

# Kirklees Local Plan Examination

## Stage 3 – Initial Hearings

### MATTERS, ISSUES AND QUESTIONS (MIQs)

#### Council Response

#### **Matter 24 - Green Belt and Open Space 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 protecting the Green Belt and open spaces which are justified, effective and consistent with national policy?***

#### **[Policies PLP 54 – 63]**

**a) Is criterion d in Policy PLP 54 clearly defined and effective? What standard of design and materials would be required?**

- 1.3 Criterion 'd' of PLP 54 is intended to ensure that good design appropriate to its setting is achieved for new development in the Green Belt, through the use of vernacular building styles, traditional materials, sensitive boundary and surface treatments and native planting where necessary. While modern agricultural buildings may be necessary for the proper functioning of an agricultural unit, this should not mean that careful design sensitive to its setting has to be sacrificed.
- 1.4 New development should have regard to all relevant policies in the plan, including PLP 24 which states that good design should be at the core of all proposals. Criterion 'a' of PLP 24 states that development should respect and enhance the character of the townscape, heritage assets and landscapes. Should further clarification be needed on how this can be achieved, particularly with respect to agricultural and forestry buildings, the Council would consider an amendment to criterion 'd' of PLP 54 to state that proposals should have regard to the relevant design policies in the Plan. The Council would also consider an amendment to paragraph 19.12 to clarify the matters to be taken into account when development proposals are considered.

#### **Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
184	PLP 54 d	Delete text: <del>the resultant development is of a standard of design and materials appropriate to its Green Belt setting</del> and replace with: <u>the</u>	Clarification

		<u>design and materials should have regard to the relevant design policies in this plan, to ensure that the resultant development does not materially detract from its Green Belt setting.</u>	
185	19.12	Insert text: <u>Development in the Green Belt should be appropriate to its setting and should wherever possible reflect vernacular building styles and materials, with sensitive boundary and surface treatments and native planting where necessary. Where modern agricultural or forestry buildings are proposed, these can still be carefully sited and designed so as not to be discordant with their setting or intrusive in the landscape.</u>	Clarification
115	11.4 (last sentence)	Delete text: <del>with principles set out in the national policy and in the local plan Green Belt policies</del> and replace with: <u>where national policy states that local planning authorities should plan positively to retain and enhance landscapes, visual amenity and biodiversity. Development in the Green Belt should wherever possible ensure the use of vernacular building styles and traditional materials and that surface and boundary treatments are sensitive to their setting. Native species should be used if any planting is required in order to mitigate the impact of development.</u>	Clarification

**b) Is Policy PLP 56 consistent with the exception outlined in paragraph 89 of the NPPF relating to the provision of facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt?**

- 1.5 PLP 56 is intended to protect the openness of the Green Belt and to give greater understanding to the matters that will be considered when proposals for new buildings associated with appropriate facilities for outdoor sport, outdoor recreation and cemeteries are received. The policy seeks to ensure that proposals are restricted to that which is reasonably necessary for the appropriate functioning of the facility and can thereby justify a Green Belt location.
- 1.6 The topography of Kirklees particularly in the west is such that development is often proposed on steep and visually prominent valley sides. Where a large flat footprint is required, such as for riding arenas, any re-grading of land can result in a significant impact on the visual amenity of the Green Belt because of the necessity for high retaining walls. Criterion 'c' of PLP 56 recognises this as a local issue and states that only if these impacts can be mitigated will a proposal be acceptable.
- 1.7 The use of the word 'building' rather than 'appropriate facility' may reduce the certainty that the policy is intended to apply to all relevant proposals in the Green Belt. Should further clarification be needed the Council would consider an amendment to refer to 'appropriate facility' rather than 'new building' in PLP 56 and paragraph 19.20. The use of 'reasonably' rather than 'evidently' will also be considered, as this allows a more flexible interpretation of what is reasonable on a case by case basis.

**Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
187/188	PLP 56	<p>Amend text:</p> <p><i>In the Green Belt proposals for <del>new buildings or structures</del> <u>appropriate facilities</u> associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable <del>provided that</del> <u>as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it.</u></i></p> <p><u>Proposals should ensure that;</u></p> <ul style="list-style-type: none"> <li>a. <i>the scale of the <u>building facility</u> is no more than is <del>evidently</del> <u>reasonably</u> required for the proper functioning of the enterprise or the use of the land to which it is associated;</i></li> <li>b. <i>the <u>building facility</u> is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;</i></li> </ul>	Clarification
188	19.20	<p>Amend text:</p> <p><i>For their continued proper functioning the need for new associated buildings <u>and other appropriate facilities</u> occasionally arises. As the principal objective of Green Belt policy is to maintain an open character it follows that any <del>new building</del> development, <u>including as well as the treatment of associated outside space, including for access arrangements and car parking</u> should be no more than is <del>genuinely</del> <u>reasonably</u> required to enable that use to be carried on.</i></p>	

**c) Does Policy PLP 57 provide a clear and effective definition of a ‘disproportionate addition’ in relation to extensions?**

- 1.8 The Council considers that criterion ‘a’ of PLP 57 provides a clear and effective definition of a ‘disproportionate addition’ in that it sets out the matters that will be taken into account when relevant proposals are considered. The policy and paragraphs 19.24, 19.25 and 19.26 state that whether an addition to a building is disproportionate can be judged based on the consideration of whether the host building remains the dominant element and this will include the presence of curtilage buildings and any cumulative impact, including previous extensions. The highly varied character and topography of Kirklees means that a standard or overly prescriptive definition is difficult to apply.
- 1.9 For clarity, the Council will consider an amendment to criterion ‘a’ of PLP 57 to replace the word ‘host’ with ‘original’, and to make clear in the justification that the host building should be taken to mean the original building.

**Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
189	PLP 57 a	Amend text:  <i>in the case of extensions the <del>host</del> <u>original</u> building remains the dominant element both in terms of size and overall appearance.</i>	Clarification
189	19.25	Amend text:  <i>Disproportionate additions will be deemed to be those where the <del>host</del> <u>original</u> building is no longer the dominant element</i>	Clarification

1.10 The Council does not propose to set maximum additional volumes beyond which extensions or replacement buildings are deemed excessive, as this can be too restrictive, is not justified by evidence and may not allow the proper consideration of individual proposals on their own merits.

1.11 In order to retain consistency throughout the Plan, the Council will consider a modification to criterion 'd' of PLP 57 to ensure that relevant design polices are considered when proposals in the Green Belt are received.

**Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
189	PLP 57 d	Delete text: <del><i>the design and materials used should be sensitive to the character of the Green Belt setting</i></del> and replace with: <u><i>the design and materials should have regard to the relevant design polices in this plan, to ensure that the resultant development does not materially detract from its Green Belt setting.</i></u>	Clarification

**d) What is the definition of 'original dwelling', as referred to in criterion a in Policy PLP 57?**

1.12 Policy PLP 57 will apply to the extension of existing buildings in the Green Belt and this is consistent with paragraph 89 and Annex 2 of NPPF. When considering such proposals the Council interprets Annex 2 in the following way;

- For the purposes of Policy PLP 57 'original' means a building as it existed on 1 July 1948, or if constructed later, as it was built originally. If a building existed on 1 July 1948 but has since been replaced then the term 'original' relates to the replacement building as it was built originally. If a building existed on 1 July 1948 but no longer exists then this is not included in the definition of 'original'.
- When assessing extensions to buildings and the cumulative impact of extensions, the 'original' building will include any outbuildings within its curtilage that were erected as part of the original development and are still of permanent and substantial construction. Extensions to the original building or outbuildings added

at a later date, regardless of whether planning permission was required, will not be included as part of the 'original' building.

