites would be desirable, such a fundamental modification would be difficult to incorporate at this stage. Given the emphasis in PPG3 on the flexibility of policies dealing with this subject and the need to take

all material considerations into account when individual schemes come forward, rejection of the general approach in the policy would not be justified. Some objectors seek the inclusion of a requirement to demonstrate need and I agree this would be desirable as a basis for assessing the need for and extent of appropriate provision in a particular case. A more robust view, that the policy should be rejected without an accepted overall target, would not give due recognition to the substantial local need which exists. Nevertheless, in its present form the policy fails to give a satisfactory guide as to the basis on which proposals will be negotiated on individual sites. C13/96 offers further clarification in this respect, including advice on the size of sites and the need to assess suitability, as advocated by objectors [0514] and [1162]. I therefore recommend a modification to the policy to elaborate the basis for negotiation on individual sites. This refers to the size of sites and the reasoned justification should explain the minimum size of site in accordance with C13/96, with a consequent need to amend para 11.44.

11.5.5 Certain features of the reasoned justification attract substantial criticism. Figure H2 seeks to demonstrate that, with specified income levels, certain household groups would be unable to afford to purchase a dwelling with a 100% mortgage. The information forms part of the background to the plan but is not used to produce an assessment of the extent of need. Not surprisingly given the nature of the analysis, the assumptions made have been criticised and there is no measure of the extent to which household groups with these characteristics live in the area. The relevant figures and conclusions are likely to fluctuate, so that the practical value of the specific content is slight. The deductions made from Figure H2 in paragraph 11.37 may also be unreliable, since it is doubtful whether those "close to" average earnings are shown to be unable to afford owner occupation and the information given in the text comparing pay with regional levels contradicts the opinion that pay levels in the district are poor. On balance I regard Figure H2 as unhelpful and confusing, so that this should be deleted and consequential amendments made to paragraph 11.37.

11.5.6 Paragraphs 11.40-11.42 suggest a total need for affordable housing, of which only a part is likely to be met by Housing Associations. The Council's evidence is that the anticipated shortfall of 1,200 to 1,600 units in the first five years of the plan is not a target, essentially because it is too large to be achieved through negotiations with private developers, but this is not stated, so that the importance attached to these figures could be misunderstood. The qualification that the likely shortfall is not a target to be achieved in private sector developments should be added, but there should also be an explanation of how the overall need for and estimated shortfall of affordable housing will influence the application of policy H10. The source of the base data in paragraph 11.40 is understood to be the Council's and housing associations' housing waiting lists and this should be stated.

11.5.7 Some objectors are concerned that it should be clear that higher density housing for sale may constitute affordable housing. Although I accept the Council's evidence that this is the intention of paragraph 11.45, this would be more readily understood if the variation to the first sentence agreed at the RTS were made.

## Recommendations

11.5.8 Modify the policy by deleting the second sentence and substituting therefor:

THE COUNCIL WILL NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF AN ELEMENT OF AFFORDABLE HOUSING WHERE THE LACK OF AFFORDABLE HOUSING HAS BEEN DEMONSTRATED. THE EXTENT AND NATURE OF AFFORDABLE HOUSING PROVISION WILL HAVE REGARD TO:

- i. EVIDENCE OF LOCAL NEED;
- ii. THE SIZE OF THE SITE AND ITS SUITABILITY IN TERMS OF ACCESS TO LOCAL SERVICES AND FACILITIES AND THE AVAILABILITY OF PUBLIC TRANSPORT;
- iii. THE VIABILITY OF THE OVERALL DEVELOPMENT;
- iv. THE DEGREE TO WHICH A MIX OF DWELLING SIZES AND TYPES IS PROVIDED.

11.5.9 Modify the reasoned justification by:

- i. deleting Figure H2;
- ii. amending the first sentence of para 11.45 in accordance with para 4.1.2 in CD117;
- iii. revising the text of paragraphs 11.37, 11.40, 11.42 and 11.44 in accordance with the foregoing comments.

\*\*\*\*\*

## 11.6 POLICY H11 AND PARAGRAPH 11.47 *AFFORDABLE HOUSING AS AN EXCEPTION*

Objections: 7004 Department of the Environment

### Issue

11.6.1 Whether paragraph 11.47 and policy H11 conform with national guidance.

### Conclusions

11.6.2 RPG12 states that in rural areas subject to tight restrictions on new development, "exceptions" policies for the release of sites for local affordable housing should be considered. PPG3 accepts that in some areas it may be sufficient for policies to indicate that proposals will be considered on their merits in the light of local assessments of need. Small scale low cost housing in existing settlements is recognised as a potential exception to the normal restriction on development in the Green Belt. It is suggested that this is only likely to be the case in the more extensive areas of Green Belt away from the urban fringe. The latest national guidance is in PPG2, which accepts that limited affordable housing in accordance with development plan policies will be appropriate development in the Green Belt.

11.6.3 The objector's concern is that much of the Green Belt in Kirklees is part of the urban fringe, so that affordable housing needs should be met elsewhere. I agree with the Council that there may be small settlements in the Green Belt in locations away from the larger urban areas where a compelling need for affordable housing is demonstrated and the only available site is in the Green Belt. Nevertheless, the need to have regard to alternative sites outside the Green Belt should be stated and the exception should be restricted to small-scale schemes within or adjoining existing villages, as in PPG3. I am also concerned that, as a result of the revision of PPG2, development in accordance with policy H11 would be appropriate development in the Green Belt. This represents a change from when the plan was prepared because the wording of the policy was determined on the assumption that the test of very special circumstances in policy D8 would need to be met. As a minimum the reasoned justification in para 11.47 will require modification because much of it is inaccurate but the Council should also consider whether policy H11 will operate as intended and is sufficiently comprehensive following the change in national policy. I have also made a relevant recommendation under policy D8, IR 2.6.

### Recommendations

11.6.4 i. modify policy H11 by adding at the end an additional sentence that:

IN THE GREEN BELT SITES MUST BE SMALL-SCALE AND WITHIN OR ADJOINING EXISTING VILLAGES WHERE IT IS DEMONSTRATED THAT THERE IS NO SUITABLE ALTERNATIVE SITE OUTSIDE THE GREEN BELT.

- ii. consider whether there is any further need to modify the policy because development conforming with policy H11 would be appropriate development in the Green Belt on the basis of PPG2;
- iii. modify paragraph 11.47 by deleting the second sentence and inserting an explanation of the circumstances in which affordable housing may be acceptable in the Green Belt, including a definition of "small-scale".

\*\*\*\*\*

### 11.7 POLICY H12 AND PARAGRAPH 11.49 *SECURING AFFORDABILITY*

Objections:                    0514 House-Builders Federation                    0579 Hassall Homes  
    0580 One Voice - Kirklees Federation of Disabled People                    7004 Department of the Environment

#### Issue

11.7.1 Whether the plan conforms with national guidance.

#### Conclusions

11.7.2 [7004] has been conditionally withdrawn, subject to a proposed change to paragraph 11.49 which I endorse. Although recorded against H12, [0580] is concerned with paragraphs 11.50 and 11.51 and is reported there.

11.7.3 PPG3 acknowledges the use of planning conditions and obligations to restrict the occupancy of properties to those in particular categories of need, so long as this is in pursuit of a proper planning objective. Whereas this may affect price, that should not be directly controlled. C11/95 states that eligibility criteria to be incorporated in planning conditions should be set out in the development plan.

11.7.4 The Council has considered the possible specification of eligibility criteria but in the context of Kirklees has been unable to arrive at a suitable formula. This was accepted by the relevant objectors, who were represented at the RTS. I agree with this conclusion and see no justified objection to policy H12, which is expressed in very general terms. Some objectors seek clarification that housing built for sale which is agreed to meet affordable housing objectives would not be within the scope of the policy. It is the design characteristics which are the basis of the status as affordable housing, so that an addition to the reasoned justification would be a useful clarification.

### **Recommendations**

11.7.5 Modify paragraph 11.49 in accordance with the proposed change [CD113] and by adding an explanation that housing built for sale which is agreed to meet affordable housing objectives is outside the scope of the policy.

\*\*\*\*\*

### **11.8 POLICY H13 AND PARAGRAPHS 11.50-11.53 HOUSING FOR DISABLED PEOPLE**

Objections:                    0514 & 5483[PC] House-Builders Federation                    0579 Hassall Homes Ltd  
   0580 One Voice - Kirklees Federation of Disabled People                    7004 Department of the Environment

### **Issues**

- 11.8.1
- i. whether the approach in the policy and supporting text complies with national guidance, including whether there is evidence of local need;
  - ii. whether the text should be amended to refer to access by disabled visitors and to specify design requirements;
  - iii. what percentage of dwellings should be expected to be designed to be accessible to those with disabilities.

### **Conclusions**

11.8.2 There are proposed changes to the policy and to paragraphs 11.52 and 11.53, as a result of which [7004] has been conditionally withdrawn.

11.8.3 Guidance in PPG3 states that, where regulation is justified in connection with the design of and access to housing to meet the needs of the disabled, it should be achieved through the Building Regulations and not the planning system. A policy indicating an intention to negotiate housing accessible to the disabled on suitable sites may be included in plans where there is clear evidence of local need.

11.8.4 As to whether there is evidence of local need, the Council rely on the proportion of the population with relevant mobility difficulties, calculated having regard to age-group differences. The policy as proposed to be changed would require there to be evidence of local need so that, whereas a detailed local assessment has not been carried out, I do not regard this defect as significant. [0514] suggests that information on local need should be in the plan but this would add to complexity and overlooks the importance of keeping up to date.

11.8.5 [0514] also questions the use of a size threshold but that is essentially a repetition of the argument about need. I believe it is reasonable to exclude smaller schemes because of the special difficulties of design and marketing which might occur. An adequate definition of suitable sites having regard to local circumstances would be in the revised paragraph 11.52, so that the policy complies with national guidance.

11.8.6 [0580] seeks an addition to paragraph 11.50 to take account of the needs of disabled visitors but this is unnecessary, since there is nothing to indicate that special requirements would arise that would not be satisfied by meeting the needs of the occupier. The objection also proposes adding specific design requirements to paragraph 11.51 but that would be directly contrary to national guidance.

11.8.7 On the third issue, paragraph 11.53 of the reasoned justification as proposed to be changed states that 10% of housing should be designed to wheelchair access standard, but emphasises that local need would have to be assessed and would be an important consideration. [0580] argues that the figure should be 15% but I accept the information given in Section 14 of CD43 concerning the proportion of the adult population with relevant disability problems. [0514] resists seeking 10% provision when the requirement derived from the proportion of the population would be 7.5%, on the grounds that new development should not be expected to redress an existing deficiency. I regard the approach outlined in the plan as reasonable, bearing in mind that this is subject to local needs and specific negotiation and that it is desirable to reduce any local imbalance. A precise fit with the measured requirement would not indicate a satisfactory dwelling stock because of the need for choice and variety for all those seeking suitably designed dwellings and because some such dwellings may be occupied by the general population.

## **Recommendations**

11.8.8 Modify paragraphs 11.52 and 11.53 and policy H13 in accordance with the proposed changes [CD113].

\*\*\*\*\*

## **11.9 POLICY H14 AND PARAGRAPH 11.54 *FACILITIES FOR GYPSIES***

Objections:

2007 National Farmers Union

7004 Department of the Environment

### **Issue**

11.9.1 Whether the policy should include a criterion expressing the need to have regard to sensitive agricultural and other uses of nearby land.

## Conclusions

11.9.2 As a result of proposed changes to para 11.54 and policy H14, objection [7004] has been conditionally withdrawn. The potential effect on adjoining land uses, particularly agriculture, is not referred to in C1/94 as likely to affect the location of sites for gypsies. The Circular also states that private sites are generally small, so that I can see no basis for the contention on which the objection is based that facilities proposed under the policy would be likely to be high density. Although exceptionally there may be a genuine effect on adjoining land uses, this could be taken into account in the individual case as a material consideration. However to include an additional criterion in the plan would introduce an excessive and unnecessary level of detail.

## Recommendations

11.9.3 Modify paragraph 11.54 and policy H14 in accordance with the proposed changes [CD113].

\*\*\*\*\*

## 11.10 POLICY H16 AND PARAGRAPH 11.62 *RESIDENTIAL HOMES FOR THE ELDERLY*

Objections:

0436 Holme Nursing Home  
0580 One Voice - Kirklees Federation of Disabled People

0438 Burwin Limited

## Issues

- 11.10.1
- whether criterion iv. is unnecessary and contrary to national guidance;
  - whether special consideration should be given to alterations to make premises fully accessible to all people.

## Conclusions

11.10.2 Objection [0580] was made against policy H15 but relates to H16 and the accompanying paragraph in the supporting text.

11.10.3 PPG1 states that the appearance of a proposed development and its relationship to its surroundings are material considerations. The relevance of design is not confined to specially designated areas, such as Conservation Areas, as implied in [0436] and [0438], so that a test along the lines of criterion iv. is consistent with national guidance. In its present form there could be an implication that the extent of the alterations is itself at issue, whereas the intention should be to assess whether any proposed works cause harm. I therefore intend to re-phrase the criterion to remove any possible conflict with the principles in PPG1.

11.10.4 Objection [0580] seeks to give special consideration in the reasoned justification to alterations to make premises fully accessible to all people, notwithstanding that these detract from the residential character of a building. I agree with the Council that it would be contrary to the intention of the plan to promote good design in all development if such a general exception were recognised. The plan should not be altered in this respect, although

the benefits of any particular proposals, which might include access improvements, could be taken into account as a material consideration.

11.10.5 One further point not raised in the objections which the Council should consider is whether the term "residential homes for the elderly" used in policies H16 and H17 fully embraces the range of development to which the policies are intended to apply as described in paragraph 11.59.

### Recommendations

11.10.6 Modify the plan by deleting criterion iv. and substituting the following:

iv. THE EFFECT OF ANY PHYSICAL ALTERATIONS ON THE CHARACTER AND APPEARANCE OF THE PREMISES.

\*\*\*\*\*

### 11.11 POLICY H17 *RESIDENTIAL HOMES FOR THE ELDERLY OUTSIDE RESIDENTIAL AREAS*

Objections: 0436 Holme Nursing Home  
0577 McCarthy & Stone

0438 Burwin Limited

### Issues

- 11.11.1
- i. whether the policy is necessary;
  - ii. whether sheltered housing for the elderly within or on the edge of commercial centres should be recognised as acceptable.

### Conclusions

11.11.2 Objections [0436] and [0438] argue that the policy should be deleted because of the importance to the care in the community programme of enabling new nursing homes to be provided, so that only the criteria-based approach in H16 should apply. In my view it is reasonable that the plan should seek to guide the establishment of new residential homes to suitable locations. Nevertheless there is no evidence to justify the prescriptive approach in the policy which would establish a presumption against new homes outside the range of locations specified. The policy should be re-worded in positive terms. The wording I recommend does not include the reference to policy H16 in the context of the conversion of premises in their own extensive grounds because both policy H16 and H17 would apply to all such applications.

11.11.3 On the second issue, [0577] correctly identifies an inconsistency between this policy and paragraph 15.10 of the plan, which refers to the potential for new dwellings within and on the edge of Huddersfield town centre. PPG6 also supports a diversity of uses, including housing, within or near town centres. The Council argue that there may be an incompatibility between the commercial uses and new housing but in so far as this is important it should be recognised by incorporating relevant criteria in the policy and not by precluding one type of residential use in such locations.

## Recommendation

11.11.4 Modify the plan by deleting policy H17 and substituting:

RESIDENTIAL HOMES FOR THE ELDERLY WILL BE PERMITTED IN RESIDENTIAL AREAS AND HOUSING ALLOCATIONS, IN CONVERSIONS OF LARGE PREMISES STANDING IN THEIR OWN EXTENSIVE GROUNDS, AND IN OR ON THE EDGE OF TOWN AND LOCAL CENTRES WHERE A GOOD ENVIRONMENT AND CONVENIENT ACCESS TO FACILITIES CAN BE PROVIDED.

\*\*\*\*\*

## 11.12 POLICY H18 *PROVISION OF OPEN SPACE FOR NEW HOUSING*

Objections: 0441 Huddersfield NHS Trust  
2299 British Gas  
2956 Robert Farrar

0512 Yorkshire and Humberside Sports Council  
2955 White Rose Development Enterprises

### Issues

11.12.1 These are whether:

- i. the requirement of 30m<sup>2</sup> per dwelling is excessive or should be for guidance only;
- ii. the policy should take into account the existing level of provision in the area; and
- iii. the policy should seek contributions towards formal sports facilities.

### Conclusions

11.12.2 Objection [2299] is site specific and is reported in IR 21.13. PPG17 advises that it will be helpful if local planning authorities draw up their own standards of provision for formal and informal sport and recreation and include these in their plan. PPG3 states that developers should not be expected to provide open space which is not reasonably related in scale and location to the development being undertaken.

11.12.3 On the first issue, the Council justify the standard of 30m<sup>2</sup> on the basis that this is the minimum level to achieve a usable and viable facility. It is clear both from the wording of the policy and the reasoned justification that provision may consist both of playing space and of amenity open space. The standard is argued to undermine the viability of small housing sites but because it applies a consistent requirement per dwelling I am not convinced that this is a serious risk. In addition, because amenity open space could be part of provision, landscaped areas or land containing protected trees might fulfil the requirement, so that there would not be a double obligation as suggested in objections [2955] and [2956]. These objections also identify development consisting of dwellings with larger gardens as a possible exception but the policy acknowledges that the type of dwellings will affect the form of provision and even in these circumstances beneficial facilities such as sitting areas could be provided. Whilst the NPFA standards for outdoor playing space are not directly comparable to the objectives of this policy and not a substitute for locally determined standards, these do provide background guidance. Having regard to these standards, the

objectives of the policy, and the desirability of adopting a consistent requirement, I am satisfied that 30m<sup>2</sup> is a reasonable minimum standard. To express this as a guideline would increase uncertainty and make the policy more difficult to apply. There is already sufficient flexibility because the policy provides for the character of the development to influence the form and extent of provision, and acknowledges the possibility of improving existing accessible off-site facilities as an alternative to making these available on the site.

11.12.4 In response to the second issue, the Council point out that all new development will add to the demand for recreation facilities. Whereas I see some merit in the argument that existing levels of provision in the area should influence how the requirements arising from new development are met, the option of improving readily accessible established public open space is an appropriate means to achieve this. In these circumstances the additional demand from the new development would be met without taking land from the site and the extent of the improvements required would be influenced by the standard of the existing facility, so that the policy is sufficiently flexible in this respect and does not require modification.

