

MATTER 1:- KIRKLEES LOCAL PLAN EXAMINATION
REPRESENTATIONS ON BEHALF OF SCHOFIELD AND PASK BY CLIVE A BROOK FRTP I RE OMMITTED
SITE REF E2700- LAND TO THE WEST OF BRADFORD ROAD AND SOUTH OF SYKES LANE OAKENSHAW

1.0 INTRODUCTION

- 1.1 Earlier responses promoting a medium sized business park on this site in the Oakenshaw area of North Kirklees were submitted by Johnson Brook on behalf of the landowners Schofield and Pask. I was a founding director of Johnson Brook until May 2016 and have been involved in the promotion of this site from the outset. I subsequently became a freelance planning consultant involved in certain projects with my former company, now re-named Johnson Mowat, and other projects where I operate in my own name (Clive Brook Planning). Representations to the Publication draft Plan in December 2016 were submitted by Johnson Mowat and prepared under my guidance. I subsequently became the lead consultant and agent acting on behalf of the landowners.
- 1.2 I entered into negotiations via telephone discussions and e-mails with James Barker and Richard Hollinson in the Planning Department who are dealing with the employment topic and wider policy matters seeking to achieve agreement on a number of issues which I consider are strongly supportive of an employment allocation on this site and on which there are only very limited differences with Council officers on the site specific and strategic merits of the case for omission from the Green Belt and allocation as a sustainable development proposal. James Barker in his response of the 30th March to my e-mail of the 20th March concludes that any change to incorporate this site would constitute a major modification to the Local Plan. He goes on to conclude:- "In view of this it is felt that in the immediate term the best forum to discuss and hopefully address the issues raised would now be through the EIP process. We are however open to further dialogue as the EIP progresses at a later stage should that be (the) appropriate course of action at the time." I will seek further discussions following the submission of evidence on the Matters to be examined in October and prior to the opening of the Examination.
- 1.3 I have also been in correspondence with senior planning and economic development officers at Bradford Council, the neighbouring authority to the immediate north of the location of this site, with regard to the role which this development proposal could play in relation to the creation of jobs in the Bradford Travel To Work Area (TTWA) and the strategic growth areas of the M606 and M62 corridors. This part of our strategic case focusses on the shortage of employment sites in Bradford M.D. as a whole and in South Bradford and the main urban area in particular, to meet the challenging assessed employment land requirement of 135 hectares now contained in the recently adopted Bradford Core Strategy. I am a member of the Steering Committee of the Bradford property Forum (a sub committee of the Chamber of Commerce) and for a number of years I and my colleague members have been concerned with the on-going difficulties of identifying employment sites within the M.D. given significant constraints of topography, flood risk, transport capacity and other strategic environmental considerations. This concern has heightened recently and a sub group have been asked to examine the position in greater detail and to advocate solutions, one of which is to provide some of the supply requirement within the adjacent area of North Kirklees falling within the M606/M62 corridors and largely within the Bradford TTWA.

1.4 I now deal with the first part of our strategic case under Matter 1 and the Duty to Co-operate.

2.0 Matter 1:- Legal and procedural matters

Issue- Has the Plan been prepared in accordance with statutory procedures and Regulations?

Question a) Has the Council submitted robust evidence to demonstrate that they have met the Duty to Co-operate?

2.1 In preparing evidence on this Matter and Question a) I have taken account of Government policy and guidance in the NPPF and NPPG, that provided by the Planning Advisory Service and the specific documents listed as evidence for this Examination including:

- Duty to Co-operate Statement produced by Kirklees Council April 2017 (SD 14)
- Leeds City Region LEP/West Yorkshire Combined Authority- Statement of Co-operation for Local Planning- Leeds City Region Final Version March 2016 (CR 17)
- Strategic Employment Land Review for the Leeds City Region – Final Report Oct 2016- produced by Andy Haig Associates for the Leeds City Region LEP and West Yorkshire Combined Authority (CR2).

2.2 In the four tests of soundness of a plan stated in paragraph 182 of the NPPF there are two references to key matters which arise under the Duty to Co-operate. Under the heading of the first test (that a plan should be positively prepared the plan is to be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements “including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.” Secondly under the third test that the plan should be effective it is to be “deliverable over its period and based on effective joint working on cross boundary strategic priorities.”

