

Kirklees Local Plan Examination

Stage 3 – Policy Hearings

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 16 – Delivering growth policies

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues. All the documents referred to in this statement are referenced within the main body of the statement.
- 1.2 The modifications proposed in this document have been provided to assist with the discussions at the hearings for this matter and have not been subject to sustainability appraisal testing or public consultation. Should it be necessary to make any of the modifications these will be added to the full schedule of modifications to the Local Plan which will be made available for comment and subject to sustainability appraisal at a later stage of the Examination in Public, subject to the delegated powers agreed by the council's Cabinet.

Issue – Does the Plan set out positively prepared policies for delivering growth and sustainable development, which are justified, effective and consistent with national policy?

[Policies PLP 1, 5, 7]

- a) **Are the criteria in Policy PLP 5, including the requirement to submit phasing and implementation and management plans, justified, effective and in line with national policy and guidance? Will Masterplans be sought in connection with small-scale schemes? Are the Council's proposed modifications SPMM4 and SPMM5 necessary to ensure that the policy is sound?**
- 1.3 Given the considerable number of development allocations in the Local Plan it is not possible to set out detailed masterplanning requirements in the Local Plan itself for every allocation. The policy is consistent with other policies in the Local Plan, in particular Policies PLP1 (Presumption in favour of sustainable development), PLP2 (Place Shaping), PLP24 (Design). It is also consistent with the core planning principles in the National Planning Policy Framework (NE1, paragraph 17) in particular the need to secure high quality design, good standards of amenity, the promotion of mixed use developments and managing patterns of growth to make use of public transport, cycling and walking and being able to plan for the effective delivery of existing and planned new infrastructure for transport, health, social and cultural well being.
- 1.4 National Planning Practice Guidance (NE2, paragraph 032) sets out guidance in relation to masterplans and development briefs. A key element of the guidance is that care should be taken to ensure that masterplans are viable and well understood by all involved (our emphasis). Policy PLP5 seeks to ensure that both of these elements can properly be considered and satisfied as part of the consultation, advertisement and management of development through the development management process.

- 1.5 The policy is the most justified approach for the Local Plan to adopt when considered against the relevant alternatives which is simply to rely on design policies or the NPPF/NPPG. Sometimes masterplans and development briefs might be prepared by the council as supplementary planning documents but often development proposals are accompanied by private sector led masterplans. Some major developments are not accompanied by any masterplanning information raising difficulties with co-ordinating site delivery on land in different ownerships and co-ordinating development with the delivery of new infrastructure. The policy is effective, particularly with the proposed modifications, as it is deliverable in practice and sets out parameters which can be tailored to be proportionate to the scale of development been proposed.
- 1.6 Proposed modification reference SPMM4 (SD4, page 43) seeks to clarify the second paragraph of the policy to ensure that masterplans will only be sought where it is feasible to do so and where appropriate. Proposed modification reference SPMM5 (SD4, page 43) seeks to clarify further the circumstances when masterplans are prepared as part of the development management process and the varying circumstances when masterplans would be requested by the council to accompany planning applications (if they haven't already been prepared) confirming that masterplans would be sought (where feasible and appropriate) where:
- developments are to be developed in separate phases over a number of years
 - multi-plot developments where there may be a multiple landowners and it is important to co-ordinate the delivery of infrastructure and ensuring the place shaping principles and other policy requirements are met as set out in the plan,
 - for mixed use development to ensure that the different land uses to be developed on a site are capable of being delivered.
- 1.7 The council has given consideration to a site size threshold when this policy might apply but due to the different circumstances when a (proportionate, viable, feasible and appropriate) masterplanning approach could assist with site delivery, such an approach could not be justified by evidence to determine a specific site threshold. The flexibility in the policy, afforded by caveats in the policy, together with the proposed modifications provides a context for decisions to be made whether a masterplan would be required or not.
- 1.8 The council considered a 'do nothing' scenario as a relevant alternative which was discounted at the Draft Local Plan stage (PC7, page 29) for the following reason:
- “Option DLP4 4.5.1***
Do nothing - there could be a reliance on which National Planning Policy Framework attaches great importance to the design of the built environment and sustainable development. However, it does not provide detailed guidance on the council's expectations for the development of large sites. It is considered that the policy is required to give clarity to developers and local communities and to ensure early engagement on design concepts to deliver sustainable development that preserves and enhances the existing character of the area.”
- 1.9 The sustainability appraisal outcomes for this policy are set out in the Sustainability Appraisal (SD5, Annex 7, pages 13-14) which confirm that the policy has significant positive impacts on sustainable development. The council considers that this evidence should be taken into account when considered the justification for this policy.

b) Why does criterion a in Policy PLP 7, relating to the efficient use of previously developed land, apply only in sustainable locations?