11.12.5 On the third issue, objection [0512] proposes that because new development leads to a general demand for formal sports facilities, a capital fund could be established to finance their construction when provision on site could not be achieved. Whereas the objector may be justified in seeing a link between increasing population and a need for formal sports provision, a distinction has to be drawn between facilities which can be provided and are required in connection with a development and more general needs for which the solution is likely to be longer term. It would run counter to the principles in C1/97 "Planning obligations" if developers were expected to contribute to a general fund which would eventually add to provision but with the date and location for this uncertain, so that there would not be a well-defined link between a need generated by development and a closely related facility being made available. Thus I do not propose any modification in this respect.

## **Recommendation**

11.12.6 No modification.

\*\*\*\*\*

## **11.13 NEW POLICY HX1 *HOUSING ON DERELICT AND CLEARED SITES***

Objections: 2838 Batley Action Ltd

### **Issues**

- 11.13.1
- i. whether the plan should be more flexible towards housing on derelict and cleared sites within the regeneration areas; and
  - ii. whether there should be more emphasis on rehabilitation by agencies such as the Housing Corporation.

## Conclusions

11.13.2 In so far as the objection is concerned in part with the approach taken on the use for housing of land or premises in established business areas, that is considered in connection with policy B4.

11.13.3 In looking at the attitude towards the use for housing of derelict and cleared sites, some distinction may be appropriate between land already identified and sites which become available during the life of the plan. Significantly, the objection makes no specific proposal as to how the plan should be modified nor any criticism with respect to a particular site. One of the aims of the plan is to recycle previously developed land wherever possible so as to minimise the need to develop greenfield sites. Subject to the consideration of other site specific objections, there is no general evidence that the uses proposed for derelict land after reclamation overlook relevant opportunities for housing development. Under policy DL2 the regeneration areas would receive priority in allocating resources for the reclamation of derelict land and this would apply equally to any further land which becomes derelict. Overall, I see no reasonable grounds to criticise the plan with respect to identified derelict sites. When cleared sites not specifically allocated in the plan come forward policy D2 would apply. This is generally positive in its approach and would not impose any unjustified burden on the alternative use of sites in this category.

11.13.4 On the second issue, policies H1 and H2 support housing improvement, with particular emphasis on the regeneration areas in the use of resources. Policy H8 is that the change of use of buildings to residential will be permitted subject to detailed considerations, including the effect on employment, which is a reasonable stipulation. In my view the plan gives adequate support to housing renewal and rehabilitation, including changes of use. It would not be appropriate to mention the Housing Corporation in particular in a development plan policy, although the role of Housing Associations is mentioned in para 11.2 of the reasoned justification.

## Recommendation

11.13.5 No modification.

\*\*\*\*\*

## 11.14 CHAPTER 11 AND POLICIES D8 AND H1 *RESIDENTIAL MOBILE HOMES, INCLUDING HILL TREE PARK, CROSLAND MOOR*

Objections: 0511 G Harrison

### Issues

- 11.14.1
- i. whether the plan should recognise the potential contribution to housing supply of residential mobile homes;
  - ii. whether land should be allocated for an extension to the mobile home site at Hill Tree Park.

## Conclusions

11.14.2 On the first issue, the objector seeks a reference in the plan to the role of mobile homes, particularly in providing affordable housing or meeting social housing needs. There is no mention at present and the Council suggests that the general housing policies are adequate. PPG3 states that mobile homes may have a role in providing low cost homes for small households. There is no basis in planning policy for exceptional consideration to be given to this use, notwithstanding the concern of the objector that otherwise this will be priced out of the market. The Council accepts that development for this purpose would not be excluded from the affordable housing policies in the plan, H10-H12. Bearing in mind that there is said to be only one mobile home site in the district, this form of dwelling is unlikely to become a significant contributor. Nevertheless it would be a useful clarification if the reasoned justification explained that this is one form of potential affordable housing. However I see no need for new or modified policies in this respect.

11.14.3 The second part of the objection is that there should be an allocation to extend Hill Tree Park, which is a mobile home site of about 100 units. Both the existing site and the land to which the objection applies are in the Green Belt in the HLP. Thus if the allocation were to be made either there would have to be exceptional circumstances to vary the Green Belt boundary or the use would have to be accepted within the Green Belt. Although the objector states that Hill Tree Park is a settlement in its own right, it is relatively compact and unobtrusive, so that it is reasonable for this to be washed over by the Green Belt. The objection site adjoins Hill Tree Park and is permitted for ancillary use but a condition excludes the parking of caravans, so that this is open land which contributes to the purpose of the Green Belt to safeguard the countryside from encroachment. Use for the stationing of mobile homes would detract from these characteristics and be inappropriate development. The objection is supported on the basis of the need for affordable housing in the district. National policy does not support adjustment of a Green Belt boundary to provide for affordable housing. The plan contains policies directed at meeting local need but the requirement is not so pressing as to justify variation of the Green Belt boundary. Policy H11 would enable affordable housing to be provided as an exception but this would be in relation to individual applications rather than by making allocations. In addition Annex A of PPG3 advises that in the Green Belt such exceptions are only likely to be relevant in rural areas, whereas this land is close to the urban area.

11.14.4 For the reasons given above, there are not exceptional circumstances to vary the Green Belt and an allocation within it would reduce openness and detract from its purposes. Even were this not so, the potential harm to amenity from future mining and waste disposal operations, most particularly on the land subject to permission 17541 granted in 1967, would be a compelling reason not to introduce a residential use onto the land. Restoration following mineral extraction will be desirable but the Council's evidence demonstrates that this could be very prolonged. I have also had regard to the examples from other local authorities submitted by the objector but these do not affect my conclusions. In one example, in Bradford, the circumstances are not explained so that comparability with the situation here is unknown. The Three Rivers example is obviously very different, being described as an existing gas compound within the core of the estate.

**Recommendation**

11.14.5 Modify paragraph 11.36 by adding after the first sentence:  
In addition to housing to rent, low cost housing for sale and residential mobile homes may constitute affordable housing.

\*\*\*\*\*



## CHAPTER 12 - COMMUNITY FACILITIES

### **12.1 POLICY C3 AND SITE H14.20 EDUCATION SERVICES AND LAND AT WESTGATE, CLECKHEATON**

Objections:	1099 S Martindale 1102 P & J Braisher 2015 P J Ward 3781 C Hall	1100 Mrs M Tallant 1103 Mrs L Whitehead 2016 G M Ward	1101 A Medlock 1574 Mrs J A Oldroyd 3780 Mrs M Hall
-------------	--	---	---

#### **Background and Issues**

12.1.1 The site extends to about 7ha. It is allocated for housing under policy H6, where the developable area for that purpose is given as 5.2ha, and for a new school under policy C3. Most of the objections relate only to the school element of the allocation, but [1101], [1102], [3780] and [3781] are also to the housing allocation. In the HWDLP a site for a school was allocated at Kenmore Drive, Cleckheaton. In the plan this is shown as housing allocation H14.19. Some of the objections to that housing allocation seek its retention as a school site, so there are connections between the two cases. The objections to site H14.19 are covered at IR 20.86.

12.1.2 The issues raised are:

- i. whether allocation for school use is appropriate bearing in mind:
  - a. the suitability of the site in terms of contamination, highway safety and congestion;
  - b. the potential of the site for industrial use;
  - c. the need for a new school site, the distribution of schools in the area and potential alternative sites;
- ii. whether allocation for housing is appropriate bearing in mind:
  - a. highway safety and congestion;
  - b. proximity to residential areas and open fields.

#### **Conclusions**

12.1.3 The site has a history of industrial processes of a nature which gives a very high probability of contamination and the objector [2015] provides evidence of contamination on adjoining land also affecting this site. As PPG23 advises, the principle of sustainable development means that, where practicable, brownfield sites should be recycled to new uses to reduce pressure on greenfield sites and this will include sites affected by contamination. Contamination should not be regarded as a bar to redevelopment.

12.1.4 The Council accepts that this is a case where investigation of the hazards and any necessary remedial measures will need to be established prior to the determination of any planning application, as advised in paragraph 8 of Annex 10 to PPG23. Whilst it will be essential for any remedial measures to ensure that the site is suitable for its intended use, there is no suggestion that adequate measures would not be technically feasible. The objectors rightly point out that children are generally more vulnerable than adults to the

effects of contamination. However, housing is occupied by children, including those below school age. The nature of housing development, which includes domestic gardens where direct contact with any soil contaminants and with produce drawing up contaminants can occur, can give rise to additional hazards. Thus measures to ensure suitability for school use need not be more exacting than those to enable housing development to proceed safely.

12.1.5 The site is on the south side of Westgate, the A653 which is part of the main distributor road between the A649 and the A652. A large residential area, from which many pupils may be expected to be drawn, lies to the north of the road. Upgrading the existing zebra crossing to controlled pedestrian crossing facilities is likely to be needed to ensure safe pedestrian access. The Council is satisfied that signal controls could be regulated to allow priority as necessary for emergency vehicles from the nearby fire station. It also assesses that, with signal controlled junctions, the highway capacity possible on Westgate is more than ample to cater for the traffic and pedestrian movements generated by both housing and a school. On that basis congestion would not be worsened. There are no figures to dispute the Council's assessment.

12.1.6 Important elements in a safe design would include no direct school access onto Westgate, collection and dropping off points a good distance into the side road network and the ability to channel pedestrian flows between the school and housing to the north to pedestrian crossing facilities on Westgate. The site is large enough to accommodate adequate arrangements for these matters. Its redevelopment would involve rationalisation of access onto Westgate, which presently is via a number of small culs-de-sac with generally poor visibility. Bearing that in mind and that the potential for traffic generation from both housing and a school is less than the potential from full industrial use of the site, congestion is unlikely to be worsened and highway safety could well be improved.

12.1.7 Parts of the site remain in industrial use, but these are intermixed with vacant and derelict land. Its overall character sets it out as an area in urgent need of regeneration. The major landowner and industrial occupier is keen to relocate to a more efficient site. The site's poor condition and access arrangements and its history of heavy commercial uses, such as a waste transfer station, make it unlikely to attract investment for modern light industrial premises. Without comprehensive redevelopment it is more likely to continue in haphazard and partial occupation by industries of a type which may well detract from the adjoining residential areas. The development of light industry simply in place of the school element of the allocation, as favoured by some objectors, is not realistic and continued industrial use would be at the expense in practice of the housing element as well.

12.1.8 It has been possible, without impinging into the Green Belt to any material degree, to make business and industry allocations of more than 21ha in Cleckheaton. In contrast housing allocations as a proportion of the district total are less than the proportion of households or population in the zone. The removal of this industrial area would continue the process, apparent in the residential development of former mill premises to the west, of separating main residential areas from employment. Despite this, the heart of the residential area to the north would remain within about 1.5km of existing and allocated industrial sites to the north-east and south-east. Sustainable travel patterns are therefore not so seriously compromised as to give an overriding reason for continuing industrial use. In all the circumstances, the priority for use of this site does not lie with business and industry.

12.1.9 Some objectors consider that the present school locations are suitable and improvement or refurbishment of existing schools would be preferable to any new site. These are educational arguments to be determined in a forum separate from the plan. A working party set up by the LEA to consider reorganisation of first schools in Cleckheaton reaffirmed in April 1994 that a new site should be pursued. Whether or not those educational arguments ultimately prevail, there is sufficient evidence of a potential need for a school site for it be remiss if the plan did not make provision for one.

12.1.10 Catchment areas set by the LEA are no longer the decisive factor in school admissions and competition between schools for pupils is not a land use planning matter. However, the distribution of schools and the extent to which this provides opportunities for reduced travel is. The Council indicates that the intended reorganisation of school provision could involve the closure of two schools, St Luke's and Whitcliffe Road. The site lies to the east and south-west of these respectively. Other first schools in the area are Hightown, Hartshead Moor and High Bank, south of the site, and Heaton Avenue and Moor End to the north. The three southern schools are spread out from west to east at distances apart by road of about .7km and 1km and are in the region of 1.5km from the site. The two northern schools are spaced from south to north, with Heaton Avenue about .4km from the site and Moor End about 1.1km beyond that. Bearing in mind recent housing development and housing allocations, roughly in a corridor running east-west through the site, and housing allocation on the site itself, the distribution of first schools resulting from this allocation gives scope for reasonable travel distances from the main residential areas in Cleckheaton and would not be unbalanced.

12.1.11 An alternative site at Kenmore Drive is suggested by some of the objectors. The Council has reservations about the access arrangements to that site and the LEA is reported as having reservations in educational terms. That site is between Heaton Avenue and Moor End Schools. A school there would contribute to a distribution in which groups of first schools were concentrated respectively in the northern part of Cleckheaton and in the southern Hightown and Hartshead area, with no presence in the more central Westgate - Pyenot corridor. Whilst not ruling out Kenmore Drive as a possible school site, these factors indicate that there is no overriding superiority in terms of distribution to justify its allocation in place of the Westgate site.

12.1.12 Since the plan identifies a specific requirement for a new school in Cleckheaton, the circumstances in the event of the Westgate site not proceeding for education purposes need to be considered. Whilst dealing with potential contamination at Westgate is technically feasible, the investigation necessary to establish the costs is still to be done. The Council states that since the costs of reclamation are unknown it may be that a redevelopment package including a school will not be viable. Consultation with the land owners has been carried out and, while the major land owner is keen to facilitate redevelopment, an owner of a small area foresees some problems with tenants and two land owners of frontage property have not expressed a view. Although not an insurmountable obstacle, split ownership thus adds to the uncertainty.

12.1.13 The Council considers there is no need to retain the Kenmore Drive site as a school allocation as it is not the only alternative should Westgate prove unviable. However, no other sites were identified during the plan preparation and the fall-back position suggested by the Council is through the policy for land allocated as UGS. It is undesirable to rely on

exceptional circumstances under policy D3, when there is a reasonably firm identified need to find a site for a school. Unless, by the time of adoption, work on the feasibility of reclamation has progressed sufficiently to make it unnecessary or unless land within UGS can be identified where a school would meet policy D3, then the plan should provide for a reserve situation at Kenmore Drive. I make a recommendation in this respect at IR 20.86. I was given evidence that, on the basis of the working party's decision and the assurance of the Council's School Development Officer, the reserve of the Kenmore Drive site until school reorganisation is resolved is the intention anyway of the LEA. The modification I recommend would have the benefit of ensuring the plan accurately reflects that situation.

12.1.14 I now turn to issue ii. As already discussed, there is adequate scope, given the size and frontage of the site, to provide safe access arrangements and there is sufficient road capacity to serve housing as well as a school. [3800] and [3801] relate to the impact of a number of housing sites on settlement character. Whilst this site is close to residential areas and open fields, it is not a greenfield site. Its redevelopment would not extend the settlement, but would recycle previously used and derelict land thereby assisting in reducing pressures on greenfield sites, which it is the objectors' wish to protect.

### **Recommendation**

12.1.15 No modification.

\*\*\*\*\*

## **12.2 PARAGRAPH 12.27 PROVISION OF PUBLIC TOILETS**

Objections: 0670 One Voice - Kirklees Federation of Disabled People

### **Issue**

12.2.1 Whether the paragraph should make specific reference to Uni-Sex toilets on the National Key Scheme for use by disabled people and to facilities for nappy changing and baby feeding being separately accessible.

### **Conclusions**

12.2.2 Paragraph 12.27 makes clear in the second sentence that both toilets and facilities for nappy changing and baby feeding should be accessible to disabled people. The objector does not explain what further advantage adherence to the National Key Scheme offers over other means of ensuring accessibility for disabled people. The first sentence of the paragraph makes it clear that facilities for nappy changing and baby feeding are to be useable by persons of either sex. In practise this may well lead to separate access, but there is no need to prejudge the way in which arrangements are made. The revised wording suggested in the objection would add an unnecessary level of detail and prescription to the plan.

### **Recommendation**

12.2.3 No modification.

\*\*\*\*\*

## **12.3 NEW POLICY CX1 PUBLIC TELEPHONE BOXES**

Objections: 0407 Batley Action Ltd

### **Issue**

12.3.1 Whether the plan should include a statement encouraging the provision of public telephone boxes in areas of low private ownership.

### **Conclusions**

12.3.2 The concern of the objector that lack of public call boxes affects the quality of life of those without access to a private telephone is valid. However, public call boxes are permitted development under the GPDO, subject only to possible prior approval of the details of siting and appearance. The distribution of boxes across the district to achieve increased coverage in certain areas is outside the scope of influence by the plan.

### **Recommendation**

12.3.3 No modification.

\*\*\*\*\*

## **12.4 NEW POLICY CX2 PROVISION OF COMMUNITY FACILITIES IN DEVELOPMENT**

Objections: 7006 Holme Valley Parish Council

### **Issue**

12.4.1 Whether infrastructure and community facilities should be provided to support additional development and developers encouraged to make such provision.

### **Conclusions**

12.4.2 Where basic infrastructure, such as sewerage or access roads, is necessary to enable development to take place, provision can be required through normal development control practice supported by policies T10 and EP1 in the plan. Further policies are unnecessary.

12.4.3 It is possible for community facilities, rather than this more directly related type of infrastructure, also to be required in relation to development through the use of planning obligations. Plans may contain policies setting out the circumstances where obligations will be sought. However, obligations may only be sought which are necessary to the grant of permission and relevant to the development to be permitted. As the Council recognises, the incremental scale of much new development means that in many cases a need for further community facilities as a direct consequence of that development will not be identified. To avoid setting unreasonable requirements an overall policy, covering all community facility provision, would therefore tend to a bland generalisation or be hedged by exceptions, so that its effectiveness is questionable.

12.4.4 The objection gives examples of community facilities as shops, play areas and car parking areas. The latter two are adequately covered by policies H18, R6 and T19. With regard to shops, paragraphs 13.26 and 13.27 and policy S6 allow for local shops to serve major new development and identify areas where a requirement is anticipated. However, in general the support of existing centres provides most community benefit and the plan does this through including, in the criteria for new housing sites, the accessibility of the site to leisure and shopping areas. Other types of facility for which there are policies or proposals in the plan include affordable housing, housing for disabled people, public toilets and schools. I am not persuaded that the plan approach, of setting an aim (1.23viii) to encourage developers to take appropriate measures and having policies for specific requirements, needs to be modified.

**Recommendation**

12.4.5 No modification.

\*\*\*\*\*

**12.5 NEW POLICY CX3 COMMUNITY FACILITIES IN MIRFIELD**

Objections: 0669 Mirfield Civic Society

**Issue**

12.5.1 Whether the plan should include a statement to recognise the need to provide community facilities at Mirfield Town Centre.

