

**EXAMINATION OF THE KIRKLEES LOCAL PLAN****EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Chartford Homes Ltd****Matter 16 – Delivering growth policies**

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

**Introduction**

- 1.1 Barton Willmore is instructed by Chartford Homes Ltd ('our Client') to submit responses to the Inspectors Matters, Issues and Questions following the submission of the Kirklees Local Plan ('Local Plan') for examination. The Local Plan comprises of two; the Strategy and Policies (SD1) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Allocations and Designations (SD2) which contains site allocations and areas shown on the proposals maps which relate to the Strategy and policies.
- 1.2 Chartford Homes Ltd is a Leeds based housebuilder who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout Yorkshire.
- 1.3 Our Client's land interest in the district is land to the south of Nutter Lane, Birstall (reference: H3) which the Council have not identified as a proposed housing allocation, despite the previous representations that have been made on behalf of the landowner. The landowner is currently undertaking pre-application discussions with the Council regarding the potential redevelopment of the haulage yard which fronts onto Nutter Lane on the northern part of the site, for a residential development.

**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?***

- 1.4 Our Client does not wish to make comments in respect of this question.
- b): Why does criterion (a) in Policy PLP 7, relating to the efficient use of previously developed land, apply only in sustainable locations?***
- 1.5 Our Client does not consider Policy PLP7 to be sound as currently drafted as it is not in accordance with national planning policy and therefore fails to meet the tests of paragraph 182 of the National Planning Policy Framework (NPPF). The Policy seeks to restrict the re-use of previously development land to sustainable locations, yet there is no such restriction within the NPPF.
- 1.6 For example, the NPPF allows for the "*partial or complete redevelopment of previously development sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt*" (para 89) and this does not impose a restriction on the location of such sites. It is also noted that the recent DCLG white paper entitled 'Fixing our broken housing market', which was published in February 2017, proposes to set out in national planning policy that when carrying out a Green Belt review, "*local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs*". Whilst this is not policy, and can not therefore be given weight, it is an indication of Government thinking, and it does not make any reference to previously developed land in the Green Belt, having to be located in sustainable locations. This reference should be removed in order for the Policy to be made sound.
- 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?***
- 1.7 Our Client's land to the south of Nutter Lane, Birstall, includes an area of previously developed land, comprising of a haulage yard, stabling and a ménage. Despite the site being situated in a sustainable location, being less than 1 mile from the shops and facilities in Birstall. The site is highly sustainable and is previously developed and it should clearly have been given priority when determining which sites should be allocated.
- 1.8 The Council's decision not to allocate the brownfield element of our Clients land flies in the face of the proposed 'brownfield first' approach outlined in Policy PLP7.
- 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?***
- 1.11 Our Client does not wish to make comments in respect of this question.