1.13 The Council will consider an amendment to the Plan to include this definition in the glossary.

**e) Are the criteria in Policy PLP 59 relating to impact on the openness of the Green Belt justified and consistent with paragraph 89 in the NPPF?**

1.14 The Council considers that the criteria in PLP 59 relating to impact on the openness of the Green Belt are justified and consistent with paragraph 89 of the NPPF. The NPPF gives no guidance on the matters that could be considered to impact on openness and PLP 59 seeks to be consistent with the NPPF while also giving an understanding of the issues that will be considered. The criteria are not considered to be overly prescriptive, allowing a judgement to be applied in all cases.

1.15 Paragraph 81 of NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including to retain and enhance landscapes, visual amenity and biodiversity or to improve damaged and derelict land. Where brownfield sites are proposed to be redeveloped the opportunity to beneficially enhance landscapes or to remediate damaged or derelict land may be presented. PLP 59 gives guidance on what issues may be taken into account where this is a relevant consideration to the proposal.

1.16 The 'Housing White Paper' was published by the Department for Communities and Local Government on 7<sup>th</sup> February 2017. It sets out a range of proposals but does not introduce any new planning guidance or policy. Very little weight can be afforded to the White Paper at the present time and it cannot therefore be used to formulate Green Belt policy. It can however indicate possible intentions for future policy and this suggests that impact on openness will continue to be a necessary consideration for redevelopment proposals on brownfield sites in the Green Belt. It therefore appears that there is no direct conflict between PLP 59 and with emerging national policy.

**Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
191	PLP 59 c	Delete <i>operations</i> and replace with: <u>operational</u>	Error

**f) Does the Plan make appropriate provision for infill development within settlements that are washed over by the Green Belt, in line with paragraph 89 in the NPPF?**

1.17 The starting point for the consideration of infill development in the Green Belt is whether or not the plot lies in a village (paragraph 89 of NPPF). There is no definition of village in national planning guidance. Whether a place is a village is an assessment to be carried out on the ground by the decision maker and is a judgment of fact and degree informed by place. Each must therefore be considered on its own merits. The purpose of Green Belt infill policy in NPPF is considered to be to allow a limited number of additional dwellings that can support communities. This is compatible with the NPPF at paragraph 17 which seeks to support thriving rural communities, paragraph 28 which seeks to support services and community facilities in villages and paragraph 55 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. The stipulation that infill must be in a village avoids allowing new housing wherever a plot could be deemed to be 'infill', however isolated otherwise. This would be contrary both to the overall purpose of the Green Belt which is to keep land permanently open and to the overarching principle of sustainable development.

- 1.18 The Council therefore considers that the stipulation that the infill plot must be in a village is to ensure that the occupants of the new houses have access to a range of services and facilities that meet day to day needs that can reasonably be accessed without the use of a private car. This means that scattered settlements of sporadic or low density housing, lines of ribbon development or more compact settlements without services or adequate public transport provision cannot be deemed to be villages for the purposes of Green Belt policy. The Council undertook an appraisal of settlements in Kirklees that are overwashed by the Green Belt, the results of which are set out in the Settlement Appraisal Technical Paper (Appendix D). None of the overwashed settlements are considered at the present time to contain a level of services that warrant their definition as a village for the purposes of paragraph 89 of NPPF and therefore infill development within them would not be appropriate.
- 1.19 There are a significant number of inset settlements within Kirklees and the level of services contained within them varies considerably. Any application received for infill development in the Green Belt but on the edge of an inset settlement will be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is, consideration will then be given to whether the plot constitutes infill in that village.
- 1.20 The Council understands that neither the Green Belt boundary nor any 'village boundary' contained within a development plan can be relied upon to conclusively determine whether any particular plot is in a village and that each proposal must be considered 'on the ground' at the time of the application. The Council will therefore determine applications on their own merits and against the circumstances prevailing at the time of the application.
- 1.21 There is also no definition of infill in national planning guidance, but it is generally recognised that an infill plot for the purposes of bullet point 5 of paragraph 89 of NPPF is a small site within a continuously built up frontage.
- 1.22 The Council will consider an amendment to paragraph 19.32 to clarify that it supports policy PLP 59. In addition, the Council will consider an amendment to paragraph 19.31 and an addition to the explanatory text to clarify the approach the council will take in relation to whether a settlement constitutes a village for the purposes of Green Belt policy.