**Conclusions**

12.5.2 The objection indicates that the concentration of housing development in Mirfield over the past 20 years and the increase in population has resulted in a significant change in the community needs. However, no evidence is given to show that these needs have not been accommodated as the population has grown nor that the situation in Mirfield, in comparison to the remainder of the district, is such as to justify specific reference. The objection does not explain the nature of community facilities for which there is an unmet need. The plan, through policy C1, is supportive of community facilities in accessible locations. This would encompass Mirfield Town Centre, so it is not necessary to modify the plan to allow provision in this area.

**Recommendation**

12.5.3 No modification.

\*\*\*\*\*

## CHAPTER 13 - SHOPPING AND SERVICE USES

### **13.1 POLICY S1 STRATEGY**

Objections: 1057 Mr S Marsden

#### **Issue**

13.1.1 Whether the strategy should be amended to refer to "large" local centres and by adding "normally", because insufficient recognition has been given to the benefits of out-of-centre retailing.

#### **Conclusions**

13.1.2 PPG6 states that town and district centres should be the preferred locations for developments that attract many trips and that policies should safeguard and strengthen existing local centres. RPG12 confirms that wherever possible retail development should be located within existing town and district centres. The plan accords with the main thrust of national and regional guidance, while adding "normally" would weaken its reasonable intentions and create unnecessary uncertainty. Policy S1 does not deny or unduly limit the role of out-of-centre retailing but, in so far as this occurs, it should not be contrary to the important objective of the policy to maintain the multi-functional importance of town and local centres.

13.1.3 The plan recognises that the size of local centres covers a broad range, so that some are less important for the purposes identified in policy S1. Nevertheless it is important to maintain local centres, which can perform a multi-functional role, so as to reduce the need to travel, particularly by private car. Excluding small local centres would imply, incorrectly, that these do not contribute to the objectives of the plan, so that it would be preferable to continue to refer to local centres as a whole.

#### **Recommendation**

13.1.4 No modification.

\*\*\*\*\*

### **13.2 FIGURE S1 SHOPPING CENTRES**

Objections: 1041 Kirkburton and District Civic Society

#### **Conclusions**

13.2.1 The issue raised is whether Figure S1 is correctly drawn. The Council has acknowledged that the objection is correct in that in Figure S1 the key symbols for large and small local centres are transposed.

## Recommendation

13.2.2 Modify Figure S1 by transposing the symbols for small and large local centres.

\*\*\*\*\*

## 13.3 POLICY S2 TOWN CENTRES

Objections: 1055 Batley Action Ltd

### Issue

13.3.1 Whether policy S2 unduly constrains new shopping development in Batley.

### Conclusions

13.3.2 The policy supports new shopping development in town centres such as Batley provided that the vitality and viability of other shopping centres is not harmed. PPG6 identifies town and district centres as the preferred locations for developments that attract many trips and advocates policies to enable them to meet the needs of the residents of their areas. The objector's case is that Batley has a low level of retail floorspace relative to the population within its potential catchment area. There is argued to be substantial opportunity for new shopping investment, having regard to local funding programmes, anticipated population and trade growth, and the rightful status of Batley as a town centre.

13.3.3 The policy aims to prevent the concentration of new development in one or a small number of centres at the expense of others. As the Council points out, this would not preclude investment drawing trade otherwise going to out-of-centre stores or higher order centres such as Leeds. New development would be prevented only if there were specific evidence of probable harm to another identified centre. This is not a rigid restraint but would require a careful judgement of the evidence about the effect of known proposals, at which time any under-provision in Batley would be a material consideration. The test in the policy would not preclude growth in a centre but would provide an overall constraint which is consistent with the objective of the plan to support the role of all town and local centres. An exception to its provisions in any one centre would not be justified.

### Recommendation

13.3.4 No modification.

\*\*\*\*\*

## 13.4 POLICY S3 LOCAL CENTRES

Objections: 0421 Asda Stores Ltd

### Issues

13.4.1 i. whether the Asda superstore at Bradford Road, Huddersfield should be identified as a "large local centre";

- ii. what recognition should be given to new local shopping development in the Birkby/Grimescar Valley area.

## Conclusions

13.4.2 The plan defines 21 large local centres which are described as providing convenience and comparison shopping and a range of services. The objection seeks this designation for the Asda superstore of some 6,000m<sup>2</sup> at Bradford Road built following a permission granted in 1993. This is a typical modern store selling convenience goods and clothes and containing a restaurant and pharmacy. The Council resist inclusion in the category of large local centres on the basis that the range of functions at local centres is typically wider and these may also be the focus of public transport and footpath routes. PPG6 refers to the range of community, shopping and employment opportunities at local centres and it is reasonable that these characteristics should be taken into account in applying the designation. By way of comparison, Fartown Bar, the nearest such centre to the store and one of the smallest, includes a health centre, dental surgery, public houses, a video store, bank, insurance office, betting office, hot food shops and hairdresser, as well as other retail outlets. The Asda superstore has a different character and although providing much more extensive shopping facilities does not fulfil such a large range of functions for the local area, so that the designation sought would not be appropriate.

13.4.3 In response to that part of the objection concerning the former Asda store in Norwood Road, Birkby, the Council agreed a proposed change to paragraph 13.27 identifying the site for a comprehensive development including new local shops and services. This is supported by the objector, who has requested that the change should refer explicitly to a comprehensive residential development, which the Council has agreed to.

## Recommendation

13.4.4 Modify paragraph 13.27 in accordance with the proposed change in CD113, with the addition of "residential" after "comprehensive" in the third line of the proposed change.

\*\*\*\*\*

## 13.5 POLICY S4 AND PARAGRAPH 13.21 *LARGE NEW STORES*

Objections:	0398 Texas Homecare	0400 Safeway Stores
	0401 Kirklees Green Parties	0405 T E Newsholme Ltd
	0419 Designaim Developments	0420 Ramfield plc
	1054 Slough Estates plc	1056 Nordcline
	1057 Mr S Marsden	1058 Marley Properties

## Issues

13.5.1 That part of objection [1054] which is site specific is reported at IR 13.17. The issues raised are whether:

- i. the reference in paragraph 13.21 to "adjoining" existing town or large local shopping centres is clear and practical;
- ii. all large new stores should be only in town or local centres and be subject to an assessment of economic and environmental impact;
- iii. the criteria are clear, precise and in conformity with national guidance;

- iv. the final sentence is unnecessary or unduly prescriptive in precluding the use of land allocated for business and industry.

## Conclusions

13.5.2 The policy contains criteria against which all proposals for large stores will be considered. Criteria i-iv. apply to all schemes while numbers vi. to ix. are exclusively for developments located separately from existing centres. Errors in the layout of the text, including the omission of a criterion v. and the consequent incorrect numbering of subsequent criteria, were corrected in November 1994. I use the original numbering, as have objectors.

13.5.3 The reference in the text to "within or adjoining" existing centres as the preferred location for large new stores is criticised because the boundary of these is not defined. I agree with the Council that it would be undesirable to introduce a rigid demarcation because change in the composition and extent of centres is inevitable. Nor is the term "adjoining" unduly restrictive or rigid. The interpretation of this would take into account the context where the term is used and need not mean having a common boundary with the centre. For example it could include "edge-of-centre" sites, which is a term defined in PPG6. The plan would be more clear if the paragraph were revised to take account of that guidance, expressing a preference firstly for town centre sites and secondly for those on the edge of centres.

13.5.4 Objector [0401] seeks the location of all new large stores in existing centres. This would be contrary to national guidance, which emphasises the importance of town centres but recognises that there may be occasions when out-of-centre development is appropriate. What is important is how these out-of-centre proposals are assessed, so that it is necessary to take this general argument into account in relation to each of the criteria to determine whether, as a whole, the policy appropriately reflects national guidance in this respect. One general point is that criteria vi-ix. are applied to proposed developments separate from existing centres. PPG6 distinguishes town centre and edge-of-centre sites in the sequential test, whereas it could be argued that the latter are not "separate from" the centre and thus the additional criteria do not apply. The substitution of "outside" would overcome this. The need for an economic impact assessment is adequately covered by the requirement to assess the effect on viability and vitality, the extent of the information necessary being dependent upon the scale and nature of the proposal. PPG6 proposes that applications for retail developments over 2,500m<sup>2</sup> gross floorspace should be supported by evidence on the likely change in travel patterns over the catchment area and any significant environmental impacts. The need for this should be identified in the text but there is no evidence which would justify imposing on those proposing smaller schemes the additional burden of incorporating an examination of environmental impact.

13.5.5 Criterion i. Objection [0400] seeks to limit this to nearby centres. PPG6 does refer to nearby centres and it is probable that this is where significant effects are most likely. Nevertheless it is unnecessary to constrain the policy in this way because in most cases the effect on more distant centres will be slight and the criterion will not be relevant. For very large proposals a more widespread effect might occur and a limitation within the policy would be undesirable. I have also looked at the conformity of the criterion with national guidance in the context of objection [0401]. The reference to the viability and vitality of centres "as a whole" is not part of the latest national guidance and would be inconsistent with

it. For example, the guidance identifies the need to assess the effect on investment in a centre. That may be important to safeguard the viability and vitality of the centre but limiting the assessment to effects on the centre as a whole could exclude recognition of other important benefits from the investment. The phrase should be deleted.

13.5.6 Criteria ii. and ix. These criteria are criticised for limiting competition and introducing a requirement to demonstrate need which is not part of national policy. [0420] argues that the criteria are a duplication and should be combined. PPG6 recognises the importance of a competitive retail sector and states that the planning system should not restrict competition. Negative effects attributable to a new development should be fully taken into account under criterion i, since these would be manifested in detriment to the viability and vitality of existing centres. The only need for an additional criterion is so as to explicitly have regard to any benefits from improving the quality of shopping or meeting an identified shortfall. Expressed in this way the criterion I recommend would not impose an obligation to show deficiencies and would not inhibit competition. There is no good reason for two separate criteria.

13.5.7 Criterion iii. This criterion is not subject to direct objection and is consistent with national policy.

13.5.8 Criterion iv. Objection [1058] seeks the inclusion of a definition of "local amenity". Examples given by the Council of the matters to be taken into account include visual impact, disturbance and loss of light. In the context of this policy I believe this general expression is adequate and that there will be no difficulty in identifying what may be relevant in a particular case. Highway safety precedes local amenity in the criterion but the meaning is clear, so that there is no reason why these should not be interpreted, correctly, as being separate and independent factors.

13.5.9 Criterion vi. Contrary to objection [0420], a criterion along these lines is necessary to reflect the sequential test advocated by PPG6. That guidance emphasises that there should be flexibility and realism in the form of development sought and the assessment of site suitability, viability, and availability. I endorse the view of some objectors that physical characteristics are an insufficient test of the capability of an area to accommodate new retail development. Other characteristics, such as the provision of suitable highway access and congestion, could be relevant. In its present form the criterion implies that it is the ability to accommodate the large store which is being judged, whereas national guidance requires that alternative means of fulfilling any identified need should be investigated. A modified criterion expressing a sequential test should distinguish edge-of-centre and out-of-centre sites and should also recognise the possibility of assembling sites mentioned in PPG6, so that the criterion should not have regard only to existing sites but to those "likely to be available".

13.5.10 Criterion vii. No objections were directed at this criterion and since its effect is to draw attention to the possible relevance of other policies in the plan there is no conflict with national guidance.

13.5.11 Criterion viii. The Council says that because new stores would be at an accessible location, this would be a suitable place to provide community facilities, either adjacent to or as part of retail development. The intention is stated to be to secure public benefits for the

local community as part of shopping development. As written the criterion is not entirely clear but this interpretation given by the Council implies an intention contrary to the guidance in C1/97 by introducing a consideration which is not relevant to retail proposals. The criterion could lead to an unacceptable development being permitted because of unrelated benefits or an acceptable development being refused because an applicant does not offer such benefits. It should be deleted.

13.5.12 For out-of-centre developments, one of the key considerations given in paragraph 1.16 of PPG6 is the likely effect on overall travel patterns and car use. This is an unsatisfactory omission from the policy because of the importance of reducing the need to travel and reliance on the car, and should be included as a criterion.

13.5.13 Concerning the final sentence in the policy, many objectors seek a less prescriptive approach, either by the addition of "normally" or by requiring the particular circumstances to be taken into account, based on the former PPG6 or the draft revision. [0405] seeks deletion because of the potential benefits from retail development for employment, the profile of an area, and in providing funds for capital investment. The inclusion of "normally" in the sentence, so as to allow for exceptions, is unnecessary, since the particular circumstances must always be taken into account, and would lead to a lack of clarity. Whereas shopping development does provide some employment and may have other benefits in a particular case, the scarcity of good quality employment land means that this should take priority. I therefore endorse the general principle that land allocated for business and industry should not be used for other purposes. The importance of that argument in a particular case will depend upon the suitability of the site for the allocated use and any special constraints on development. Supply and demand may also be relevant, although it is essential to take a long term view. As now approved, PPG6 reflects these general principles, supporting the protection of sites where an alternative retail use would limit the range and quality of available land.

13.5.14 In my view, allocation for a particular use in the plan means that development for another use is contrary to the plan, since it would prevent the allocated use from being achieved. Protecting the allocated use by a further policy statement is therefore unnecessary. The provisions of PPG6 would also be supportive, subject to the particular circumstances. I also question the merits of the limited protection of allocated employment land that would be achieved by including the restriction here. In this form it only applies to use for shopping and not, for example, for leisure purposes. Furthermore, while land allocated under policy B2 is expressly protected, that covered by policy H6 is not. On balance, the objectives of the plan would be best served by deleting this part of the policy. If it remained, it would be necessary to give effect to the qualification in PPG6 by an addition such as "unless it can be demonstrated that the site is no longer required for that purpose".

## **Recommendations**

13.5.15 i. Modify paragraph 13.21, firstly, to refer to the need for applications for retail development over 2,500m<sup>2</sup> to be supported by evidence on the likely change in travel patterns and any significant environmental impacts and, secondly, to expand the preference for development within or adjoining centres to distinguish town centre and edge-of-centre sites as explained in IR 13.5.3.

ii. Modify the policy to read:

PROPOSALS FOR LARGE STORES WILL BE CONSIDERED HAVING REGARD TO:

- i. THE LIKELY EFFECT ON THE VIABILITY AND VITALITY OF ANY EXISTING TOWN OR LARGE LOCAL CENTRE;
  - ii. THE BENEFIT TO THE QUALITY AND RANGE OF SHOPPING PROVISION OR FROM MEETING AN IDENTIFIED QUANTITATIVE DEFICIENCY;
  - iii. THE ACCESSIBILITY OF THE PROPOSED STORE TO THOSE WITHOUT PRIVATE TRANSPORT;
  - iv. THE EFFECT ON HIGHWAY SAFETY AND LOCAL AMENITY;
- AND IN THE CASE OF PROPOSED DEVELOPMENTS LOCATED OUTSIDE EXISTING TOWN AND LOCAL SHOPPING CENTRES:
- v. WHETHER SUITABLE SITES CAPABLE OF MEETING ANY IDENTIFIED NEED FOR NEW RETAIL DEVELOPMENT ARE LIKELY TO BE AVAILABLE WITHIN, AND FOR OUT OF CENTRE SCHEMES, ON THE EDGE OF, ESTABLISHED TOWN OR LARGE LOCAL SHOPPING CENTRES;
  - vi. WHETHER THEY WOULD PREJUDICE OTHER PROPOSALS IN THE PLAN, PARTICULARLY PROVISION FOR THE PROTECTION OF OPEN LAND;
  - vii. THE EFFECT OF OUT-OF-CENTRE DEVELOPMENTS ON TRAVEL PATTERNS AND CAR USE.

\*\*\*\*\*

### 13.6 PARAGRAPH 13.22 *USE OF CONDITIONS*

Objections: 2258 CIN Properties Ltd

#### Issue

13.6.1 Whether paragraph 13.22 should be strengthened or expressed as a policy.

#### Conclusions

13.6.2 The paragraph indicates that conditions may be imposed on permissions for large stores where a future change in the range of goods sold or sub-division of a retail unit would be prejudicial to the viability and vitality of an existing shopping centre. This coincides with the advice in PPG6.

13.6.3 The Council argues that policy S4 provides the flexibility to attach conditions in appropriate circumstances. In my view the need to impose conditions of this kind would arise directly from the assessment under policy S4. It is normal practice that, where conditions are necessary to ensure or maintain compliance with a policy, these can be imposed and it is unnecessary to state this in a policy. The objection also proposes the deletion of "in some circumstances" from the text. The Council argues that this amendment would necessitate the imposition of a condition in every case but I disagree. It is not clear

whether the text means in some circumstances, ie when a future change of operations could be prejudicial, or in some but not all of those circumstances. Whatever the intention, deletion of the phrase would leave sufficient flexibility, because the text goes on to say restrictions "may" be imposed, and would improve clarity. I do not believe the meaning of the paragraph, read as a whole, would be changed. Although not part of the objection, the Council should also consider the deletion of the reference to legal agreements because this appears to be a subject which could be adequately controlled by conditions, which are of a type discussed in C11/95, and conditions are to be preferred where this means of control is available.

### **Recommendation**

13.6.4 Modify paragraph 13.22 by deleting "In some circumstances,".

\*\*\*\*\*

### **13.7 POLICY S5 SITES FOR LARGE NEW STORES**

Objections: 0401 Kirklees Green Parties 2258 CIN Properties Ltd

#### **Issues**

- 13.7.1
- i. whether sites for the development of large stores at Penistone Road, Huddersfield and Gelderd Road, Birstall should be identified;
  - ii. whether there should be a limit on the range of goods to be sold at the Penistone Road site.

#### **Conclusions**

13.7.2 These sites had planning permission when the plan was being prepared and the stores have both now been built. No limitation on the range of goods was included in the permission at Penistone Road and the plan cannot affect this. I agree with the Council that, following the implementation of the permissions, the reference in the plan should be removed.

#### **Recommendation**

13.7.3 Modify the plan by deleting policy S5 and removing from the proposals map the identification of the two sites listed.