1.10 The National Planning Policy Framework (NE1) requires Local Plans to promote sustainable development and it should be recognised that previously developed land is not always located in locations which would be deemed to be sustainable when considered against the definition of sustainable development in the NPPF (NE1, pages 2-3). The council considers that this policy should be read in conjunction with other policies in the development plan, including the spatial development strategy and Policy PLP3 (Location of new development). This is also consistent with paragraph 55 of the NPPF (NE1) which states that isolated housing should be avoided and that housing should be located where it would enhance or maintain the vitality of rural communities.

1.11 Whilst the council does not consider this a soundness issue the policy could be modified as follows for clarification, without undermining the purpose of the policy:

Proposed modification:

Page	Relevant part of the Plan	Tracked change	Reason for change
47	PLP 7	Amend criterion a in the first section of the policy to read: "a. the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value."	Clarification

c) How will criterion c in Policy PLP 7 (section 1) and the 'brownfield first' approach outlined in paragraph 6.36 be achieved? Is the Council's proposed modification SPMM6 necessary to ensure that the Plan is sound?

1.12 Policy PLP7 criterion c only 'encourages' development to give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value. Representations received on the Local Plan have argued that a 'brownfield first' approach is not consistent with the NPPF, paragraph 17 (NE1) which states "*encourage (our emphasis) the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*". The council agrees with these comments and changes were made to this policy between the Draft Local Plan stage and the Publication Draft Local Plan stage to this effect. The text in paragraph 6.36 was however erroneously left in the plan and therefore modification SPMM6 is necessary to clarify the approach taken in the Local Plan to the efficient use of land and buildings.

d) Is the requirement to achieve a density of at least 35 dwellings per hectare, as set out in Policy PLP 7, justified and based on local evidence? What average densities have been delivered in recent years?

1.13 The council considers that the approach taken is consistent with NPPF paragraph 47 which states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances and the NPPG which states that the

estimation of the development potential of each identified site should be guided by the existing or emerging plan policy including locally determined policies on density (NE2, 3-017-20140306).

- 1.14 The approach to the application of 35 dwellings per hectare is justified by evidence of local circumstances as set out in Table 4 of EX30.1 (Housing Supply Topic Paper, page 13). This shows a mean density of 36 dwellings per hectare and a median density of 35 dwellings per hectare between 2006 and 2016 on all new build sites (excluding apartment only developments). In reality there will be some schemes which come forward at a much higher density such as those containing apartments only including those in town centres and some which are lower. The policy ensures flexibility to achieve higher densities in principal town centres and areas close to public transport interchanges but also lower densities where there are specific circumstances such as viability, a need for particular types of housing or to be in keeping with the surrounding area.
- 1.15 The council's Draft Local Plan (PC7, page 31) suggested a slightly lower density of 30 dwellings per hectare, but this was reviewed in light of representations received at the Draft Local Plan stage and a review of the evidence as set out in the above paragraph. Other relevant alternative approaches were discounted at the Draft Local Plan stage (PC7, page 29).
- 1.16 The sustainability appraisal outcomes for this policy are set out in the Sustainability Appraisal (SD5, Annex 7, pages 18-19) which confirm that the policy has significant positive impacts on sustainable development. The council considers that this evidence should be taken into account when considered the justification for this policy.
- 1.17 Due to the varying topography and viability factors across Kirklees, which vary even across relatively smaller localities, it is not possible to set average density figures for different parts of Kirklees in a way which would be justified by robust and credible evidence.
- 1.18 The past average density calculations for sites in Kirklees are based on the red line boundary of the planning application in most cases and therefore include estate roads and public open space provided within sites. As such, there is no justification for a lower density to be applied on the basis of the provision of on-site infrastructure. The council has presented robust and credible evidence that on average 35 dwellings per hectare can be achieved on new housing sites in Kirklees but the policy is flexibly worded to take account of circumstances on site by site basis.
- 1.19 Policy PLP5 (Masterplanning) and PLP 24 (Design), along with other factors such as those set out in Policy PLP7 will play an important role in determining the final density on development sites.