**Proposed modification:**

Page	Relevant part of the Plan	Tracked change	Reason for change
191 - 192	19.1.7 – 19.1.8	<p><del>19.1.7 Infilling and redevelopment of Brownfield sites in the Green Belt</del></p> <p>19.31 Existing paragraph moved and amended (now paragraph 19.35)</p> <p><del>19.31</del> <u>19.31</u> <i>Infill for the purposes of policy PLP 59 is defined as development in a small gap</i></p>	Clarification

between existing buildings on a brownfield site. Such infilling should not result in a greater impact on the open nature of the Green Belt and should not lead to a material increase in the developed proportion of a site.

**Infilling in villages**

19.35 National planning guidance states that new dwellings may not be inappropriate in the Green Belt where they constitute limited infilling ~~within existing~~ villages. There are a number of smaller settlements in Kirklees which are overwashed by the Green Belt. However, none of these settlements are deemed to constitute villages for the purposes of paragraph 89 of the National Planning Policy Framework ~~as they are not sustainable locations for new dwellings~~ Consequently, new dwellings in settlements overwashed by the Green Belt will not normally be permitted. unless very special circumstances exist that would justify allowing a proposal which is contrary to green belt policy.

19.36 There are a significant number of inset settlements within Kirklees and the level of services contained within them varies considerably. Any application received for infill development within the Green Belt but on the edge of an inset settlement will be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. The Council will therefore determine applications on their own merits and against the circumstances prevailing at the time of the application.

19.37 There is no definition of infill in national planning policy. For the purposes of bullet point 5 of paragraph 89 of NPPF an infill plot will be taken to be one that is small and within an otherwise continuously built up frontage.

**Delivery and Implementation**

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- g) **Are the criteria in Policy PLP 61, relating to Urban Green Spaces, justified and in line with paragraph 74 in the NPPF?**
- **Is the requirement in criterion b relating to accessibility necessary?**
  - **Does criterion e accord with national guidance?**
  - **Do the criteria provide an effective framework for assessing proposals on sites with no public access and public sporting/recreation function?**

1.23 The council has taken account of national guidance contained in the NPPF paragraph 74 and local circumstances specific to Kirklees in preparing policy PLP 61. The council recognise the Sustainability Appraisal findings for policy PLP 61 (SD5, Annex 7, page 136/137), in particular potential significant positive effects are identified in relation to the SA objective to protect and enhance existing and support the provision of new recreation facilities and areas of open space and encourage their usage (objective 8). Positive effects are also identified in relation to the SA objectives to improve the health of local people and ensure that they can access the health and social care they need (objective 4); to secure the efficient and prudent use of land (objective 11); to protect and enhance the character of Kirklees and the quality of the landscape and townscape (objective 12); to conserve and enhance the historic environment, heritage assets and their settings (objective 13); to maximise opportunities to protect and enhance biodiversity and geodiversity (objective 14) and to prevent inappropriate new development in flood risk areas and ensure development does not contribute to increased flood risk for existing property and people (objective 16).

**Criterion b**

1.24 The requirement in policy PLP 61 (criterion b) relating to accessibility is intended to ensure that replacement open space is provided in a suitable location consistent with paragraph 74 of the NPPF and this would be considered in relation to the council's local accessibility standards. The council recognises that the accessibility of such replacement provision is covered by the remainder of criterion b which states that replacement provision should be "...within an easily accessible location for existing and potential new uses". The council therefore considers that the word 'accessibility' could be excluded from policy PLP 61 (criterion b) to ensure clarity to avoid duplication.