\*\*\*\*\*

### **13.8 POLICY S8 FARM AND MILL SHOPS**

Objections: 2342 National Farmers Union - NE Region

#### **Issue**

13.8.1 Whether policy S8 would unduly inhibit the development of farm shops.

## Conclusions

13.8.2 Planning permission is likely to be required for farm shops where the sale of produce not originating on the farm will be significant. National guidance in PPG's 6 and 7 supports the development of farm shops and identifies the need to allow the sale of some bought-in produce so as to provide a service throughout the year. The possible effect on nearby village shops and of traffic generated are identified as relevant considerations. In the deposit draft plan policy S8 applied both to farm and mill shops whereas proposed changes have introduced a separate policy, S8B, which relates only to farm shops. The revised policy closely resembles that sought by the objector and would require the goods sold to be "substantially" produced on the farm, which is similar to the suggested test that "the great majority of goods retailed" are from the farm. The amended text identifies other relevant policies and D5 appears to have been an intended reference to policy D8.

## Recommendations

13.8.3 Modify the plan by deleting paragraphs 13.30 and 13.31 and policy S8 and substituting paragraph 13.31 and policy S8B in the proposed changes [CD113], replacing the reference to policy D5 in the last line of paragraph 13.31 by D8.

\*\*\*\*\*

## 13.9 PARAGRAPH 13.31 *FARM AND MILL SHOPS*

Objections: 1055 Batley Action Ltd

### Issue

13.9.1 Whether retailing from mill shops and similar establishments should be limited to 5% of the total floorspace under policy S8 and paragraph 13.31.

### Conclusions

13.9.2 The proposed changes separate the policy applicable to mill/factory shops from that for farm shops, proposing a new paragraph 13.30 and policy S8A for mill or factory shops. The new paragraph 13.31 would be concerned with farm shops only. The objector is concerned that the limitation of retailing to 5% of total existing floorspace is too restrictive. This is because of the special value of this type of outlet in the area, which is a characteristic form of shopping that has added to the potential for tourism, and the benefit to local firms and in the revitalisation of old premises as part of Batley Mills Strategy. One effect of the proposed changes is to eliminate the 5% criterion from the text, although retailing would still be required to be small scale and ancillary to production. The new policy would introduce an additional criterion to safeguard the vitality and viability of neighbouring town and local centres. This is a sensible alteration which recognises the importance of the retail strategy. Whereas the proposed change would remove the requirement for goods sold to be primarily produced on the premises, I believe a similar limitation to that for farm shops is necessary to avoid cumulative adverse effects on existing shopping centres and on the general strategy of the plan. The intention behind the changes is reasonable but I can see no justification for the replacement of a policy in positive terms by one which sets out relevant considerations

without establishing a clear presumption that, subject to certain tests, permission will be granted. The objection would not be satisfactorily met by providing less certainty than existed in the deposit draft plan.

## Recommendations

### 13.9.3 Modify the plan by:

- i. adding new paragraph 13.30 from the proposed changes [CD113], and including a reference to the need to avoid cumulative detriment to existing town or local centres and the general strategy of the plan by limiting the goods sold to those primarily produced on the premises; and
- ii. adding a new policy S8A as follows:

RETAILING OF GOODS FROM MILL OR FACTORY PREMISES WILL BE PERMITTED IF:

- i. THE GOODS SOLD ARE PRODUCED OR MANUFACTURED BY THE SELLING COMPANY AND ARE PRIMARILY PRODUCED ON THE PREMISES;
- ii. THE AREA DEVOTED TO SALES IS SMALL RELATIVE TO THE PRODUCTION OR MANUFACTURING FLOORSPACE;
- iii. THE VITALITY AND VIABILITY OF NEIGHBOURING TOWN OR LOCAL CENTRES WOULD NOT BE HARMED; AND
- iv. NO DETRIMENT WOULD BE CAUSED TO HIGHWAY SAFETY OR LOCAL AMENITY.

\*\*\*\*\*

## 13.10 POLICIES S3, S11, S12 AND S13 *RETAILING IN THE HOLME VALLEY*

Objections: 7006 Holme Valley Parish Council

### Issue

13.10.1 Whether the policies in the plan adequately safeguard the retail function of Holmfirth and larger villages in the Holme Valley.

### Conclusions

13.10.2 The objection is made to these four policies on identical grounds. The objector is concerned that the increase in tourism-related uses, such as coffee and gift shops, is undermining essential retailing for the needs of local residents in the Holme Valley.

13.10.3 PPG6 supports policies to enable district and local centres to meet the needs of local residents in their areas. A wide range of facilities is encouraged, consistent with the scale and function of the centre, to meet day-to-day needs. Annex B discusses policies aimed at protecting the retail function of primary shopping frontages but only in relation to town centres.

13.10.4 Policy S3 sets out the considerations which would apply to development proposals in local centres, such as Holmfirth, but these would be most relevant to new building. Policies S11, 12 and 13 provide that service, entertainment and leisure, and amusement uses would "normally" be permitted in large local centres, which includes Holmfirth.

13.10.5 In so far as the objection is directed at the type of retail or service use, that is not subject to planning control where the activities are within a single class of the UCO and businesses cannot be prevented from responding to the market by adjusting the range of goods or services provided. Furthermore, if the opportunity exists to open new outlets, the expectation must be that demand will be met if this is at a realistically viable level. Policy S6, which is not subject to any objection, provides a satisfactory basis for the determination of applications to open new local shops, so that I can see no grounds for introducing special planning policies in larger villages, as sought in the objection. The objection also makes reference to Honley, but my impression is that that local centre is dominated by shops and services meeting local needs. The centre is constrained by surrounding residential development but there are examples of the spread of commercial uses into suitable buildings close to the main shopping frontage and it is very possible that other opportunities would be found if demand existed. Thus local circumstances do not justify special control in Honley, even if that were realistically possible.

13.10.6 Turning to the special problems of Holmfirth, this appears to be a successful centre where the income from tourism has contributed to the range and quality of goods and services available. I agree with the Council that it would be difficult to distinguish a primary retail area in a centre of this size on the basis of rental and pedestrian flow. The effect of the UCO means that restrictive planning policies would be unsuitable for controlling the type of retail and service trade in the manner implied by the objection. Even if this were not so, the centre is not especially large or spread out, so that there would be little benefit from defining a core area where occupation by certain uses was excluded. A restrictive approach would also be inconsistent with the economic objectives of the plan and the intentions of national guidance in PPG's 4 and 21 to assist small businesses and maximise the economic benefit from tourism. Instead it would be better to ensure that there are suitable opportunities for retailers and other traders who wish to establish there, so that genuine demand from local residents can be met. Although policies S12 and S13 would allow certain other uses into the local centre, there is nothing to suggest that such uses have adversely affected the centre hitherto. For all these reasons I do not believe the intentions of the objection would be assisted by including restrictions in policies S11-13. Positive action to support suitable new development is more likely to succeed and in this respect I note that a working party including Council and Parish Council representatives has been set up to look at tourism development and the respective needs of residents and visitors.

### **Recommendation**

13.10.7 No modification.

\*\*\*\*\*

## 13.11 POLICIES S11 AND TC4 AND PARAGRAPH 15.8 SERVICE USES

Objections: 0393 & 0409 McDonalds Restaurants plc 0394 Woolwich Building Society  
0395, 0408, 0417 & 5822[PC] Nationwide Building Society 0399 Kentucky Fried Chicken Ltd  
2604 Huddersfield Civic Society

### Issue

13.11.1 Whether policies S11 and TC4 would allow sufficient variety of uses within the identified primary shopping frontages.

### Conclusions

13.11.2 The Council has published proposed changes to paragraph 15.8 and to the primary frontages designated on the proposals map [CD113]. Further changes are now intended, the main effect of which would be to allow non shopping uses offering a service appropriate to a shopping centre within primary frontages provided that not more than one-third of the units in the frontage are in non shopping use. These further changes affect paragraphs 13.34 and 15.8 and the two policies, which would be revised as in Appendix I to CD125. The proposed change to paragraph 15.8 would not be made and policy TC4 would be deleted, so that policy S11 would apply both in Huddersfield and in other town centres. I begin by considering the policy to be applied, although in practice it is the suitability of the policy and the defined frontages together which is important.

13.11.3 PPG6 encourages diversification of uses in town centres and refers to the possibility of restricting the occupation of primary frontages to retain a high proportion of Class A1 uses, provided that the definition of these areas is realistic. C13/87 also identifies the potential contribution of service uses to the vitality of shopping centres. The deposit draft policies would have sought to retain 100% Class A1 use in primary areas, which would prevent diversity and make these areas less vibrant. Allowing one-third of the frontage to be occupied by appropriate non shopping uses would achieve a reasonable balance. This would safeguard the core shopping area and thereby maintain the convenience and attractiveness of the centre as a whole, while introducing a degree of diversity. A greater degree of flexibility as sought in [0395], [0417] and [2604] would be harmful to the retail function and would not provide the clear guidance urged in PPG6.

13.11.4 I do have reservations about the practical implications of the detailed wording of criterion (ii) in the revised policy. The test proposed is 1 in 3 of the units in a frontage whereas, because of the different width of properties, more consistency would be achieved if the proportion of the frontage were decisive. Secondly, as I read the criterion, a proposed non shopping use is acceptable if "not more than 1 in 3 of the units are in non shopping use". That judgement does not take into account the proposed use, so that it is the present incidence which must satisfy the test. In my view the maximum proportion should be 1 in 3 if the development were carried out, or preferably 33% of the frontage. All four examples given in Appendix II of CD125 satisfy the terms of the policy as written, so that the change in wording I recommend would appear to accord with the Council's intention.

13.11.5 Looking at the proposed extent of the primary frontages, in Huddersfield the proposed changes would reduce the primary frontages and apply the policy to sites TC2(i) and (v). However non-shopping uses would not be subject to general restrictions in the

greater part of the shopping development opportunities identified in policy TC2. The frontages subject to control are the most important and attractive shopping streets, so that subject to the proposed changes the policy would be well-defined. In Batley there would be a slight reduction in primary frontage, which would then be concentrated on the important core. Plan ref.13.1 in CD113 is not especially clear but seems to imply an extension into Brunswick Street. This should be checked, since I know of no reason why this should be so, although I make no recommendation in this respect because there is no objection on the point. There is particular merit in the reduction of primary frontage in Heckmondwike, a centre where there are few national multiple stores. The proposals for Dewsbury make a minor reduction in the primary frontage in Corporation Street. The centre is extensive and there is considerable variation in character between modern shopping developments and more traditional streets or arcades. Counter-objection [5822] argues that the scope of the policy is too wide but there is a benefit in linking together the centre as a whole and thereby maintaining a spread of retail use, so that excluding some frontages would be undesirable. Sufficient flexibility would be achieved by the further change allowing a proportion of non shopping uses.

### Recommendations

13.11.6 Modify the plan by:

- i. deleting policy TC4;
- ii. amending paragraphs 13.34 and 15.8 and policy S11 to be as in Appendix I of CD125, except that criterion (ii) of policy S11 should read:

NOT MORE THAN 33% OF THE FRONTAGE WOULD BE IN  
NON SHOPPING USE IF THE DEVELOPMENT WERE CARRIED  
OUT.

- iii. amending the primary shopping frontage on the proposals map in accordance with plans 13.1, 13.2, 13.3, 15.1, and 15.3 in CD113.

\*\*\*\*\*

### 13.12 POLICY S12 *ENTERTAINMENT AND LEISURE*

Objections: 0401 Kirklees Green Parties

#### Issue

13.12.1 Whether the level of accessibility by public transport should be added as an additional criterion.

#### Conclusions

13.12.2 The objector argues that accessibility by public transport should be taken into account in the assessment of entertainment and leisure uses which would not be within or on the edge of town or large local centres. This would accord with the advice in paragraph 2.22 of PPG6 and is supported by the Council.

## Recommendation

13.12.3 Modify the plan by adding an additional criterion to policy S12:

iv. THE LEVEL OF ACCESSIBILITY BY PUBLIC TRANSPORT.

\*\*\*\*\*

## 13.13 POLICY S14 AND PARAGRAPH 13.38 *HOT FOOD TAKE AWAYS*

Objections: 1059 McDonald's Restaurants Ltd

2604 Huddersfield Civic Society

### Issues

- 13.13.1
- i. whether it is reasonable to prefer hot food take away shops to be separate from residential areas;
  - ii. whether hot food take away shops should be accepted in primary shopping frontages.

### Conclusions

13.13.2 Objector [1059] argues that many McDonalds Restaurants are situated close to residential areas. The Council believe the most suitable locations are separate from residential areas, but other locations could be considered against the policy. In my view the text could be improved because many hot food shops do operate successfully within residential areas, providing a useful service. What is important is the proximity of any dwellings to the take away shop. I shall therefore recommend a minor revision to the text.

13.13.3 The Council now acknowledge that hot food take away shops can be an appropriate use in primary shopping frontages, a view I have supported in my recommendations on policies S11 and TC4. Thus the Council now supports the deletion of the final sentence of the policy, which would fully meet the objections in relation to this policy. Those concerns which relate to the control of development in primary frontages are dealt with at IR 13.11.

### Recommendations

- 13.13.4 Modify the plan by:
- i. in line 4 of paragraph 13.38, replacing "residential areas" by "dwellings";
  - ii. deleting the final sentence of policy S14.

\*\*\*\*\*

## 13.14 CHAPTER OBJECTION - GLOSSARY DEFINITION *GARDEN CENTRES*

Objections: 2343 D J Whiteley

### Issue

- 13.14.1 Whether the definition of garden centres in the Glossary is reasonable.

## Conclusions

13.14.2 This definition is relevant to the interpretation of policy S9, which sets out the circumstances in which garden centres will be permitted. The objector argues that the definition in the plan is of a retail nursery, whereas garden centres primarily retail plants, trees and garden accessories, buying in their stock from specialist production nurseries.

13.14.3 In considering the merits of the objection it would be inappropriate for me to recommend a modification to the policy and any change to the definition will impact on the policy. The Council's response is unclear as to whether the glossary definition is intended to exclude businesses which do not grow some of their own stock. My judgement is that it would. If there is no growing, the use cannot be "primarily growing and retailing". I agree with the objector that very many garden centres are essentially retail and it would be unrealistic to include a definition which was inconsistent with normal practice. I do not wholly accept the objector's definition, because "garden accessories" could include items unconnected with plants, such as garden furniture, sheds, or fencing materials. "Horticultural accessories" would have a clearer meaning.

13.14.4 This is one of the few definitions in the glossary which relates directly to the interpretation of a policy and may, for example, influence the wording of planning conditions. It would be more suitably contained in the reasoned justification. It will be for the Council to consider whether any other amendment is necessary arising from my recommendation. I believe what I recommend is a reasonable definition of "garden centres". If the Council seeks a more restrictive definition, then the use will not be as a garden centre and the policy will need revision. There are also potential implications for the Green Belt which should be taken into account, since the current policy would apply without regard to whether the land is in the Green Belt.

## Recommendations

13.14.5 i. modify the plan by deleting the definition of "garden centres" from the glossary and incorporating a new definition as follows within paragraph 13.32:

Horticultural establishments concerned primarily with the retailing of plants, trees and horticultural accessories.

ii. that the Council reviews whether any change to policy S9 is necessary having regard to the contents of IR 13.14.4 and the definition recommended at i. above.

\*\*\*\*\*

**OBJECTIONS SEEKING A RETAIL ALLOCATION**

**13.15 ALLOCATION B8.2, POLICIES D2 AND S5, SITE HN29  
NEW HEY ROAD, OAKES**

Objections: 0403, 1060, and 2250 T E Newsholme Ltd

**Issues**

- 13.15.1 i. whether allocation B8.2 is likely to be available for development during the plan period;
- ii. whether site HN29, including the area of B8.2, should be allocated for a large store under policy S5.

**Conclusions**

13.15.2 The B8.2 allocation of 0.6ha is largely an area of hardstanding at the rear of the objector's premises. The Council say the land was regarded as available because planning permission had been granted for expansion there. Although the objector states that there is no intention to expand there, this seems to be an inadequate account of current circumstances. The Council supply information concerning the progress of negotiations for re-location of the firm and at the time of my visit the premises were advertised for sale because of imminent re-location. There is also evidence that the land would be capable of development for separate occupation. Thus it is reasonable to conclude that an owner would seek to benefit from the potential of the whole of the site during the lifetime of the plan, which would be likely to include the development of land allocated under policy B2.

13.15.3 On the second issue, the preference in PPG6 is for new retail development to be in town centres. Where there is a need or capacity for development and town centre sites are not available, then edge-of-centre, district and local centre locations may be considered. No analysis of alternative opportunities has been undertaken by the objector. The Council provides details of sites in the town centre and at local centres in the vicinity. Thus there is no justification for retail development here contrary to the general strategy in policy S1. PPG13 also discourages the sporadic siting of comparison shopping along road corridors, although there is no indication of the type of shopping development which would be undertaken here. A large store could have an adverse effect on nearby local centres and I support the Council's concern at the effect of additional turning movements on New Hey Road. Whereas the objector comments on the proximity of residential areas, there is no specific evidence of a deficiency in local retailing which could suitably be met by development here. Although the generation of extra resources to assist employment creation is argued in support of an allocation, if the harm to the retail strategy were accepted for this reason the objectives of the plan could be rapidly undermined.

**Recommendation**

13.15.4 No modification.

\*\*\*\*\*

## **13.16 ALLOCATION B14.4, POLICIES D2, D3 AND S5, AND FOOTNOTE 6 TO POLICY B2 LAND AT SCANDINAVIA MILLS, CLECKHEATON**

Objections: 1114 and 2841 Nordcliffe

### **Issues**

13.16.1 Whether the allocation in the plan as land for business and industry, urban greenspace, and without notation is reasonable having regard to:

- i. the appropriateness of the site for a major retail development;
- ii. the need for and suitability for development of the B14.4 business and industry allocation; and
- iii. the benefit from retaining the existing sports ground.

13.16.2 Objection [2841] is to footnote (6) to policy B2 with respect to site B14.4. This has been conditionally withdrawn subject to the revised wording suggested by the HA and endorsed by the Council, which I support.

### **Conclusions**

#### The appropriateness of the site for a major retail development

13.16.3 The objector attaches considerable weight to the planning permission granted by the SSE in 1990 with a different boundary which included about 16,500m<sup>2</sup> of retail floorspace. This is on the basis that the questions relevant now were favourably resolved then. Since then there have been two revisions to PPG6 and a revised PPG13. As a result, whereas similar considerations may need to be examined, the manner in which these are assessed and the weight to them has in my view changed. A detailed comparison of policies would not be helpful, since it will be necessary to make a decision having regard to the current guidance as a whole. It is also the case that judgements made in relation to the determination of a planning application prior to the introduction of Section 54A would not necessarily be the same as would be reached in making decisions on development plan allocations.