2.3 In their report on the Duty to Co-operate (SD 14)Kirklees Council have produced a summary of all forms of engagement with the number of planning authorities who have boundaries with the District. In certain areas, flood risk and wind energy for example the Council have produced policies and actions which are, or will lead to co-operative working and the delivery of integrated outcomes. The Council acknowledge at paragraph 2.2 of SD14 that “co-operation should produce effective and deliverable policies on strategic cross boundary matters.” It is interesting in the Introduction that the Council at paragraph 1.3 “Acknowledge the limitations of the Duty to Co-operate process.” In their Statement the Council do not go as far as that produced by the LEP (CR17) in terms of pro-active plans and actions which are implemented to resolve cross- boundary issues (see paragraphs 3.1 -referring to “concrete actions and outcomes”; paragraph 3.5 which sets out high level principles influencing a joint approach including “co-operation throughout the development plan process” and “going beyond consultation”; 3.8 co-operation “throughout the policy implementation period”.

- 2.3 At paragraph 3.7 of SD 14 the Council reference the confirmation from the Leeds City Region(LCR) LEP in December 2016 that the Local Plan “is aligned with the LCR strategic priorities and therefore satisfies the agreed protocols.” I acknowledge this high level agreement but the approach to date on Economic Development issues and in particular employment land supply across the Kirklees/Bradford boundary requires further joint working to better fit within the LCR Strategic Economic Plan (SEP- Doc CR9), to acknowledge the role of the “Regional City of Bradford” as stated in the former Regional Spatial Strategy for Yorkshire and the Humber (May 2008) and to assist Bradford in meeting its challenging employment land requirement.
- 2.4 The LCR LEP in their early work on the SEP endorse the strategic policy approach for the LCR as contained in policies LCR 1 and 2 of the former RSS. Bradford is identified in LCR1(3) as a Regional City (by contrast Huddersfield and Wakefield are identified as sub regional cities. Policy LCR1 (3) has the following policy statement for Bradford:- “ Transform the Regional City of Bradford with significantly increased growth in economic development, jobs and homes through the renaissance of the City Centre and development and regeneration elsewhere.” The policy content goes on to emphasise and seek to support the roles of Leeds and Bradford as “major engines of the regional economy.”
- 2.5 At appendices A, B and C of SD14 the Council progressively update their responses in relation to strategic cross border issues including the level and supply of employment land. The main concerns listed are :-
- The potential impact of “prejudicing prospects for regeneration in neighbouring areas by diverting investment and infrastructure funding.”
 - Impact on infrastructure including transport.
 - Impact on the function of the Green Belt.
 - The need for strategic employment allocations near to the M62.
- 2.6 SD 14 at paragraphs 5.10 to 5.13 sets out the approach taken under the Duty to Co-operate on the Economy. Paragraph 5.10 identifies the key strategic issues including the “functional economic market geography in which Kirklees sits”. The concern is primarily with the diversion of investment which might result from the overall scale of employment land provision in Kirklees District. At 5.12 the Council state that they have not been asked by any other authority to meet any shortfalls in terms of economic development.
- 2.7 The Strategic Employment Land Review for the LCR (CR2) was commissioned by the LCR LEP and WYCA. The purpose of this study carried out by Andy Haigh Assocs and dated October 2016 provides a relatively up to date and more specific assessment of the actual future work required under the Duty to Co-operate with regard to employment land supply in the LCR (Executive summary (i). Cross boundary analysis “compared plan making geography with the travel to work areas defined by ONS using the 2011 census. This identified a number of places where joint working will be of benefit on matters such as infrastructure investment to unlock sites and where it is possible to address particular land

requirements in adjoining plan areas.” This strongly suggests that there are real benefits in further active joint working

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between Kirklees and Bradford on land supply and delivery issues along the M606/ M62 corridors. Further emphasis is placed on the likely need for co-operation where travel to work areas cross district plan making boundaries (see paragraph 6.1, 6.3, figures 6.1 and 6.2; paragraph 6.4 where North Kirklees is identified as one of the key areas likely to require attention.)

