

# **KIRKLEES LOCAL PLAN EXAMINATION**

## **STAGE 1 – INITIAL HEARINGS**

### **Matter 1 – Legal and Procedural Matters**

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

**Question d): Has consultation on the Plan been undertaken in accordance with the Statement of Community Involvement (SD16) and statutory requirements?**

1. GAIL (Green Alert In Lepton) is recognised by Kirklees as a General Consultee on the Local Plan and is accepted as representing the views of the Lepton and Fenay Bridge community.
2. Whilst GAIL recognises that Kirklees has sought to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012, it is clear that Kirklees has failed to discharge its duties and responsibilities under its Statement of Community Involvement.
3. The Statement of Community Involvement must be considered in the context of paragraph 155 of the National Planning Policy Framework (NPPF) which states:

*‘Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made’.*

4. Specifically, in its Statement of Community Involvement, Kirklees sets out its aim to:

*‘... Ensure a transparent process based on consideration of a range of options and local priorities and concerns, and*

*Provide an opportunity to help groups and individuals shape the local plan and make representations on its contents ....’*

(source: Statement of Community Involvement clause 1.7).

5. The Statement also says that Kirklees *‘... will aim to consult relevant groups where a proposal will directly affect them. Generally we will seek the views of those who live or work in the district relevant to the document being consulted on such as residents ... (and) general consultee bodies ....’*

(source: Statement of Community Involvement clause 2.4).

6. GAIL’s concerns as to Kirklees’ failure to meet its consultation objectives are driven by the Council’s proposed housing developments for Lepton and Fenay Bridge and, specifically, the late introduction in the Publication Draft Local Plan (PDLP) of the proposed development of Sites H2684a and H2730a.

7. Whilst not looking to get into any undue detail on the proposed site allocations, some reference to Sites H2684a and H2730a is necessary to provide the context for GAIL's comments on, and specific examples of, the Council's lack of consultation and community involvement.
8. The PDLP proposes 598 dwellings for the two Sites which, added to the proposed development of four other Sites, would result in an extra 851 dwellings in Lepton/Fenay Bridge, ie. a c.1,800 increase (+28%) in the population.
9. The potential implications of such an increase on the existing Green Belt, Infrastructure capacity (ie. Traffic, Education and Health Care provision) and Biodiversity/the Environment etc. will be considered separately in the Examination process.
10. It is clear, however, from even a rudimentary analysis, that the proposals and their consequences are of a scale which demanded early, full and meaningful consultation with and the involvement of local residents: the 598 dwellings proposed for H2684a/H2730a and the total proposed dwellings of 851 contained in the PDLP for Lepton/Fenay Bridge represent an increase of 95 (+18.9%) and 121 (+16.6%) respectively on the proposals contained in the original draft Local Plan.
11. Kirklees contends that 'the Publication Draft consultation provided the opportunity to consult on changes to the draft Local Plan and the process the Council took was in full compliance with the Statement of Community Involvement, regulatory and NPPF requirements' (source: Representations received on the Kirklees Publication Draft Local Plan PDLP Allocations & Designations, Council Response for Sites H2684a and H2730a).
12. GAIL, however, disputes the validity of this statement: being invited to make Representations solely in relation to the NPPF's four Soundness Tests (which, by definition, are more prescribed and restrictive) is not the same as proactive engagement or full and meaningful consultation.
13. Critically, mindful of paragraph 155 of the NPPF, the aims set out in Kirklees' Statement of Community Involvement regarding ensuring a transparent process and providing an opportunity for groups and individuals to shape the Local Plan (see paragraph 4. above), and the figures detailed in paragraphs 8. and 10., it is essential to note that H2684a and H2730a replaced H2684 and H2730 which were previously rejected by Kirklees and which had replaced H32, H334, H659 and H455 which had appeared in the original draft Local Plan and which were also rejected by Kirklees.
14. Given the above, the fact that Kirklees has confirmed that H2684a and H2730a contained all of the previous six Sites and in each case also confirmed that there were no exceptional circumstances to justify the removal of the Sites or any part of the Sites from the Green Belt (see Kirklees Publication Draft Local Plan – Rejected Sites: Housing), GAIL contends that it is illogical and perverse for Kirklees not to have entered into meaningful consultation with GAIL/the local community regarding the material changes proposed in H2684a and H2730a.
15. On this point and on the assumption that the Council would be reviewing GAIL's Representation in response to the PDLP, GAIL wrote to Kirklees' Group Policy Leader (Planning Policy) in January 2017 to confirm that it would be more than ready to meet