13.16.4 I intend to examine the issue by applying the four key tests mentioned in paragraph 1.16 of PPG6:

- i. the likely harm to the development plan strategy;
- ii. the likely impact on the vitality and viability of Cleckheaton town centre;
- iii. the accessibility of the site by a choice of means of transport;
- iv. the probable effect on overall travel patterns and car use.

13.16.5 The precise scale of any development would be defined in detailed proposals, which would be assessed against policy S4. The objector seeks identification of the site as suitable for a large store under policy S5, the intention being to include a major convenience store. Policy S1 is consistent with the thrust of advice in PPG6 and RPG12, whereas out-of-centre development such as this runs counter to the overall UDP strategy. However the plan acknowledges that out-of-centre development may be appropriate to widen choice where suitable town centre or edge-of-centre sites are not available, which also reflects national and regional guidance. I accept that there is no reason to expect that a development of the scale

envisaged could be accommodated in or on the edge of Cleckheaton centre. For out-of-centre development to be justified it is reasonable to have regard to whether there is a quantitative need or qualitative benefit, as envisaged in policy S4ii and para 1.10 of PPG6. The case of need is qualitative, not quantitative, and is based on more than 70% of households within the 5 minute isochrone not using Cleckheaton for their main food shopping. I accept that the Tesco store in Cleckheaton is not up to the standard of the most modern stores. Nevertheless there are a number of other opportunities within 5-10 minutes driving time such that the area is adequately served with modern convenience shopping, although a new store on the objection site would add to the choice.

13.16.6 Thus retail development would support the strategy in the plan in so far as it would enhance choice but with the disadvantage of developing out-of-centre when there is a range of opportunities within reasonable drive time. However the other tests are also relevant to the assessment of the impact on the development plan strategy.

13.16.7 Concerning the likely impact on the vitality and viability of Cleckheaton town centre, the Inspector's conclusion in 1990 was that there was no convincing evidence that this would be seriously affected. This was on the basis of a 17% convenience diversion from the centre.

13.16.8 The Council argue that Cleckheaton has a weak retail structure and is vulnerable to competition. Reference is made to the pedestrian flow count, reduced occupancy of the market, the small number of national multiples, and the high proportion of service uses. In my view this concern is justified, notwithstanding the low vacancy rate. PPG6 mentions the possible effect on the strategy for the centre and on future private sector investment needed to safeguard its vitality and viability. The centre would benefit from any drawing back of comparison trade from shoppers diverted to a new store currently using other centres, but there is no convincing evidence that this would be a significant effect. On convenience trade, the objector's analysis suggests a 23% diversion from the town centre Tesco store. There is disagreement over the present level of trading at Tesco which makes it difficult to evaluate the effect of this on the continued operation of the store and on the proposal for a new foodstore on a site currently being assembled by the Council. On balance, I believe that it is possible that the existing Tesco store would continue to trade and that a new store would be opened, bearing in mind the long term interest of a second operator in establishing here.

13.16.9 PPG6 confirms the need to take a long term view when assessing impact. Significant convenience trade would be diverted and this is in the context of a vulnerable town centre. RPG12 notes the widespread effect of regional out-of-town centres and there is likely to be some adverse effect from the opening of the White Rose Centre in 1997. Whereas there is not evidence that convenience goods representation would be reduced, there would be a significant decline in convenience sales within the centre, with a possible long term effect on the range and quality of shops and services present.

13.16.10 The accessibility of the site by a choice of mode was not a main consideration in the 1990 appeal and this was not part of the Inspector's conclusions. PPG6 states that out-of-centre development should be genuinely accessible by a choice of means of transport such that a significant proportion of customers and staff will be able to get to the development by means other than the car. There are six bus routes passing the vicinity of the site but these are relatively infrequent. The local population able to walk to the store is not large.

Notwithstanding the possibility of some improvement to public transport, the site has low accessibility by bus and for pedestrians.

13.16.11 In a complex urban area the effect on overall travel patterns and car use is difficult to predict. The principal evidence on this point is an assessment of the net mileage of customers attracted from within the 5 minute isochrone. This shows substantial savings but no account is taken of linked or by-pass trips nor of the mileage of the large proportion of customers from the wider catchment. PPG6 refers to the possibility that an alternative location would ensure easier access for all customers, facilitate more linked trips, and help to reduce overall reliance on the car. Whereas a store of this size cannot be located in Cleckheaton, the alternative possibility of concentrating investment there would have significant advantages in these respects and the opportunity for public transport use would be much greater. Thus whereas there could be an immediate net reduction in vehicle mileage, there would also be significant disadvantages for the overall strategy.

13.16.12 PPG6 supports the identification of sites for retail development in plans, following a sequential approach which gives first preference to sites in town centres. Notwithstanding the opportunity for schemes to come forward and be determined against the criteria in policy S4, the objection site should be allocated under policy S5 if on the balance of the arguments that is the most suitable use. However there are significant deficiencies in the case for a large store on the land. Although there would be an improvement in local choice, there are other modern stores accessible by a 5-10 minute drive. A new store would divert a significant proportion of convenience trade from a vulnerable centre, with a possible long-term adverse effect on the range and quality of shops and services. The accessibility of the site by public transport is low. Looked at in isolation there is the possibility of mileage savings but at the expense of departing from the plan's general strategy and establishing substantial retail use at a location with low potential for public transport use and linked trips.

#### The need for and suitability for development of the B14.4 business and industry allocation

13.16.13 The B14.4 allocation affects some 5.1ha, of which 2.1ha is within the objection site. The developable part of the remainder has now been developed for housing as a result of a planning permission granted on appeal in 1994. The objector argues that it was fundamentally inappropriate to allocate the objection site in the plan because it was land with an existing industrial use. I agree with the Council that this argument is unjustified because the land was at the time predominantly undeveloped and available for development.

13.16.14 The background to this issue includes the many representations which have been made in support of the allocation of land for business and industry in the M62 corridor. The importance of providing motorway related sites has been sufficiently compelling to justify the release of some land from the Green Belt. The objection site is at a suitable location to contribute towards meeting this demand.

13.16.15 The objector's case is that the allocation is unlikely to be taken up during the plan period because of competition from other opportunities within the M62 corridor and because of the limitations of the land due to shape, levels and the need to provide access. This is supported by the failure to dispose of the land when marketed for more than two years. In my view the deficiencies of the land are somewhat exaggerated. The planning permission for B1 development in 1993 shows how access could be achieved and the site utilised despite

constraints of shape and levels. Although site coverage may be low, this should influence the market value of the land so as to provide a competitive return. It seems very probable that the unsuccessful marketing of the site in 1992/3 would have been influenced by the previous outline permission for retail development and the undetermined application seeking renewal of the consent. Whereas it is also argued that if the land value is low, the owner may be reluctant to sell, I do not regard possible owner expectations as a good reason to set aside planning arguments.

13.16.16 The objector also advocates a mixed use allocation incorporating both the Cleckheaton Sports Club (CSC) and the land to the south which has now been cleared (unallocated in the plan but where permission for B1, B2 and B8 development was granted in 1993). The Council has indicated that because of the change of circumstances its intention now would be to extend the B14.4 allocation to include this cleared land and on the evidence before me I see nothing against this, subject to my conclusions on these objections. By itself this would be unlikely to have much effect on the present B14.4 allocation because of the intervening sports ground. Fundamentally, I am not convinced by the argument that the allocated land would be unlikely to be developed and I regard this as suitable to contribute to the need for sites for business and industry in the M62 corridor.

#### The benefit from retaining the existing sports ground

13.16.17 The objector argues that the UGS allocation of CSC is misguided because CD34 states that, in surveying urban open land, land within an employment priority area (EPA) in an adopted local plan was excluded. The Council say that this was written in error because land used for sport and recreation within EPA's was included. I accept this as a factual correction. The merits of the UDP allocation must be determined on the basis of the particular arguments applicable to this site.

13.16.18 The Council's case for the UGS allocation depends entirely upon the functional value of CSC as a recreation facility, since it is conceded that its visual contribution to the surroundings is unimportant. I accept that this is so, but this does not devalue the appropriateness of the allocation. This is a high quality facility and PPG17 makes no distinction between the value and importance of public and private playing fields. Local provision measured against the NPFA standard also supports the case for retention. Whereas the objector points out that CD34 does not mention these standards, they are referred to in the plan and it is particularly relevant that these should be taken into account, pending the formulation of local standards, where the functional value of the land for recreation is fundamental.

13.16.19 I see no contradiction between the UGS allocation and the status of the land within an EPA in the HWDLP. The policies and approach in that plan are not directly comparable to the UDP. In assessing proposals against the HWDLP, policies E2, L1, and L2 would have been relevant and I am not persuaded that the EPA designation would have received special priority. Policy L1 expresses in clear terms the need to retain public open space and sports grounds unless equivalent alternative provision is made and policy L2 seeks to retain private sports grounds in particular.

13.16.20 The objector suggests that the UGS allocation could be deleted because the use of the sports ground would continue until such time as development proposals were made. At

that time policy R8, requiring the replacement of private playing fields, would be effective. However, this is on the basis that some other allocation would be substituted in place of UGS, such as for a mixed retail and employment based development. That would lead to a lack of clarity and be liable to give the impression that the retention of the sports ground was unimportant, which would in my judgement be the wrong order of priorities. This is not directly comparable to the situation in the HWDLP because policy E2 in that plan is a more general statement of preference, not a specific land use allocation.

### Overall conclusions

13.16.21 There are good reasons to retain the B14.4 and UGS allocations. The unallocated land has now been cleared and the Council's intention to extend the business and industry allocation is sensible. The arguments in support of an alternative allocation for a large store under policy S5, perhaps as part of a mixed development, are flawed.

### **Recommendation**

13.16.22 Modify footnote (6) to policy B2, site B14.4, as set out in document KB/B14.4/3.

\*\*\*\*\*

### **13.17 POLICIES S4, TC12 AND TC37 *RINGWAY INDUSTRIAL CENTRE, HUDDERSFIELD***

Objections: 0967 & 1054 Slough Estates plc

### **Issue**

13.17.1 Whether the Ringway Industrial Centre should be identified as suitable for retail development.

### **Conclusions**

13.17.2 The site contains modern premises, two large buildings being in retail use and the remainder comprising industrial/warehouse units. The retail units are unallocated in the plan. The industrial/warehouse units are subject to policy TC12, which supports industrial and warehouse development in what is for the most part an older industrial area, although this does not constitute an allocation.

13.17.3 The objector seeks an acknowledgement of the existing retail use so as to confirm the acceptability of replacement in the event of redevelopment. The approach in the plan is to identify areas where change is proposed and to include policies, some area-specific and others of a general nature. This is consistent with the advice in PPG12 to avoid over-elaborate plan making and an excessive level of detail. It would be contrary to these principles to anticipate the redevelopment of existing uses on a site-by-site basis. Each case would be considered on its merits against the policies in the plan, which the Council confirms do not prejudice continued use or redevelopment of the existing uses for retail warehousing.

13.17.4 The second element of the objection concerns the existing industrial/warehouse units, where designation is sought as an area where retail development will normally be permitted. These are modern occupied units which are fully satisfactory for their present use. Notwithstanding whether retail use is appropriate here, it would be consistent with the objectives of the plan to resist the transfer of premises such as these into an alternative use which has no special requirement to be located on a modern industrial estate. As to whether retail development would be appropriate, the plan emphasises the role of the town centre and local centres. The site is more than 400m from the main shopping area and would constitute an out-of-centre site. For pedestrians the location cannot be regarded as close to the town centre both because of the distance and the need to cross the ring road. Advantages cited include proximity to residential areas but these are already served by local centres, so that it is doubtful whether a significant proportion of customers would arrive on foot. While the site is near a principal road designated as a green route in the plan, accessibility for the whole population would be greater in the town centre. Similarly, whereas an advantage is claimed from a location close to existing retail uses both on the objection site and nearby because trips could be combined, there would be even greater opportunity for meeting a wide range of shopping and service needs by a single trip if such retail development as occurred were to be in the town centre. Thus there are not grounds to modify the plan in this respect.

### **Recommendation**

13.17.5 No modification.

\*\*\*\*\*

## CHAPTER 14 - RECREATION

### **14.1 POLICY R1 RECREATION STRATEGY**

Objections: 1573 Sports Council - Yorkshire and Humberside Region

#### **Issue**

14.1.1 Whether the policy should be more positively expressed to indicate that the Council proposes to meet the recreational needs of the district by certain actions.

#### **Conclusions**

14.1.2 Not all topics covered by the Part I policies are approached in the manner advocated by the objector. A specific commitment to action should only be made if it is realistic. Otherwise it would be no more than aspiration. The Council indicates that its physical and financial resources available to further recreation provision are very constrained. In view of this and as the objector does not suggest particular land use related measures which it wishes to see included in the policy, there is no justification to modify the policy as requested.

#### **Recommendation**

14.1.3 No modification.

\*\*\*\*\*

### **14.2 POLICY R3 SWIMMING POOLS AND SPORTS CENTRES**

Objections: 1573 Sports Council - Yorkshire and Humberside Region

#### **Issues**

14.2.1 Whether the policy should specify the facilities required and their preferred locations or make reference to the District Recreation Strategy.

#### **Conclusions**

14.2.2 PPG17 and RPG12 give relevant advice. Plans are the appropriate context in which to assess local needs for recreation facilities and encourage the development of suitable sites and types of site for sport and recreation provision. They should make adequate provision for, among other things, indoor sports facilities within and on the edge of urban areas. Policy R3 gives some guidance on location, directing provision of swimming pools and sports centres to locations with good access by public transport and indicating where this is likely to be. However, it fails to identify, even in broad terms, areas of the district which are deficient in various types of facility or would benefit most from provision. The Council explains that resources for new facilities are tightly constrained. As PPG12 highlights, plans

must have regard to the resources likely to be available and specific site allocations may be unrealistic. Nevertheless, this does not remove the necessity to assess the needs, deficiencies and opportunities for sports facilities and to translate that analysis into guidance in land use terms.

14.2.3 The Council acknowledges the unsatisfactory level of information presently available. It ascribes this to a significant degree to the lack of a Leisure and Recreation Strategy, pending review, and considers that once this is approved many of the objector's concerns will be met. A revised Leisure and Recreation Strategy was published as a draft for consultation in February 1996. Although it indicates that, through a Facilities Strategy, an overview of sports and recreation facilities will be taken, in its present form it contains no spacial analysis. It does not provide a substitute for guidance in land use terms and reference in the policy to the Recreation Strategy will not suffice.

14.2.4 The Council's concern that alteration to the plan at this stage could be premature, as further alteration would be necessary as the Leisure and Recreation Strategy developed, is valid. The strategy should be considered in the preparation of the plan. Since it is at a less advanced stage than the plan and additional work and consultation would be necessary to formulate planning guidance after approval of the strategy, modification now would be likely to delay adoption of the plan significantly. On the basis that the conclusions at IR L1.2.12 and L1.3.22 on the preference for early adoption of the plan followed by review are still applicable when the Council makes its decision, alterations should be undertaken at review stage. The plan should include a commitment to formulate guidance. This would be compatible with the commitment and time scale recommended in the next section concerning standards for open space.

## **Recommendations**

14.2.5 Modify the plan to specify in the text that planning guidance on locations for various types of sport and recreation facilities will be formulated for inclusion in a review of the plan, taking into account an assessment of the need and opportunities for such facilities in different parts of the district.

\*\*\*\*\*

## **14.3 PARAGRAPH 14.17 PUBLIC OPEN SPACE**

Objections: 1573 Sports Council - Yorkshire and Humberside Region

### **Issues**

- 14.3.1 These are whether:
- i. the text is inaccurate in its reference to NPFA standards as quoted in national guidance;
  - ii. the plan should include commitments to develop local standards and to maintain the Register of Playing Pitches.

## Conclusions

14.3.2 PPG17 advises against reliance on national standards and explains that Table A, containing a summary of NPFA standards, is illustrative material which may help in the formulation of local standards. As the Council acknowledges, paragraph 14.17 in the plan is inaccurate in its reference to this guidance. The Council intends to carry out work to formulate local standards, but explains it has not proved possible to do this within the time scale of the plan. The objector's request for a commitment to this action, possibly with incorporation into a review of the plan, is therefore in line with the Council's own intentions as well as with national guidance. On the first two issues a revision of the text is justified.

14.3.3 The Council suggests in its response a revision to paragraph 14.17. The revised paragraph would remain inconsistent with national guidance, as it implicitly adopts NPFA standards, but the work necessary for the Council to judge the extent to which any particular standards are applicable has not been done. The inclusion of the standards is merely informative, so a simple introduction to them would suffice. The existing text in paragraphs 14.18 and 14.19 already highlights particular circumstances in the district, such as uneven distribution of open space and the problems for disadvantaged residents in regeneration areas. It would be logical for this to be followed by an acknowledgement of the intention to develop local standards drawing on both the NPFA standards and local factors.

14.3.4 The objector is correct in drawing attention to the value of the Register as a monitoring tool. Indeed PPG17 advises that plans should take it into account. Nevertheless, irrespective of the value of this national data base arrangements for responsibility for its maintenance, whether by the Council or other bodies, are an administrative matter not appropriate for inclusion in the plan.

## Recommendations

14.3.5 Formulate local standards for open space and recreation provision for inclusion in a review of the plan and modify the plan as follows:

- i. substitute the following words for the first four lines of paragraph 14.17:

The National Playing Fields Association's (NPFA) recommended minimum standard for outdoor playing space is widely recognised and long established. The following table provides a breakdown of the NPFA standard: ;

- ii. add the following words at the end of paragraph 14.19:

Local standards of open space provision for formal and informal sport and recreation will therefore be formulated drawing on the NPFA standards, an assessment of need and local factors. In the interim the Council will seek to improve the provision of public open space especially within areas where there is an under-provision measured against NPFA standards, and where there are many disadvantaged residents. ;

- iii. amend the subsequent text by deleting the last sentence of paragraph 14.20.

\*\*\*\*\*

## 14.4 POLICY R7, R8, AND R9 *PUBLIC OPEN SPACE, PRIVATE PLAYING FIELDS AND ALLOTMENTS*

Objections: 1624 Kirklees Green Parties

### Issue

14.4.1 Whether the policies should include a requirement for alternative provision to be subject to the site users' consent.

### Conclusions

14.4.2 The policies protect existing public open space, private playing fields and allotments from development except in certain circumstances. The circumstance to which the objection is addressed is where alternative provision is intended to allow the release of the existing use. The addition to the policies suggested would in effect create a potential veto on development to be exercised by users of a site. Even leaving aside the fact that the planning authority may not fetter its discretion in this manner and advice in PPG12 that development plans should not designate special consultation arrangements, such a situation would be undesirable. Development leading to benefit to the wider community in recreational terms could be inhibited by the sectional interest of existing users.