**Proposed modification:**

Page	Policy/para/table/box	Tracked change	Reason for change
Page 194	Policy PLP 61	Criterion b – amend text : <i>b. provides replacement open space, sport or recreation facilities which are equivalent or better in size, <u>and/or</u> quality <u>and</u> <del>accessibility</del> and are within an easily accessible location for existing and potential new uses;</i> or	Clarification

## Criterion e

- 1.25 The intention of criterion e in policy PLP 61 is to provide a degree of flexibility where a specific community benefit could be realised within urban green space when weighed against the loss of the green space, including when considered against national guidance as a whole.
- 1.26 Although not specifically referred to in paragraph 74 of the NPPF, the council considers that such an approach is justified where overriding benefits to the community can be demonstrated and to reflect specific circumstances relevant to Kirklees in relation to the inclusion of schools, colleges and their grounds within urban green space.
- 1.27 Through the Kirklees Unitary Development Plan, this approach has allowed new and improved education provision, sport and recreation facilities, as well as a children's hospice, community centre and children's centre to be appropriately developed within urban green space (LE1, policy D3).
- 1.28 The allocation of schools, colleges and their grounds as urban green space is specific to Kirklees and represents almost 22% of the total amount of urban green space (BP13, Table 1, page 5). This is because they contain playing fields which meet outdoor sport needs sport and as such they are considered to represent a valid urban green space purpose. The council recognises there may be a need to consider the development of new education facilities within urban green space not currently in education use and new sport facilities within school grounds to support the Playing Pitch Strategy 2015 recommendations, such as facilities to enable community use of playing pitches (LE124). Criterion d of policy PLP 61 would allow the expansion and alteration of education provision within existing school sites but not new education provision within other types of urban green space. In accordance with paragraph 72 of the NPPF, the council will give great weight to the need for new education facilities and will consider such proposals within urban green space as providing substantial community benefit.
- 1.29 In considering such proposals, the identifiable community benefits will be weighed against the loss of the green space having regard to the site's existing urban green space function, qualities and public value. It is not the intention of the policy to ignore the benefits provided by open space, sport and recreation facilities or weaken the protection afforded to such sites under the policy and national guidance. As such development will only be allowed in exceptional circumstances where the benefits to the community significantly and demonstrably outweigh the loss of the green space. The council would consider an amendment to policy PLP 61 and paragraph 19.49 to clarify the parameters of this exception.

### Proposed modification:

Page	Policy/para/table/box	Tracked change	Reason for change
Page 194	Policy PLP 61	Delete criterion e and replace as a separate paragraph after the list of criteria:  <i>e. results in a substantial community benefit that clearly outweighs the harm resulting</i>	Clarification

		<p><i>from the loss of the existing green space;</i></p> <p><u><i>Exceptionally development within urban green space which results in a substantial and specific community benefit may be allowed provided it clearly outweighs the harm resulting from the loss of the existing green space having regard to its function and qualities and all considerations set out in the policy.</i></u></p>	
Page 195	Paragraph 19.49	<p>Add text:</p> <p><i>Exceptionally, planning permission may be granted within urban green space or smaller valuable green spaces where it can be shown that the proposed development would result in a substantial and specific benefit to the local community that clearly outweighs the loss of existing green space. <u>This includes consideration of the site's existing urban green space function, qualities and public value and assessment against all the other criteria set out in the policy.</u></i></p>	