with the Council to assist in that process. At the same time, GAIL asked the Council why it did not think it necessary or relevant to consult with GAIL and the residents of Lepton/Fenay Bridge on the proposed material changes to the proposed housing developments prior to publication of the PDLP.

16. Kirklees' response was 'the publication draft consultation provided the opportunity to consult on changes to the draft Local Plan and the process the Council took was in full compliance with Statement of Community Involvement, regulatory and NPPF requirements'.
17. GAIL contends that the extent of the changes proposed in the PDLP and the request to be involved in the review of its Representation were obvious 'flags' which should have prompted Kirklees to meet with GAIL if it was genuinely committed to 'full and meaningful engagement and collaboration'.
18. Additionally, whilst GAIL asked Kirklees in February 2017 for the timeline for the various decisions regarding the rejection of the previous six Sites (ie. H2684, H2730, H32, H344, H659 and H455) and the proposed introduction of H2684a and H2730a, Kirklees' response was that the dates were not recorded.
19. However, a study of a Transport Addendum prepared by the proposed developer of H2730a and contained in the PDLP Supporting Evidence and Background Information (Local Plan Site Specific Information and Evidence 2016 for Lepton) makes specific reference to correspondence dated the 1<sup>st</sup> June 2016 from Kirklees' Highways Development Management relating to the local highway network and site accessibility and, secondly, to a meeting with Planning and Highways officers on the 7<sup>th</sup> June 2016.
20. Kirklees' Planning Policy Group, however, confirmed to GAIL in February 2017 that the landowners/proposed developers of H2684a and H2730a had not been involved in the re-configuration of the two Sites. This would seem to contradict the statements made in the Transport Addendum and begs the question as to the extent of Kirklees' preparedness and commitment to proactively engage and consult with the local community.
21. It is also relevant to note that the Group Policy Leader dismissed a request made by GAIL in late June 2016 for a site visit involving GAIL and representatives of the Planning Policy Group as he felt it 'unnecessary to meet on site at this current time'.
22. Similarly, Kirklees rejected an invitation to attend a public meeting in November 2016 organised by GAIL to enable the local community to discuss the implications of the PDLP.
23. Staying with the November 2016 public meeting, it should also be noted that the general view of those attending was that, if it hadn't been for the activities of GAIL over the preceding twelve months, most people would have been completely unaware of Kirklees' proposed housing developments for Lepton and Fenay Bridge.
24. No Kirklees leaflets/pamphlets had been received by households outlining the proposals. Moreover, if residents didn't take the local Huddersfield newspaper (The Examiner), or visit the local library (prior to its closure by the Council in March 2016) or have reason to

go onto the Kirklees website, they would have been completely 'in the dark' as to Kirklees' plans.

25. To be effective, consultation must be accessible to all. GAIL contends, however, that Kirklees has clearly failed to comply with the Statement of Community Involvement in its approach to H2684a and H2730a. Given the late introduction of the two Sites in the PDLP, the nature and scale of the proposed changes and their likely impact on Lepton/Fenay Bridge are such that the local community had a reasonable and legitimate expectation that Kirklees would and should have entered into full and meaningful consultation.
26. Kirklees had every reason and ample opportunity to do so but, in practice, failed to discharge their responsibilities effectively.

**John Davies**  
**Chair of GAIL**  
**(Green Alert In Lepton)**  
**4<sup>th</sup> September 2017**