14.4.3 Underlying the objection is concern that replacement facilities may not provide the same level of community benefit and I agree that the present wording of the policies does not adequately safeguard this benefit. No mention is made of the standard or location of replacement facilities. In that respect, the policies are a step backward from those in existing local plans. PPG17 is clear in discussing alternative provision of open space that it should be of "equivalent" or "similar" community benefit, a point which encompasses many factors including the standard and location of the facilities. The Council confirms that it is not intended to give less weight to the value of recreational open space than that advocated in PPG17 and gives no reason why the thread running through the text of the plan is not brought into the policies. I consider it should be. Other objections to policies R7 and R8, on which I recommend further modifications, are considered in the next two sections. This is reflected in my recommendations.

### Recommendations

- 14.4.4
- i. if the recommendations at IR 14.5.3 and 14.6.7 are not accepted modify policy R7 by adding at the end of line 3 after "ALTERNATIVE PROVISION" the words "OF EQUIVALENT COMMUNITY BENEFIT";
  - ii. if the recommendations at IR 14.5.3 and 14.6.7 are not accepted modify policy R8 by replacing "ARE TO BE" in line 4 by "OF EQUIVALENT COMMUNITY BENEFIT ARE";
  - iii. modify policy R9 by replacing "ARE TO BE" in line 4 by "OF EQUIVALENT COMMUNITY BENEFIT ARE".

\*\*\*\*\*

## 14.5 POLICY R7 PUBLIC OPEN SPACE

Objections: 1573 Sports Council - Yorkshire and Humberside Region

### Issue

14.5.1 Whether private playing fields should be included in the policy.

### Conclusions

14.5.2 Policy R7 relates to public open space, which includes public playing fields. In its guidance PPG17 does not discriminate between playing fields by ownership and indicates that, whether public or private, they are of special significance. The Council argues that the availability of private playing fields is generally at the whim of the owner. While this may be true, national guidance is clear that the decision as to whether or not playing fields are to be protected should be based on the needs of the community for recreation and amenity space not on considerations of ownership. In that way the opportunity at least for needed facilities is protected. As paragraph 42 of PPG17 makes clear, the level of provision of both sports pitches and public open space is to be taken into account in making decisions on playing fields. Given this interrelationship, one policy to cover both public open space and private playing fields is preferable. Policy R8 presently covers private playing fields. Objections to this are dealt with in the next section. I draw on my conclusions on these in recommending how the two policies should be brought together.

### Recommendation

14.5.3 Replace policies R7 and R8 with one policy to address development proposals on public open space and private playing fields as set out in recommendation IR 14.6.7.

\*\*\*\*\*

## 14.6 POLICY R8 AND PARAGRAPH 14.24 PRIVATE PLAYING FIELDS

Objections: 1162 G S Planning and Development  
2512 University of Huddersfield

1625 Cleckheaton and District Golf Club Ltd

### Issues

- 14.6.1
- i. whether the requirement to consider other organisations' willingness to acquire redundant playing fields imposes excessive control;
  - ii. whether the policy is inconsistent with national guidance and should allow development also when facilities can be retained through redevelopment of part of the site or the plan shows an excess of provision in relation to NPFA standards;
  - iii. whether golf courses should be covered by the policy.

### Conclusions

14.6.2 [2512] also refers to policy R7, but this does not include any reference to acquisition of land for sporting purposes by other organisations. The objection does not

can be permitted, is in accord with national guidance. If the circumstances were not set out in the policy, the case that the facility is not needed and should not be safeguarded would have to be made as a material circumstance to permit development not in accord with the plan. That case would need as stringent an analysis of the local demand for allotments as is required by the policy. The requirement for a potential developer to establish the level of demand and the extent to which it is unsatisfied, is not unreasonably rigorous. Nor is it an unusually difficult assessment to make in practice. The Council makes a number of suggestions as to how it could be approached. In addition evidence from an exercise of marketing allotments for rent on realistic terms over a lengthy period together with information on availability of other allotments would not be inherently different from the nature of evidence commonly provided to support applications, such as those for removal of agricultural occupancy conditions, nor more difficult to obtain.

14.7.3 The Council confirms that the second sentence of the policy relates to development of allotment land, rather than to proposals for new allotments. The first sentence and the preceding text make it clear that the policy is directed to proposals involving development on allotments or land last used as allotments. The text highlights the amenity and wildlife value of allotments, factors which the second sentence of the policy addresses, to explain why proposals for development on allotments will be assessed also in that context. The meaning of the second sentence is thus apparent from a reading of the section as a whole.

### **Recommendation**

14.7.4 No modification.

\*\*\*\*\*

### **14.8 PARAGRAPHS 14.28, 14.34 AND 14.42 COUNTRYSIDE RECREATION**

Objections: 1640 British Horse Society

1641 Kirklees Bridleways Group

### **Issues**

14.8.1 These are whether:

- i. there is undue emphasis on horse riding as a countryside activity and insufficient recognition of riding involving urban road work and of the need for improved safe access from the urban areas to the countryside;
- ii. cycle routes are an unacceptable use of limited funds and new rights of way should be of bridleway status.

### **Conclusions**

14.8.2 The objectors do not disagree with the statement in paragraph 14.28 that countryside recreation includes such activities as horse riding, but give unchallenged evidence that to pursue that countryside recreation many equestrians start from within or on the fringe of urban areas. The fragmentation of the bridleway network, the fact that horse riding frequently has to take place on roads and the benefits of linking existing bridleways are not ignored in the plan, but explicitly referred to in paragraph 14.39. However, these references and those in paragraph 14.34 to public rights of way generally are to the situation within the

countryside and do not address the needs of users in gaining safe access to the countryside in the first place. In its response the Council accepts that reference to the desirability of improving and creating off-road access routes from urban areas into the countryside would be beneficial. I agree that it would and, as specific proposals for new rights of way are not detailed in the recreation chapter, inclusion of the reference in the text would be appropriate.

14.8.3 Paragraph 14.42 relates to routes essentially for rough, recreational cycling, an activity which has the potential to interfere with the enjoyment of other users, including equestrians, on bridleways. Bridleway status for such routes may not always be appropriate. Development of such schemes is not therefore made unacceptable in principle by their single user character. Whether funding for particular schemes would be justified will be influenced by various factors, such as likely participation in the activity and whether any related benefits to other users on existing bridleways from removal of conflict would accrue. Judgement on particular schemes is neither necessary nor possible, since no specific proposals or commitments are made in the paragraph. It merely gives the background to the possibility of creating cycle routes and does not detract from the more positive preceding section on bridleways.

### Recommendation

14.8.4 Modify paragraph 14.34 to include reference to the desirability of improving and creating off-road access routes from urban areas into the countryside.

\*\*\*\*\*

## 14.9 PARAGRAPHS 14.21, 14.30, 14.35, 14.38 AND 14.43 *COUNTRYSIDE RECREATION AND PUBLIC ACCESS*

Objections: 0824 & 1639 Ramblers Association (West Riding) 1623 Ramblers Association (Huddersfield Group)

### Issues

- 14.9.1 These are whether:
- i. paragraph 14.21 should include reference to the provision of safe footpath links between areas of public open space;
  - ii. terminology on various types of access arrangements should be clarified;
  - iii. paragraph 14.38 would lead to damage of fragile high moorland ecology;
  - iv. there should be an additional statement or policy related to the visual impact of development on the Pennine Way.

### Conclusions

14.9.2 Paragraph 14.21 relates to UGS and green corridors. In chapter 2 the plan acknowledges that public access to such areas can be an important recreational benefit, provided it does not harm the other functions. Footpath links between the open spaces can encourage safe and pleasant routes through urban areas and where gaps in green corridors are identified these are included on the proposals map and addressed in paragraph 2.27 and policy D7. However, not all areas of UGS or green corridors are distributed so as to benefit from linkage. In many cases links with residential areas will be more important than links

between the areas in improving public access. In view of this and as the safety and creation of pedestrian routes is covered by Policy T14, specific reference to footpath links between open spaces is not justified in paragraph 14.21. Its wording, with reference to "measures" to enable greater public enjoyment of such areas, adequately allows for consideration of links as appropriate without further revision.

14.9.3 A basic concern underlying the suggestions in [1639] for clarification of terminology is that the concept of public access should not be limited to a notion of access purely along a defined route. It seems to me that as a whole this section, which refers to both rights of way and public access areas, avoids this limited concept and acknowledges the recreational value of forms of access beyond that on defined routes. On the revised wording suggested, paragraph 14.30 refers to proposals for sport and recreation in the countryside and cautions that the development and public access itself should not harm specified matters. Public access is clearly intended in this context to be an all embracing reference to access in whatever form it occurs. There is no benefit in qualifying it by the addition of "both along rights of way and in open access areas" and this introductory section on countryside recreation is not the place in the chapter to give detailed consideration to different forms of access. In paragraph 14.35, the addition of "new" to qualify "areas of public access" is unnecessary as the sentence refers to the creation of such areas. If something is created it is then by definition new. The addition would not alter the meaning of the text.

14.9.4 Paragraph 14.43, having explained that there are areas where people have right of access and given as an example Marsden Moor, goes on to state that there are areas where it would be beneficial to gain new access. Given the juxtaposition of these sentences, an initial reading of this part of the paragraph suggests that it relates to the creation of access areas. The objector's concern that this should be made explicit by reference to "gaining new access areas" is understandable and, if that was the thrust of the paragraph, would be necessary to ensure clarity. However, the paragraph is headed "Access Routes". From the heading and a full reading of the text it appears that this section relates to consideration of routes or links to enable walkers to reach existing access areas or areas of casual recreation, both within and outside the district. As I indicate, the wording of the third sentence is capable of alternative interpretation. This clouds the intention of the section. Revision of the text is needed to avoid ambiguity and possible confusing duplication with paragraphs 14.34 and 14.35, which do refer to the creation of access areas.

14.9.5 In considering this part of objection [1639], a difference of substance emerged going beyond a concern for clarity of terminology. The objector seeks a change in emphasis by recognition in the plan of agreements with landowners to provide access areas, whereas the Council makes it clear that it is not its intention to seek such agreements. Public access to land is a land use matter on which development plans may legitimately include policies and proposals, but increased emphasis in the plan on securing access and management agreements would only be reasonable if there was a realistic prospect of this being pursued. The Council's evidence on its own resources and the local circumstances in the relevant areas of disparate ownership and unwillingness by owners approached to cooperate is not disputed. It would not be of benefit to include an unrealistic aspiration on progression of agreements.

14.9.6 On issue iii, paragraph 14.38 refers to a corridor being created through the high moorland to relieve pressure on the Pennine Way. Much of the high moorland in Kirklees is in the North Peak ESA or the South Pennines SSSI, so the reference holds out the prospect

of widened access being introduced in the most fragile environment. This prospect is unacceptable. As RPG12 advises, where there is irreconcilable difference between the purposes of statutory environmental areas and recreation matters environmental conservation is to take precedence, but paragraph 14.38 makes no mention of ecological impact. The alternative wording suggested by the objector similarly does not mention ecological impact and is not recommended. The issues of dealing with the pressures on the long distance route and the area around it are in a state of debate. English Nature, RSPB, the Countryside Commission and local authorities including Kirklees have come together to produce and implement a management programme. Kirklees is also working with Calderdale and Bradford on the Pennine Corridor Initiative. The Council indicates it will be known better in 2 years or so how best to manage access. To attempt to revise the text to adequately describe the various options and measures for relieving the Pennine Way emerging from these initiatives would lead to excessive detail. It is sufficient to report that they are being pursued and this would make the plan less open to inaccuracy and misinterpretation.

14.9.7 The Pennine Way is a strategic long distance footpath, to which advice in RPG12 paragraph 9.7 is relevant. The lack of identification of the Pennine Way in the plan and of policy to protect it is contrary to that advice. Policy EP8, which is applicable to only one type of development, is not an adequate substitute. Inclusion of the line of the footpath on the proposals map can be readily done. Bearing in mind the existence of statutory protection of public rights of way themselves, it would be appropriate for plan policy to concentrate on the protection of the essential remote character of the Pennine Way. However, since RPG12 advises that plans should set a consistent framework for such routes as they pass through individual districts, it will be preferable for the Council to liaise with the other relevant authorities before drawing up policy.

## Recommendations

- 14.9.8
- i. modify paragraph 14.43 to clarify that it relates to consideration of routes or links to enable walkers to reach existing access areas or areas of casual recreation, both within and outside the district;
  - ii. modify paragraph 14.38 to remove reference to the creation of a corridor through the high moorland and to report the management and access initiatives for the Pennine Way which are being pursued;
  - iii. modify the proposals map to identify the line of the Pennine Way;
  - iv. modify the plan to include a policy for the protection of the Pennine Way consistent with the approach of other authorities through which it passes.

\*\*\*\*\*

## 14.10 POLICY R13 AND PARAGRAPH 14.44 *RIGHTS OF WAY AND PUBLIC ACCESS AREAS*

Objections: 1569 One Voice - Kirklees Federation of Disabled People 1639 Ramblers Association (West Riding)

### Issues

- 14.10.1
- i. whether the policy and text reflects the Council's commitment to access for disabled people to open spaces;

- ii. whether the words "actual or potential" should be added to policy R13 to qualify rights of way and access areas.

## Conclusions

14.10.2 Policy R13 sets out the matters to be taken into account in development which would affect a public right of way or public access area. These do not make specific reference to the requirements of disabled people, but as a proposed change the Council intends to add to the matters under policy R13 "the provision of facilities for people with disabilities". This addition would be an adequate commitment in the policy to recreational access for all sectors of the community.

14.10.3 Paragraph 14.44 gives background guidance on access to the countryside for those with special needs. [1569] seeks the addition of "Provision should be made for wheelchairs and pavement scooters and barriers designed to preclude motorcycles and horses replaced with suitable alternatives." As PPG12 advises and the Council recognises, too great a level of detail in the plan is generally to be avoided. In this case, the potential conflict between wheelchair access and measures to deter users who could cause hazards or inconvenience to pedestrians is likely to be a common problem to be overcome in implementing proposals in the plan. Thus, the benefit of drawing attention to this factor warrants greater detail than is usually desirable. I do not recommend the exact wording suggested in [1569], as that does not make it wholly clear that replacements to barriers should continue to be able to deter inappropriate users.

14.10.4 With regard to issue ii, the Council does not dispute the view in [1639] that where development proposals give opportunities for new public access this should be encouraged. Indeed the last sentence of paragraph 14.35 articulates this view. The Council argues that the additional words suggested are unnecessary as implicitly the policy as phrased allows for such opportunities to be pursued. This is not the case. Policy R13 relates only to proposals which affect a public right of way or public access area. Whilst it goes further than simply addressing the impact on users of existing public access and includes consideration of potential for new access and enjoyment of the countryside, these considerations do not come into play for development proposals which do not fall into that category. The wording of the policy does not achieve what appears from the evidence given at the inquiry to be the Council's intentions. It is also inconsistent in its treatment of these different categories of development. Since development which does not directly affect existing access may nevertheless provide new opportunities, there is no justification for this inconsistency.

14.10.5 The inconsistency could be overcome either by limiting the policy to consideration of convenience of users of existing access and restricting encouragement of new opportunities created by all forms of development to a reference in the text, or by revision of the policy to apply more generally. Since the extent to which the potential for new access is realised could be a factor in determining applications, such as where development attracts people to an area giving a need for increased access or where the recreational gain may support the development in a finely balanced case, it is more appropriate to extend the policy. Simply adding "actual or potential" would not result in satisfactory guidance, as there is some distinction in the consideration of development affecting existing public access and that which does not. Alternative wording is recommended.

**Recommendations**

14.10.6 i. modify policy R13 to read:

IN CONSIDERING DEVELOPMENT PROPOSALS ACCOUNT WILL BE TAKEN OF THE POTENTIAL FOR NEW LINKS IN THE PUBLIC RIGHT OF WAY NETWORK AND OF OPPORTUNITIES FOR INCREASED ENJOYMENT OF THE COUNTRYSIDE. DEVELOPMENT PROPOSALS WHICH WOULD AFFECT A PUBLIC RIGHT OF WAY OR PUBLIC ACCESS AREA OR WHICH INVOLVE THE CREATION OF A PUBLIC RIGHT OF WAY OR PUBLIC ACCESS AREA SHOULD ALSO TAKE ACCOUNT OF:

- i THE CONVENIENCE OF USERS OF THE RIGHT OF WAY OR ACCESS AREA; AND
- ii THE PROVISION OF FACILITIES FOR PEOPLE WITH DISABILITIES.

ii. modify paragraph 14.44 by the addition of a statement that "In making provision for wheelchairs and pavement scooters suitable alternative barriers will be required to accommodate that use while deterring users, such as motorcyclists, who could cause hazards or inconvenience for pedestrians."

\*\*\*\*\*

**14.11 POLICY R15 AND PARAGRAPHS 14.47 TO 14.49 GOLF COURSES**

Objections: 1573 Sports Council - Yorkshire and Humberside Region

**Issues**

- 14.11.1 These are whether:
- i. undue emphasis is placed on the adverse effects of golf courses;
  - ii. policy R15 is a duplication of controls elsewhere in the plan;
  - iii. positive guidance should be set out on appropriate locations.

**Conclusions**

14.11.2 As PPG17 recognises, golf courses can have a significant impact. This section of the plan explores that impact in terms of landscape quality, agricultural land value and effect on users of public rights of way. Whilst the choice of phrase could be tempered, as the Council acknowledges in its response, it is appropriate for the plan to cover this impact. The benefit of golf course development for restoration of derelict or degraded land is mentioned, but there is no recognition of the benefit in providing opportunities for recreation in the countryside. There is no evidence to support the statement that golf courses have little value for wildlife. Areas of rough, water hazards and tree groups are common features of courses and give a range of habitats. Revision of the text to give better balance is justified.

14.11.3 The policy sets out the factors to be taken into account in considering proposals for golf courses. Where a type of development has specific characteristics which make

certain factors particularly relevant to its consideration, it is not unreasonable to draw these together into one policy to assist users of the plan. Whilst other policies, relating to development more generally, also touch on one or more of the factors set out in policy R15, it is not direct or unhelpful duplication.