### **Sites with no public access and public sporting/recreation function**

- 1.30 The council did consider that policy PLP 61 provided an effective framework for assessing proposals put forward on all urban green space sites, including those with no public access and public sporting/recreation function. These sites can be valuable for their visual amenity benefits and close to where people live can help promote the health and wellbeing of communities, as well as being important to the quality and local character of many of the built-up areas in Kirklees. They can be defined as open space in accordance with the definition contained in the NPPF Annex 2: Glossary and the broader definition within the Planning Practice Guidance (NE2, paragraph 001 Reference ID: 37-001-20140306). This position is supported by recent appeal decisions in Kirklees at New Lane, Cleckheaton (ID14, paragraph 19) and White Lee, Batley (ID15, paragraph 13).
- 1.31 However, following the appeal decision at New Lane, Cleckheaton, it was considered that the tests in paragraph 74 of NPPF paragraph, relating to 'surplus to requirements' and replacement provision, cannot be practically applied to land protected mainly for visual amenity or landscape value (ID14, paragraph 20). For clarification, the council would consider an amendment to policy PLP 61 and the insertion of a new paragraph

to take account of development proposed within urban green spaces not allocated primarily for sport or recreational purposes.

**Proposed modification:**

Page	Policy/para/able/box	Tracked change	Reason for change
Page 194	Policy PLP 61	Insert new criterion e after criterion d:  <u><i>e. would not result in the loss of or harm to the function or qualities of urban green space allocated for purposes other than sport or recreation. This includes consideration of land either individually or as part of a wider urban green space.</i></u>	Clarification
Page 195	New paragraph	Insert new paragraph after paragraph 19.48:  <u><i>“Some urban green spaces in Kirklees have been allocated for purposes other than sport or recreation and may not have public access. These include urban green spaces valuable for their visual amenity benefits and close to where people live can help promote the health and wellbeing of communities, as well as being important to the quality and local character of many of the built-up areas in Kirklees. In order to safeguard these sites, development proposals will not be permitted which would result in the loss of or harm to the functions of the urban green space or its qualities.”</i></u>	

**h) By whom and at what stage will the open space assessments referred to in paragraph 19.43 of the Plan be executed?**

1.32 Paragraph 19.43 acknowledges there are valuable open spaces not allocated as urban green space in the plan because they are below the 0.4 hectare size limit for urban green space allocation. The council recognises that such sites can have value as open space, sport and recreation facilities which mean they should be protected in accordance with paragraph 74 of the NPPF.

1.33 The Kirklees Open Space Study 2015 (Revised 2016) (KOSS) provides an assessment of open spaces of 0.2 hectares or larger (LE119, paragraph 4.2.5). In addition, all parks, recreation grounds and allotments below 0.2 hectares in size have been assessed to determine their qualities and value as open space. Their open space value ratings are shown in the KOSS (LE119, Appendices 6, 7, 8 and 9) and these assessments would be taken into account should a development proposal come forward on such sites.

1.34 Due to the size of the district, it has not been feasible to assess all natural/semi-natural greenspaces and amenity greenspaces below 0.2 hectares included in the Open Space Study. These predominantly comprise small areas of public open space with

play areas and informal amenity greenspaces within housing developments. For such smaller sites included within the Kirklees Open Space Study that have not been assessed, the council will undertake an open space assessment when considering development proposals to determine the site's value as an open space, sport or recreation facility.

- 1.35 Valuable playing pitches below 0.4 hectares in size are also identified and recommended for protection in the Playing Pitch Strategy, such as bowling greens and tennis courts. The council will take account of the Playing Pitch Strategy recommendations in considering development proposals.
- 1.36 The council would consider an amendment to paragraph 19.43 to clarify the position regarding valuable open space, sports and recreational facilities below 0.4 hectares in size, including playing pitches, and in relation to open space assessments not carried out as part of the Open Space Study.