- 2.8 Paragraph 6.5 and figure 6.3 highlight some of the constraints which restrict the availability of good flat sites for employment use. A number of these impacts cumulatively affect the ability to identify a sufficient range of good quality employment sites in the Bradford M.D. Paragraph 6.6 identifies cross boundary issues associated with selecting and bringing forward employment sites in the motorway corridors with associated improvements to transport infrastructure. Paragraph 6.9 highlights the particular importance and likely land requirement impacts arising from the existing and proposed concentration of manufacturing (with an emphasis now on advanced manufacturing in the LEP SEP and Kirklees Plan and Economic Strategy).
- 2.9 Paragraph 6.19 of CR2 identifies a “number of themes that will need to be further explored through the mechanisms of the Duty to Co-operate. The Travel to Work Area geography shows where there may be opportunities for land allocations in one Plan area to benefit adjoining Plan areas in the same Travel to Work Area.” This paragraph goes on to refer to further joint working on transport infrastructure in the M62 corridor (and by implication the attached M606 corridor) and to the concentration of manufacturing in the heart of the West Yorkshire conurbation requiring joint action by Bradford , Kirklees and other Councils along the M62 corridor.
- 2.10 Finally paragraphs 7.7 and the conclusions in Section 8.0 identify the amounts of readily available employment land required on a rolling five year basis. The authors conclude that to “achieve and maintain such a supply may well require further work to identify more priority sites and to carry out feasibility work to determine the interventions necessary to ensure their availability for development” (para 7.7). Bradford, Calderdale and Kirklees are identified as larger authorities facing “challenges in identifying a suitable, available and deliverable supply of sites to meet modern employment requirements.” This conclusion together with the others I have referred to create a strong case for further co-operative working between Kirklees and Bradford focussed on the North Kirklees and South Bradford areas which make up the Bradford TTWA and the area extending from the Chain Bar junction of the M62(junction 26) along the M606 corridor and for short travel distances east and west of junction 26 along the M62 corridor.
- 3.0 SUMMARY AND CONCLUSIONS.
- 3.1 The level of work carried out under the Duty to Co-operate between Kirklees and Bradford Councils on Economic development issues and the supply and location of the appropriate quantity and quality of employment sites in both districts has up to the stage of the

Submission Draft Kirklees Plan been regarded as sufficient by Kirklees Council and has not been the subject of critical assessment by Bradford Council. In this context it is important to

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recognise that the adoption of the Bradford CS has only recently taken place, having been delayed for some time by a second EIP session and a 'call-in ' by the Secretary of State. The work on the Bradford Allocations Development Plan Document is in the earliest stages of production and it is estimated by the Council that adoption of this second detailed part of the Local Development Framework will occur in approximately two years time. Bradford have yet to identify therefore the first draft schedule of employment sites required to meet their 135 hectares requirement. I am having further discussions with Bradford officers on the need for more detailed cross boundary working on site selection with Kirklees.

- 3.2 The nature of the Duty to Co-operate work has been high level to date and has been endorsed by the LEP at a similar high level. It is clear however from the recently commissioned work produced by Andy Haigh Assocs and from my own investigations that further more detailed work is necessary and that the conclusion in SD14 that there is no need for any of Bradford's requirement to be met in the adjoining area of Kirklees needs to be re-examined. This requirement for strategic cross boundary working in the North Kirklees/South Bradford area is supported by additional conclusions in CR2 with regard to the extent and quality of the supply requirement and the likely need for additional land to provide flexibility and deliverability. The large section of the M606 corridor in Bradford District is already substantially occupied by industrial and distribution developments. While small Enterprise Zones have been identified at three separate locations in the Bradford part of the corridor these are likely to be quickly taken up and are limited in the hectareage that they provide. Consequently the remaining part of the corridor in Kirklees is a valuable resource where there are limited opportunities (including my clients land) to provide new employment sites.
- 3.3 In order to rectify this position Kirklees need to clearly commit to further detailed work with Bradford and to ensure the soundness of the Local Plan it is necessary to add appropriate text and possible policy content together with limited new site selection. This text and any policy content needs to provide clear and strong commitment to detailed co-operation and how jointly agreed actions will be implemented. This level of clarity and certainty does not exist at present and is essential for future investment decisions given the location of the areas in question in the identified growth areas of the LCR LEP SEP.

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