14.11.4 The section specifies that use of grade 1, 2 and 3a agricultural land will not normally be allowed and signals problems with locations in upland areas and benefits of using derelict or degraded land. It thereby gives guidance on appropriate locations, which is adequate to guide the determination of planning applications. This is not translated into identification of locations where courses would be welcome, as the objector seeks as a means of encouraging provision. For this to be a useful exercise considerations of accessibility, existing distribution and the need for courses should be included. As I discuss earlier, there is a paucity of information on the need for sport and recreation facilities at present, so that I have recommended additional work to be incorporated in a review of the plan. Whilst this could be extended to encompass golf courses, the importance of more specific guidance to stimulate golf course provision in addition to that already given in the plan is not so pressing and is not such as to justify modification.

### **Recommendations**

14.11.5 Modify the text as follows:

- i. revise paragraph 14.47 to include recognition of the benefits of golf courses in providing opportunities for recreation in the countryside;
- ii. substitute "appear incongruous" in place of "constitute an alien element" in line 2 of paragraph 14.47;
- iii. delete ",with little wildlife value" from line 3 of paragraph 14.47;
- iv. substitute "walkers and passers-by" in place of "others" in line 1 of paragraph 14.48.

\*\*\*\*\*

## **14.12 POLICY R16 *GOLF DRIVING RANGES***

Objections: 1572 M Rathmell

### **Issue**

14.12.1 Whether the criteria to be taken into account should include the impact on visual quality caused by light pollution from floodlighting.

### **Conclusions**

14.12.2 There is no doubt that light from floodlighting at golf driving ranges is a material planning consideration. Whether or not the visual impact will be unacceptably damaging will depend on a number of factors. These include, not just the design of the floodlighting to incorporate measures to contain light pollution, but the topography and character of the surrounding area and the extent of existing light sources in that area. Sub-paragraph ii of the policy adequately enables these factors to be taken into account. The intention to include consideration of the visual impact from floodlighting under that sub-paragraph is made clear

in the text. There reference is made to floodlighting as one of the features of this type of development, followed by the words "As a result, driving ranges have a significant visual impact".

### **Recommendation**

14.12.3 No modification.

\*\*\*\*\*

### **14.13 NEW POLICY RX1 GARDEN CENTRES**

Objections: 1567 D J Whiteley

#### **Issue**

14.13.1 Whether the chapter should recognise the positive role of garden centres for recreation.

#### **Conclusions**

14.13.2 As [1567] indicates, many people visit garden centres to browse rather than purchase. However, this is not essentially different from many shopping trips which can give an element of pleasure and recreation from "window shopping" and social contact. It does not alter the primary retail nature of the land use to which the objection relates. Singling out the recreational value of this one form of retailing is not justified and the plan is correct in addressing the use in the shopping chapter, rather than in the recreation chapter. This is consistent with the approach in national guidance, where advice on retail development is in PPG6 rather than PPG17, despite the recognition of its significance for tourism and leisure.

#### **Recommendation**

14.13.3 No modification.

\*\*\*\*\*

### **14.14 NEW POLICY RX2 RECREATION FACILITIES IN MIRFIELD**

Objections: 0669 Mirfield Civic Society

#### **Issue**

14.14.1 Whether the plan should include a statement to recognise the need to provide recreation facilities at Mirfield Town Centre.

#### **Conclusions**

14.14.2 The objection indicates that the concentration of housing development in Mirfield over the past 20 years and the increase in population has resulted in a significant change in the recreational needs. However, no evidence is given to show that these needs have not

been accommodated as the population has grown nor that the situation in Mirfield, in comparison to the remainder of the district, is such as to justify specific reference. The objection does not explain the nature of recreation facilities for which there is an unmet need. There is therefore no basis for modification of the plan as sought.

14.14.3 In responding to the objection, the Council points out that it would be unreasonable to isolate one area without addressing the needs of all the rest of the district. It goes on to argue that such an exercise would entail complex assessment of the nature and pattern of need and the nature and pattern of existing facilities and would create an inappropriate level of detail in the plan. As PPG17 and RPG12 advise, the plan is the context in which to assess local needs for recreation facilities and to ensure provision is properly coordinated with other forms of development and other land use policies. It is precisely the vehicle for that complex assessment to be carried out. The fact that I find no evidence to support specific reference to a need for facilities in Mirfield Town Centre at present in no way detracts from the recommendations which I make at IR 14.2.5 and 14.3.5.

### **Recommendation**

14.14.4 No modification.

\*\*\*\*\*

### **14.15 NEW STATEMENT RX3 REHABILITATION OF PLAY AREAS IN AREAS OF DISADVANTAGE**

Objections: 1568 Batley Action Ltd

### **Issue**

14.15.1 Whether there should be a positive statement of intent to provide or improve children's play areas in areas of deprivation and disadvantage.

### **Conclusions**

14.15.2 In its response the Council gives various reasons why the positive statement sought is not appropriate. This response is misguided in two respects. Firstly, plans may include elements of resource allocation where there is a land use component as in this case. Social considerations are among the matters to be taken into account in preparing the plan and can include the needs of particular sections of the population. PPG12 identifies disadvantaged and deprived people in inner urban areas as an example of a particular section. Thus, the nature and subject matter of the statement sought can be appropriate in a development plan.

14.15.3 Secondly, the Council's response does not take full account of the existing content of the plan. It seems to me that it already contains positive statements covering all the relevant points of the objection. In paragraph 14.20 (revised to paragraph 14.19 in the recommendation I make at IR 14.3.5) there is a statement that "The Council will seek to improve the provision of public open space ..... where there are many disadvantaged residents." Paragraph 14.20 also explains that provision can be improved by creating new areas and improving established areas. These statements encompass children's play areas and

their rehabilitation, which is the matter of particular concern to the objector, and there is therefore no need for modification.

**Recommendation**

14.15.4 No modification.

\*\*\*\*\*

## CHAPTER 15 - HUDDERSFIELD TOWN CENTRE

### 15.1 POLICY TC1 STRATEGY

Objections: 0641 Kirklees Green Parties

#### Issue

15.1.1 Whether the strategy for the town centre should include increasing pedestrian areas and reducing traffic.

#### Conclusions

15.1.2 The Council has accepted the merits of the objector's case and included a proposed change which the objector supports.

#### Recommendation

15.1.3 Modify policy TC1 in accordance with the proposed change [CD113].

\*\*\*\*\*

### 15.2 POLICY TC2 AND PARAGRAPH 15.5 SHOPPING

Objections: 0408 Nationwide Building Society  
2258 CIN Properties Ltd

0644 MEPC Investments Ltd  
2604 Huddersfield Civic Society

#### Issues

- 15.2.1 These are whether:
- i. development of site TC2i, Kingsgate, would have an adverse effect on other parts of the town centre;
  - ii. special encouragement should be given to development at Alfred Street/Princess Street (TC2iii);
  - iii. amendment of the plan is necessary to ensure integration of the Victoria Lane site (TC2v) with the adjoining parts of the shopping centre or to take account of the possible use of the land for an extension to the library/art gallery.

#### Conclusions

15.2.2 Objection [0408] is concerned with whether the five listed sites will be classified as primary frontages and whether Class A2 and A3 uses will be permitted and is reported in conjunction with objections to policies S11 and TC4 at IR 13.11. Policy TC2 supports new shopping facilities within the identified main shopping area and lists the major opportunities there. This accords with policy S2, whereby new shopping in town centres will be permitted provided that the vitality and viability of other centres would not be harmed. Objections [0644] and [2604] are concerned at the impact of the Kingsgate scheme on other

parts of the town centre. [2604] doubts the benefits of the counter-attractions which the Council argue will help to maintain trading elsewhere. [0644] proposes that the development should seek only occupiers who would otherwise be unable to locate in the town centre, perhaps because a large ground floor area is necessary, but this would be an unreasonable inhibition of commercial freedom. I acknowledge that circumstances may alter as economic conditions change and retail development takes place at other locations, such as the White Rose Centre, but the planning system should not restrict competition. The concerns being voiced now were taken into account before planning permission was granted and the compulsory purchase order confirmed by the Secretary of State. Whereas the plan defines the need to monitor relevant changes, such as to retail floorspace, there are no grounds at this stage to revoke what is in effect a commitment which accords with the overall retail strategy.

15.2.3 Objection [2258] argues for strengthening the statement in the text that links with other shopping areas from the Kingsgate development will be investigated. This is the subject of a proposed change supported by the objector which satisfactorily expresses this intention more positively.

15.2.4 On the second issue, the schemes listed in the policy are the major opportunities for new shopping development in the town centre. Market forces are likely to be the principal factor in which of these proceed and special support for one of the projects would be unlikely to influence this and is unnecessary.

15.2.5 Site TC2v, Victoria Lane, is at the rear of the Library/Art Gallery, with frontages to Victoria Lane and Princess Alexandra Walk. The Council acknowledges the importance of integration of a development there with the adjoining shopping frontages but I agree that this is also likely to be important for any developer and could be achieved when a planning application is made without the need for a specific reference or revised site address in the plan. As part of the Urban Design Strategy the site is being promoted for a mixed development for retail and as an extension to the art gallery to provide exhibition space. The description for each site in paragraph 15.5 gives a general indication of the nature of the development envisaged. Although the Council say that this project would accord with town centre policies, it would be desirable to incorporate this possibility in the plan, which might otherwise be misleading.

## **Recommendations**

- 15.2.6 Modify paragraph 15.5 of the plan:
- i. in the Kingsgate sub-paragraph, in accordance with the proposed changes [CD113];
  - ii. in the Victoria Lane sub-paragraph, by including the possibility of a mixed scheme of retail and an extension to the art gallery.

\*\*\*\*\*

15.2.7 **POLICY TC5 AND PARAGRAPH 15.8** - these are reported at IR 13.11.

\*\*\*\*\*

### **15.3 POLICY TC8ii OFFICE DEVELOPMENT - LORD STREET**

Objections: 1188 Huddersfield Hotel

#### **Issue**

15.3.1 Whether site TC8ii should not be identified as suitable for office development because of the benefit from use for car parking.

#### **Conclusions**

15.3.2 This site is also included within policy TC37, and the counter-objection to the proposed change to that policy is dealt with at IR 15.16. The designation under policy TC8 confirms that the site is regarded as suitable for office development. This approach is in accordance with regional guidance, which encourages the location of new offices in town centres. In addition, PPG4 supports the identification of the appropriate alternative use of under-used sites in inner cities and other urban areas. Nevertheless the policy in the plan does not amount to an allocation and does not prevent other suitable uses or continuation of the present uses of the site. Whether development occurs will be determined following an assessment of demand, so that any presently vacant offices do not amount to grounds not to show this as a potential use. Should development take place, paragraph 15.19 states that replacement parking facilities will be required, which would adequately safeguard the main point of the objection.

#### **Recommendation**

15.3.3 No modification.

\*\*\*\*\*

### **15.4 POLICIES TC8-11 AND PARAGRAPHS 15.18 AND 15.22 OFFICES**

Objections: 5490 Mid Yorkshire Chamber of Commerce[PC] 7004 Department of the Environment

#### **Issues**

- 15.4.1
- i. whether the policies and text should refer to B1 development as a whole rather than B1 office use or office use, in order to conform with national guidance;
  - ii. whether the effect of the proposed change to policy TC9 would be to unduly inhibit flexibility for alternative uses.

#### **Conclusions**

15.4.2 On the first issue, similar arguments arose concerning policies B6-B9 and related text. PPG4 emphasises the opportunity for development plans to provide positively for enterprise and investment and that the freedom provided by the UCO and GDO should not generally be restricted. Objection [7004] opposes the references to office use or B1 offices and the implied restriction on other B1 uses.

15.4.3 The Council say it is not intended to remove permitted development rights. Nevertheless, directing policies at only one of the activities in a class of the UCO is unrealistic and fails to take advantage of the flexibility advocated by PPG4. No evidence is submitted to support the Council's view that offices rather than other B1 uses are more likely to be the catalyst for economic diversification and regeneration, so that there is no demonstrated local justification for an exception to national policy. There is also a lack of clarity and clear guidance because, whereas the Council claim that other B1 activities would be supported in the circumstances covered by the policies, this is not apparent in the plan. Thus the plan in its present form is unclear and fails to comply with national guidance. The proposed changes would not overcome the deficiencies because these continue to give specific attention to office uses rather than Class B1 use as a whole.

15.4.4 Counter-objection [5490] is made on the basis that the proposed changes to policy TC9 would be unnecessarily more restrictive. The change to line 2 would bring Class A2 offices within the scope of the policy. The change to lines 4 and 5 would clarify the reference to policies TC4 and TC5 but would not alter the effect of the policy. Thus there is no basis for the view that the policy would become more restrictive, since policies TC4 and TC5 would be taken into account against proposals for Class A2 use whether or not there were a reference here. Class A2 uses would be acceptable within the ring road, subject to the constraint in policy TC4 (to be substituted by policy S11 in the further changes), so that it is reasonable to retain the proposed change in this respect. In revising policy TC9, I have omitted the word "shopping" because policies S11 and TC5 apply to all ground floor premises. The Council should also consider including within policy TC5 the phrase "appropriate to a shopping centre", which is to be included in policy S11 as a result of the further changes.

## Recommendations

- 15.4.5
1. That the following proposed changes listed in CD113 be not made:
    - i. to TC10 in line 1 and the insertion which begins "where the introduction of ..." and appears to replace the last three lines and not line 4 as stated;
    - ii. to TC11, line 1;
    - iii. to line 7 of paragraph 15.20;
    - iv. to lines 1 and 4 of paragraph 15.22.
  2. That the supporting text in paragraphs 15.18 and 15.20-15.22 be modified to refer to the opportunities for the research and development and industrial components of Class B1 use as well as the office component.
  3. That the policies be modified as follows:
    - i. TC8: delete "OFFICE DEVELOPMENT";
    - ii. TC10: delete "B1 OFFICE USE";
    - iii. TC8 and TC10: substitute "CLASS B1 USES";
    - iv. TC9, delete and substitute the following:

WITHIN THE RING ROAD, THE REFURBISHMENT AND  
CONVERSION OF PREMISES TO CLASS B1 OR A2 USE WILL  
BE PERMITTED, EXCEPT WHERE PROPOSALS INVOLVE  
GROUND FLOOR PREMISES WITHIN PRIMARY OR  
SECONDARY FRONTAGES IDENTIFIED ON THE PROPOSALS

MAP, IN WHICH CASE THEY WILL BE SUBJECT TO POLICES S11 AND TC5.

- v. TC11: delete "B1 OFFICE" and substitute "CLASS B1".

\*\*\*\*\*

## 15.5 POLICY TC12 *INDUSTRY AND WAREHOUSING*

Objections: 0967 & 5820[PC] Slough Estates  
2512 University of Huddersfield

1191 C Balmforth  
5490 Mid Yorkshire Chamber of Commerce[PC]

### Issues

- 15.5.1 These are whether:
- i. the policy would prevent redevelopment for educational purposes;
  - ii. there should be a general policy promoting employment uses or no allocation, because of the unsuitability of premises for industry and warehousing;
  - iii. business use should be incorporated;
  - iv. the proposed changes would make the policy unnecessarily restrictive.

### Conclusions

15.5.2 In so far as objection [0967] seeks a special designation of the Ringway Industrial Centre, that is dealt with at IR 13.17.

15.5.3 The policy identifies an area where industry and warehousing will be permitted and accords with the guidance in PPG4 that development plans should give industrial and commercial developers greater certainty about the development that will be permitted in a particular location. The policy is not worded to be exclusive of other categories of development and the Council has indicated that the principle of redevelopment for educational purposes is acceptable. No modification is necessary or specifically sought in objection [2512] and to include educational use here would be inappropriate having regard to the general purpose of the policy.

15.5.4 The policy applies in an area containing older industrial premises and some derelict and vacant sites or buildings. Objector [1191] states that the premises occupied at Castlegate/Lower Viaduct Street are obsolete for the purposes set out in the policy, as are other buildings in the area. The objector's premises are well-maintained and in productive use, although I can understand that these may not be ideal because of servicing constraints and the need to work on several storeys. Nevertheless, whereas these and other premises may have inherent difficulties, that does not invalidate the general suitability of the area for industry and warehousing. Policy TC11 also applies in this area and, if this is modified as I recommend, B1 use would also be identified as suitable. The proposed change to paragraph 15.25 confirms the suitability of some sites and buildings in the area subject to the policy for other uses such as offices, housing and leisure. A more general policy promoting "employment uses" would be less certain in its meaning and might imply uses such as retail which would not necessarily be acceptable. Since the policy does not restrict other options, other categories of development could be proposed without infringing the policy and, for example, in the case of retail development other policies in the plan provide a clear

framework for this to be considered. The suggested alternative of leaving the land unallocated would give less certainty about the kind of development which is acceptable without introducing any greater degree of freedom than available with the policy in its present form.

15.5.5 On the third issue, business use would be accepted in this area if policy TC11 is modified as I recommend. It would be sensible for the text to mention the relevance of this policy so that the full range of potential uses is obvious.

15.5.6 Counter-objection [5490] is founded on the premise that the proposed change would make the policy more restrictive. This is not so because the area where the policy applies is defined on the proposals map and the proposed change to describe the location does not affect this.

## Recommendations

- 15.5.7
- i. modify paragraph 15.25 in accordance with the proposed changes [CD113] and make a further modification to confirm the relevance of policy TC11;
  - ii. modify policy TC12 in accordance with the proposed changes in CD113.

\*\*\*\*\*

## 15.6 POLICY TC12 *INDUSTRY AND WAREHOUSING*

Objections: 1337 Holset Engineering Co Ltd

### Issue

15.6.1 Whether the plan should be modified to support retail development of site B6.1, St Andrews Road, Huddersfield.

### Conclusions

15.6.2 On the proposals map this site is shown as subject to policies TC11, TC12 and TC15. In the plan it is allocated under policy B2 for B1, B2 and B8 use. In policy TC37 the preferred use of the site is said to be offices, with other acceptable uses being industry, warehousing, leisure and retailing. The objection proposes that the flexibility for potential uses should be increased by adding the suitability of non-food retail, perhaps as part of a mixed development. The objector appears to have overlooked policy TC37, so that the plan adequately provides for what is sought in the objection without the need for any modification. The proposed changes add car parking to the range of uses for the site under policy TC37. This is not relevant to this objection but is subject to a counter-objection reported at IR 15.16. More recently the objector has criticised the key to the proposals map, which describes the area subject to TC12 as being where "industry and warehousing development will be encouraged". The Council has indicated its willingness to make a further change [KB/TC12/3] which would more accurately summarise the terms of the policy. This is a reasonable clarification but, in view of my comments elsewhere, I have omitted "normally".

## Recommendation

15.6.3 Modify the key on the proposals map for policy TC12 to read "Area where Industry and Warehousing Development will be permitted".