**Proposed modification:**

Page	Policy/para/table/box	Tracked change	Reason for change
Page 195	Paragraph 19.43	<p>Amended text:  <i>Valuable green spaces less than 0.4 hectares in size are not shown on the Policies Map but are identified in the council's Open Space Study and Playing Pitch Strategy. <u>Some of these smaller sites and other sites have been identified through an open space assessment or the as having value as green an open space, sport or recreation facility either through an open space assessment carried out as part of the Open Space Study or through recommendations in the Playing Pitch Strategy will be afforded the same level of protection as urban green space shown on the Policies Map. These assessments and recommendations will be taken into account when considering a development proposal and sites will be afforded the same level of protection as urban green space where appropriate. For smaller sites included in the Open Space Study that have not been assessed, the council will undertake an open space assessment when development proposals are being considered to determine the site's value as an open space, sport or recreation facility.</u></i></p>	Clarification

i) **Do criteria b and c in Policy PLP 62 provide a clear and effective framework for assessing proposals, which is in line with the Council’s approach to extensions and new buildings in the Green Belt as established in Policy PLP 57?**

1.37 Paragraph 78 of the NPPF requires local policies for managing development within a Local Green Space to be consistent with Green Belt policy. The council recognise that the inclusion of specific criteria in PLP 62 may reduce the certainty that all proposals for development in Local Green Space should be consistent with Green Belt policy. The Council would therefore consider an amendment to policy PLP 62 to remove the specific criteria and change the justification text to state that development proposals in Local Green Space must have regard to national and local Green Belt policy.

**Proposed modification:**

Page	Policy/para/table/box	Tracked change	Reason for change
Page 196	Policy PLP 62	<p>Delete text and insert text:</p> <p><del><i>Inappropriate development within a designated Local Green Space will not be permitted other than in very special circumstances, except:-</i></del></p> <p><del><i>a. new buildings for appropriate facilities for outdoor sport, outdoor recreation and cemeteries, provided they do not conflict with the purpose of the Local Green Space;</i></del></p> <p><del><i>b. the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building;</i></del></p> <p><del><i>c. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.</i></del></p> <p><u><i>Development proposed within a Local Green Space will be considered having regard to national and local Green Belt policy.</i></u></p>	Clarification
Page 197	Paragraph 19.54	<p>Insert text and delete text:</p> <p><del><i>Special protection is given to Local Green Space. Therefore inappropriate development which is harmful to Local Green Space will not be allowed other than in very special circumstances</i></del></p> <p><u><i>consistent with Green Belt policy.</i></u></p> <p><del><i>The exceptions to development</i></del></p>	Clarification

		<p><i>are set out in paragraphs 89 and 90 of the National Planning Policy Framework and include the provision of appropriate facilities for outdoor sport and creation and appropriate extensions, alterations or replacement of existing buildings. <u>The relevant considerations are set out in policies PLP 56 and PLP 57.</u></i></p>	
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**j) Does Policy PLP 63 provide sufficient clarity regarding the scale and type of open space that will be sought in relation to development proposals?**

- 1.38 The intention of policy PLP 63 is that in areas where there are identified open space deficiencies new housing developments will provide, or make a financial contribution towards, new or improved open space, sport and recreation facilities to meet local needs.
- 1.39 Policy PLP 63 does not set a specific quantitative requirement for new open space provision as it intended to meet local needs more flexibly to take account of individual site considerations. The precise amount and type of open space, and whether it is to be provided on-site, is negotiated on a site-by-site basis taking account of the following as set out in the policy and justification text in paragraphs 19.60 and 19.61:-
- (i) the scale and type of housing proposed to determine the open space needs the development is likely to generate and will therefore be required serve the new residents - paragraph 19.60 recognises that different types of housing will require different types of open space;
  - (ii) the adequacy of existing open space, sport and recreation facilities in the local area to meet the needs of the development taking into account identified deficiencies in quantity, quality and accessibility as set out in the Kirklees Open Space Study 2015 (Revised 2016) (LE119) and the Kirklees Playing Pitch Strategy 2015 (LE124 and LE125); and
  - (iii) the suitability of the site and design of the development proposal, including site conditions, constraints, topography, accessibility and viability.
- 1.40 In areas where there is an identified deficiency in quantity and/or accessibility, new open space to meet the needs of the development is required on-site. Table 7 in paragraph 19.61 sets out the local standards against which these deficiencies are determined and the specific deficiencies for each type of open space are identified in the Kirklees Open Space Study 2015 (Revised 2016) (LE119, Table 5.2, Table 6.2, Table 7.2 and Table 8.2 and accessibility maps Figure 1, Figure 3, Figure 4, Figure 5, Figure 6 and Figure 7). The current and future shortfalls in playing pitch provision across Kirklees are identified in the Kirklees Playing Pitch Strategy 2015, as well as potential actions (LE126 and LE124, pages 10-12).
- 1.41 If on-site provision is not appropriate, a financial contribution towards new or off-site provision is required in the vicinity of the site in accordance with the local accessibility standards. Where improvements are required to the quality of existing facilities nearby, a financial contribution towards improving these sites is required which will support increased use and can focus on increasing the provision for which there is a shortfall in the area.