\*\*\*\*\*

## 15.7 POLICIES TC16 AND TC37 *LEISURE SITES*

Objections: 0969 Texas Homecare Limited

### Issue

15.7.1 Whether retailing should be included as an appropriate use of the three sites which are subject to policy TC16.

### Conclusions

15.7.2 These three sites are identified as suitable for leisure development under policy TC16, while policy TC37 gives a number of other acceptable alternatives for each. Proposed changes would add retailing to the range of uses for sites i. and iii. but not for site ii. The objection has been conditionally withdrawn subject to the proposed changes being made.

15.7.3 The intention of the policies is to encourage regeneration in the older industrial areas towards the edge of the town centre. Site i. has now been developed as a leisure facility including night clubs, a bingo hall and a bowling alley. The land is at least 300m from the ring road and it is substantially further from the primary shopping area to the main buildings on the site. As defined in PPG6, this would be an out-of-centre site. For retail development to be shown to be acceptable here, a detailed assessment would be required of the need for the development and whether this could be met satisfactorily in or on the edge of the town centre. Evaluation of public transport accessibility and the effect on travel patterns and car use would also be required. The existence of sites in or on the edge of the centre which are shown for retail development in the plan would need to be taken into account. Evidence which might justify retail development here contrary to the general strategy in the plan to prefer a town centre location is not available, so that the proposed change should not be made.

15.7.4 If the Kingsgate development were built and an improved pedestrian link provided in accordance with policy TC17, then site ii. would be within 300m of the primary shopping area but towards the upper limit of edge-of-centre as defined in PPG6. The site is much smaller than site i. and would not accommodate a large store. Bearing in mind that the first priority is to provide shopping within the town centre and that for a smaller site it may be easier to find a substitute location there, a retail allocation would be inappropriate.

15.7.5 Site iii. has now been developed for the retail of electrical goods. Consideration of the objection has, in effect, been superseded by a retail commitment.

## Recommendations

15.7.6 That the proposed changes to policy TC37 adding retailing to the "other acceptable uses" be not made for TC16i [site 1 in CD113] and that the change be made for TC16iii [site 3 in CD113].

\*\*\*\*\*

## 15.8 POLICY TC17 *HUDDERSFIELD NARROW CANAL AND RIVERSIDE*

Objections: 2348 Mr C Preest

### Issue

15.8.1 Whether the walkway north-west of Kings Mill Lane should be shown to follow a route on the bank of the River Colne.

### Conclusions

15.8.2 Policy TC17 makes provision for a small number of walkways. The objection refers to part of a walkway from Aspley Basin to Manchester Road linking the River Colne and the Huddersfield Narrow Canal. The aim is to improve the appearance and accessibility of the waterside area. Part of the route is shown along the footway to Kings Mill Lane, which is separated by a strip of open land from the River Colne. The Council says that the line on the proposals map is indicative and that the most appropriate detailed route will be established at the time of implementation. I am satisfied that there is no fundamental difference between the objector and the Council and that it would be best to leave precise definition of the optimum detailed route until the proposal is to be implemented, when the availability of public access and relevant physical characteristics can be taken into account.

### Recommendation

15.8.3 No modification.

\*\*\*\*\*

## 15.9 PARAGRAPH 15.41 *BUILDINGS OF CHARACTER*

Objections: 0418 Nationwide Building Society

### Issue

15.9.1 Whether the status and purpose of the Heritage Area is adequately defined.

### Conclusions

15.9.2 The objection criticises the absence of a policy defining the status and significance of the Heritage Area. The extent of the Area is shown on the proposals map and policies TC6, TC14 and TC21 refer to it. I see no necessity for a specific policy defining the area, since its significance is in the interpretation of other policies. The proposed change to

paragraph 15.40 is an adequate explanation of the purpose of the Heritage Area. The Council also indicate that the key to the proposals map is to be changed to delete reference to policies TC9 and TC19, for which the Heritage Area has no special significance. In addition, it is paragraph 15.40 and not 15.41 which explains the nature of this area, so that this should be corrected in the key.

## Recommendations

- 15.9.3 Modify the UDP by:
- i. making the proposed changes to paragraph 15.40 in CD113;
  - ii. modifying the key to the Heritage Area symbol on the proposals map to read:  
"para 15.40 Heritage Area (also policies TC6, 14 & 21)".

\*\*\*\*\*

## 15.10 POLICY TC19 *BUILDINGS OF CHARACTER*

Objections: 0968 & 5481[PC] British Telecommunications plc 2512 & 5819[PC] University of Huddersfield

### Issues

- 15.10.1 These are whether the policy should:
- i. only resist demolition of buildings which make a positive contribution to Conservation Areas;
  - ii. take into account the financial and operational viability of refurbishment and any environmental improvements which would be achieved by demolition and replacement.

### Conclusions

15.10.2 There are proposed changes to paragraph 15.41 and the policy which limit consideration of the impact of demolition to buildings within Conservation Areas, which would meet the criticisms in objection [0968]. The policy resists demolition of "buildings of character", whereas [5481] proposes that this should only apply where the building makes a positive contribution to a conservation area, repeating the phraseology in para 4.27 of PPG15. The Council suggest that this is unnecessary because all buildings of character do so contribute. In my view character can also be detrimental to the surroundings, whereas the modification sought more correctly represents the intention of the policy and in this respect repeats the wording of policy BE7, which deals with the same subject.

15.10.3 On the second issue, it is reasonable that the starting point of the policy is to seek to retain buildings contributing to the character and appearance of conservation areas, which accords with national guidance and the purpose of conservation area designation. The policy would take into account the scope for conversion or rehabilitation and I regard this as including the financial and operational viability of the works, as is envisaged in paragraphs 3.19i and ii of PPG15. Any environmental improvement arising from replacement is not mentioned but this is consistent with paragraphs 4.27 and 3.19iii of PPG15, because the emphasis is on retaining the existing building if possible. Although in some circumstances the proposed replacement could be a material consideration, it would detract from the

emphasis of the policy to include this possibility. Thus there is no need to modify the policy arising from this issue.

15.10.4 For the most part policy TC19 is concerned with planning proposals involving the demolition of buildings in the town centre conservation area. Policy BE7 covers the same subject in all conservation areas. It would be confusing and potentially contradictory to retain both. The first sentence of the policy is exhortation and its intentions are adequately expressed in the first sentence of paragraph 15.41, so that there would be no disadvantage from removing this part of the policy. There were no objections to the wording of policy BE7 and no special considerations arise from these objections in relation to it. The clarity of the plan would be enhanced by the deletion of policy TC19 and an amendment to the text to cross refer to policy BE7.

### Recommendations

- 15.10.5 i. modify paragraph 15.41 in accordance with the proposed changes [CD113] and by incorporating an explanation of the relevance of policy BE7 to proposals for the complete or partial demolition of buildings in conservation areas;
- ii. modify the plan by deleting policy TC19.

\*\*\*\*\*

### 15.11 POLICY TC20 *BUILDINGS OF CHARACTER*

Objections: 2512 University of Huddersfield

#### Issue

15.11.1 Whether the policy is unduly demanding and should recognise the cost of maintaining redundant structures.

#### Conclusions

15.11.2 The Council say the intention is to secure the retention of features such as chimneys or balconies which contribute to the character of a building and the townscape quality of the area. Whereas the objection refers to the long term economic burden of maintaining redundant structures, the policy is clearly directed only at architectural features of the building and not the structure as a whole. I agree that where these contribute to the character of the townscape, as envisaged in the policy, removal should be discouraged. The cost of achieving this is likely to be only a small proportion of the total cost of refurbishing and maintaining a building.

#### Recommendation

15.11.3 No modification.

\*\*\*\*\*

## **15.12 POLICY TC21 *NEW DEVELOPMENT***

Objections: 0967 Slough Estates plc

### **Issue**

15.12.1 Whether the policy should only apply to buildings proposed within and adjacent to the Heritage Area.

### **Conclusions**

15.12.2 The policy seeks a high standard of design in new development. The Council states that a revision to the policy so that it applies only in the Heritage Area had been intended to be included in the proposed changes but was incorrectly incorporated at that time. In March 1995 the Council formally resolved to change the plan in this respect [CD51] and the objector has indicated that the wording agreed then would be acceptable.

### **Recommendation**

15.12.3 Modify policy TC21 in accordance with CD113.

\*\*\*\*\*

## **15.13 POLICY TC29 *HIGHWAY IMPROVEMENTS***

Objections: 0968 British Telecommunications plc

### **Issue**

15.13.1 Whether adequate arrangements exist for consultation with BT on the details of scheme TC29ii.

### **Conclusions**

15.13.2 Policy TC29 defines where certain highway improvement schemes, also shown on the proposals map, will be undertaken. The scheme at Queensgate/Shorehead/Southgate is close to Huddersfield Telephone Exchange and the objector seeks consultation on the exact alignment of the improvement. No objection is made to the details of the scheme as in the plan. The Council confirms that it is normal practice to consult BT when highway schemes are being designed and that this will occur in this case. Informal arrangements and statutory procedures associated with the implementation of the scheme should provide adequate protection, so that no modification to the plan is necessary.

### **Recommendation**

15.13.3 No modification.

\*\*\*\*\*

## 15.14 POLICY TC34 CAR PARKING

Objections: 0641 Kirklees Green Parties

### Issue

15.14.1 Whether there should be a commitment to progressively reduce parking provision.

### Conclusions

15.14.2 This policy is expressly concerned with the location of short and long stay parking provision. It is unclear whether additional parking provision is being promoted, but by indicating the general locations where short and long stay parking should be sited, there is an implication that additional provision could or will be made. The reasoned justification in paragraphs 15.63 and 15.64 does express a need both for additional short stay and long stay parking. The appropriate overall level of parking provision in town centres and the management of car parking were considered in the context of policy T20. No additional evidence concerning Huddersfield town centre has been submitted in relation to policy TC34. My conclusions on policy T20 are equally relevant here. These include that there should be no commitment to increase short stay parking capacity above that which would result from implementation of the Kingsgate scheme. A commitment to reduce parking provision would not be justified at the present time but there should be no general increase in long term parking spaces, which would be inconsistent with the strategy in the plan and in PPG13 to encourage a modal shift away from the private car. The reasoned justification requires modification to express these points. Policy TC34 does not emphasise sufficiently the importance of the management of car parking spaces and should clearly resist additional general long stay parking. Since policy T20 applies to all town centres, there could be confusion if a separate policy is retained here. To repeat that policy in virtually identical terms would be a needless duplication.

### Recommendations

15.14.3 Modify the plan by:

- i. deleting the first two sentences of paragraph 15.63 and substituting:

The attractiveness of the town centre for shopping, leisure and entertainment, and other activities depends upon maintaining a high level of accessibility by different modes. Increased car parking for shoppers will result from implementation of the Kingsgate development and from optimising the use of existing spaces close to the shopping core.
- ii. deleting the second sentence of paragraph 15.64 and the first three words of the third sentence and substituting:

Increased commuting by car would be inconsistent with the transport strategy to encourage a modal shift to public transport so that there will be no general increase in long stay parking. Car parking will be managed ...
- iii. deleting policy TC34 and including in the text a cross reference to policy T20.

\*\*\*\*\*

## **15.15 POLICIES TC8i, TC35 AND TC37 FITZWILLIAM STREET, HUDDERSFIELD**

Objections: 0641 & 5494[PC] Kirklees Green Parties

2264, 2265 & 5491[PC] Railtrack plc

### **Issues**

- 15.15.1 Whether the railway goods yard at Fitzwilliam Street:
- i. is required for future railway use;
  - ii. would be an appropriate location for additional long stay parking;
  - iii. should be identified for possible development for other uses, such as offices and retailing.

### **Conclusions**

15.15.2 Policy TC8i identifies a site at New North Parade containing a large listed warehouse as suitable for office use. Objection [2265] does not oppose that but seeks extension on to the adjoining railway goods yard and unallocated land. The goods yard is shown for a car park in policy TC35. The proposed changes include the TC35 site within policy TC37, the preferred use being car parking and alternative acceptable uses are offices/leisure/education/retailing. Objection [2264] seeks greater flexibility in the use of the goods yard, either as part of the TC8i development or including parking in a mixed scheme. Additional land is suggested, currently unallocated, so that the objection is also recorded against policy D2. Objections [2264] and [2265] are conditionally withdrawn subject to the proposed change to TC37. At IR 15.4 I have recommended that the use described as suitable in policy TC8 be modified from office development to Class B1 uses.

15.15.3 On the first issue, counter-objection [5494] opposes any development which would preclude the development of Huddersfield railway station within the railway network. No evidence is provided that there is any need for the land in this respect and the Council confirms an intention not to prejudice the operation and function of the station. Although possible expansion of freight operations is mentioned in support of the objection, there is no evidence that this is likely and bringing substantial additional goods vehicle movements within the ring road would be undesirable. Overall, there are not grounds to resist allocation of the land because of possible railway use.

15.15.4 Regarding the suitability of the land for long term parking, the Council argues that this is suitable as a peripheral location which would cause some inconvenience and increase in journey time. I find that unconvincing as an argument that car commuting would be discouraged because the degree of inconvenience would be slight and if spaces are made available and used the occupiers are likely to be commuters. In this case a more substantial argument is that this would be a convenient location for parking so as to transfer to the train for longer journeys, whereas there is little existing parking convenient to the station. Given the proximity to the station, there would be a potential benefit from upholding the allocation but if the objectives of the plan are to be secured the management of the car park needs to support transfer to rail. This may need to be incorporated in a legal agreement and this should be included in the text.

15.15.5 The site is close to the main shopping area and within the ring road. The counter-objection does not criticise the particular alternative uses proposed and these accord with the encouragement to diversity of uses within town centres in PPG6. In accordance with my recommendation concerning policy TC8, offices should be deleted in favour of Class B1 use.

#### Recommendations

15.15.6 Modify the plan:

- i. in paragraph 15.65, replacing the first sentence by:

There is a lack of long stay parking convenient to Huddersfield Station. A new long stay car park is proposed on the site of the railway goods yard.

- ii. in paragraph 15.65, by adding a new sentence after "Fitzwilliam Street" as follows:

The management of the car park will be expected to favour transfer to rail and a legal agreement to this effect may be sought.

- iii. by making the proposed change in CD113 to policy TC37 adding as a new site TC35 but substituting "Class B1" for "offices".

\*\*\*\*\*

#### 15.16 POLICY TC37 OPPORTUNITY SITES

Objections: 0641 & 5494[PC] Kirklees Green Parties 0970 Commercial Development Projects Ltd  
2512 University of Huddersfield

#### Issues

15.16.1 These are whether:

- i. Class B1 use should be encouraged;
- ii. car parking is an acceptable use of sites;
- iii. site H6.4 should be included and, if so, whether retailing is an acceptable use.

#### Conclusions

15.16.2 The Council seeks to encourage industry and warehousing development in the older industrial area bordering the town centre but has also identified a number of sites which are listed in this policy where other uses would be acceptable to encourage regeneration. In the proposed changes the range of acceptable uses for the sites is increased. Further changes to paragraph 15.68 [CD51] acknowledge that additional sites may come forward and that these will be judged on their merits. Objection [0970] has been conditionally withdrawn subject to the proposed change affecting site TC8i.

15.16.3 On the first issue, industry, warehousing and offices are included as acceptable uses for the majority of the sites. The objector [0641] is unable to identify any specific site which should be included in the policy or where the current range of uses is too narrow.

Policy TC11 in the form I recommend would support Class B1 development generally in this area. No further modification is necessary.

15.16.4 On several sites car parking is listed as an acceptable use and the proposed changes add this possibility on a further four. The priority in the transport policies of the plan is to encourage the use of public transport, which is especially suitable for work journeys to the town centre. PPG13 emphasises the importance of the availability of car parking in the choice of mode. My recommendations on policy T19 are intended to restrict parking provision in new development in the town centre to the operational minimum and to ensure that the use of spaces provided is managed to discourage long stay use. The Council acknowledges that car parks provided on these sites are likely to be for long stay use but cite the benefit from their improved appearance and point out that it will be some time before park and ride schemes are operational. Whereas I agree that in a particular case there could be a visual benefit, the encouragement of long stay parking implied in these designations would be inconsistent with the approach elsewhere in the plan and would reduce its overall effectiveness. Since it is only the additional car park allocations in the proposed changes which are subject to objection, my recommendation is confined to those, although to achieve consistency the Council should also consider the appropriateness of the designation where it occurs in the deposit draft plan. It may be relevant that for at least one of these sites car parking appears to be the existing use.

15.16.5 On the third issue, the objector [2512] states that the land is now owned by the University and is intended to be used for student accommodation, so that it is no longer an opportunity site. Whereas the intended development may proceed, there is no reason why the approach in the plan which identifies a range of suitable alternative uses should not be upheld. As to whether the proposed change adding retail to the range of uses should be made, the site is more than 400m from the main shopping area in the town centre. There are shops opposite which form part of a local centre and a DIY store to the east. Given the concentration of the local centre on the north side of Wakefield Road and the barrier which this creates to pedestrian movement I am not convinced that this is a suitable location on which to expand the local centre, so that it would be undesirable to include a commitment to retail use. PPG6 at paragraph 3.24 also advises against retail development as a means to bring vacant sites into development unless it would support the vitality and viability of existing centres.

#### **Recommendations**

15.16.6 Modify policy TC37 in accordance with the proposed changes in CD113 affecting sites 1-11, excluding from the "other acceptable uses" car parking for sites 2, 5, 8, and 10 and retailing for sites 1 and 6 (site 1 is dealt with at IR 15.7.6).

\*\*\*\*\*



## CHAPTER 16 - MONITORING AND REVIEW

### 16.1 MONITORING THE NATURAL ENVIRONMENT

Objections: 0767 Royal Society for the Protection of Birds

#### Issue

16.1.1 Whether the plan should identify the need to monitor the natural environment.

#### Conclusions

16.1.2 PPG12 advises that the plan should indicate how monitoring and review are to be carried out. Paragraph 16.3 of the plan explains that the effectiveness of its policies in responding to a number of general issues is to be monitored. The plan lists these issues, which are linked to the general policies in Part I of the plan, and describes some of the information which will be examined. The aims of the plan include improving the natural environment and the Council has agreed with the objector that the effectiveness of the plan in this respect should be monitored. The proposed change to paragraph 16.3 adding changes in the natural environment to the topics to be monitored is a sufficient response to the objection.

#### Recommendation

16.1.3 Modify paragraph 16.3 in accordance with the proposed changes [CD113].

\*\*\*\*\*