- 1.42 The council currently requires public open space to be provided at a minimum rate of 30 square metres per dwelling (LE1, UDP policy H18). This policy has been effective in ensuring new public open space is of sufficient size to be useable, accessible and of the typology relevant to the site, area and the needs of the development. It is intended that the council continue with individual site assessments to evaluate specific needs and site circumstances.
- 1.43 Policy PLP 63 requires new open space to be provided in accordance with the council's local standards and national standards where appropriate. The council has not set a quantity standard for open space for children and young people (LE119, paragraph 10.5) as it considers the current level of play provision within the district to be relatively good (LE119, paragraph 10.2 and Table 10.1). The Council recognise that a higher quality and wider variety of open space is often more valuable to communities than a greater quantity of provision. The council therefore believes it is more meaningful to set a play provision standard that allows for through-age play opportunities within a reasonable walking distance of where people live (LE119, paragraph 10.5 and 10.6 and Table 10.2). For the purposes of deciding the scale and type of equipped children's play space and provision for young people (MUGAs and skateboard parks) to be provided, the council apply the nationally recognised Fields in Trust standards (NE37, Tables 1, 2 and 4) and for assessing accessibility use the Kirklees local accessibility standards.
- 1.44 Whilst the Council recognises the local open space standard for amenity greenspace is 0.3 hectares per 1000 population for determining existing deficiencies, in order to meet the minimum requirements acceptable for useable amenity space in new residential developments, the open space required is larger. This is because the council recognises that open spaces need to include sufficient space to support informal recreation, landscaping and facilitate accessibility. The Council therefore uses the national standard of 0.6 hectares per 1000 population as per the FIT standards (NE37, Table 3). For clarity, the council have included the table below to demonstrate how, as a starting point, the relevant standards for different types of open space are applied in determining the amount of new open space required.

**Minimum standards for determining the amount and accessibility of new open space**

Type of Open Space	Minimum Standard for the Amount of New Open Space			Minimum Accessibility Standard	
	Type of Standard	Amount per ha per 1,000 population	Amount per dwelling (sq m)*	Type of Standard	
Parks & recreation grounds	National/Local	0.8	19.44	Local	15 minutes/720 metres 30 minutes travel time of a major park
Natura/semi-natural greenspace	Local	2.0	4.86	National/Local	15 minutes/720 metres
Allotments	National/Local	0.5 per 1,000 households	5	Local	15 minutes/720 metres
Amenity greenspace	National	0.6**	14.58	National/Local	10 minutes/480 metres
Children's equipped /designated play areas	National	0.25	6.1	Local	15 minutes/720 metres

Young people provision	National	0.3	7.3	Local	2 km
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\* Based on average Kirklees household of 2.43 people

\*\* Based on the Fields in Trust recognised national standard rather than the Kirklees local standard used to determine deficiencies

- 1.45 The council would consider an amendment to policy PLP 63 to clarify that new open space should be provided in accordance with local standards and in some cases national standards.

**Proposed modification:**

Page	Policy/para/table/box	Tracked change	Reason for change
Page 196	Policy PLP 63	Insert text:  <i>New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. <u>New open space should be provided in accordance with the council's local open space standards or national standards where relevant.</u></i>	Clarification