



25 January 2018
Consultee ID: 941843/942144
Site H442
Matter 26

Kirklees Local Plan Examination

Matter 26 – General Approach in Part 2 of the Plan

This statement is prepared by WYG Planning Limited (WYG) on behalf of our client, Strata Homes (Yorkshire) Limited ('Strata' or 'our client').

WYG submitted representations on behalf of Strata in relation to the Publication Draft Kirklees Local Plan in December 2016 which focused on the decision of Kirklees Council to include the housing allocation site known as land between Richmond Park Avenue and Sunnyside Avenue, Roberttown (**Local Plan Reference: Site H442**).

This response seeks to address the key issues to be discussed at the forthcoming examination hearing concerning Matter 26. Our response is structured such that it follows the questions posed in the Matters and Issues Agenda and should be read in conjunction with the representations we have previously submitted on behalf of our client.

Issue – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy.

a. Does the inclusion of the site allocation wording in text boxes rather than policies, have implications for the effectiveness and deliverability of Part 2 of the Local Plan?

It is noted that at Paragraph 1.5 of the Allocations and Designation Publication Draft Local Plan reference is made to the policy text being colour coded for ease of reference and then identifies the orange boxes which are used to identify the draft allocations and key issues/information associated with them. The inference of paragraph 1.5 suggests that the orange boxes have a clear policy status and together with the policy map which identifies the spatial proposals these details form an adequate basis to ensure an effective approach to the delivery of the site allocations.

b. Are the infrastructure and open space requirements of each site clearly set out in Part 2 of the Plan? Is it clear what developers are expected to provide and when?

Whilst both the infrastructure and open space requirements have been considered by the Council at a district wide level within the Infrastructure Delivery Plan (LE40) and the Open Space Study (LE145) respectively, these have not been translated into more specific proposals that feature within Part 2 of the Plan.

Policy PLP4 deals with the provision of infrastructure and using the Infrastructure Delivery Plan as a starting point the Policy confirms that new development should contribute towards the provision of infrastructure taking account of local and strategic needs and financial viability.

Similarly, Policy PLP63 deals with the provision of new openspace and there is a requirement for new housing development to provide a contribution towards these facilities. However, there are a range of factors in determining the required level of openspace provision having regard to the type of housing proposed and the availability, quality and accessibility of openspace provision in the area assessed in accordance with the Council's district wide open space standards.

Given the evidence base available to support the Local Plan in relation to both infrastructure and openspace provision, coupled with the Council's commitment and support towards the proposed allocated sites it would seem there is sufficient information available to provide more specific guidance within the policy text as to the likely need for new infrastructure and openspace provision to ensure that the development proposal contributes to cater for the additional needs that it generates.

In terms of when these requirements associated with a development are provided, we think that this should take place as part of discussions in relation to the preparation of a planning application in terms of either the preparation of a Phasing Plan on strategic sites or as part of negotiating any Section 106 planning obligations.

c. Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted? In relation to this:

- i. Should further information be provided on access points and local highway improvements?**
- ii. Where non-developable areas and landscape/other buffer zones are cited, should further detail be provided to clarify their location and extent?**
- iii. Where sewers or power lines cross a site, should potential mitigation be specified?**
- iv. Should Part 2 of the Plan specify the protection and enhancement of Public Rights of Way (PROWS) on allocation sites, and the provision of links to adjoining PROWs and the Core Walking, Cycling and Riding Network where appropriate?**
- v. Should Part 2 of the Plan specify mitigation measures relating to the historic environment, where relevant?**
- vi. Should Part 2 of the Plan specify the protection of key habitats/mature trees/hedgerows/boundary walls/other landscape features which are notable on a particular site?**
- vii. Should constraints on/near allocations, including heritage assets, environmental designations, noise sources and hazardous installations, be specifically named?**

The key constraints identified in the policy text box essentially relate to those that are the most important to address and overcome. To help improve delivery and create a well planned proposal, we consider it is not unreasonable to identify further development principles and mitigation measures to help guide development particularly if this information is already known from the baseline evidence and there is general agreement between the Council and the land promoter. For example, in relation to the site that we are promoting (Ref H442 Roberttown Lane), reference is made in the Sustainability Appraisal Report (October 2016) (SD5) to the fact that access is achievable from Roberttown Lane and possibly part of the site from Richmond Park Avenue and Stanley Road. It also refers specifically to a visibility splay of 2.4m x 43m that would be required on Roberttown Lane. As our clients concur with the access point being from Roberttown Lane then such a development principle would be a helpful feature within the policy text box.

As part of the baseline evidence preparation work to support the Local Plan and dialogue with the land promoters, we are of the view that the Council should have sufficient information to identify a proportionate amount of detail to ensure that there are no showstopper issues as well as identifying the main mitigation measures to overcome the more sensitive constraints. Nevertheless, it should be appreciated that engagement in the planning process typically progresses on an iterative basis and solutions may evolve on a collaborative basis through discussions with the Council and stakeholders and as further detailed evidence becomes known. It is therefore important to balance the introduction of detailed prescriptive mitigation measures into the policy whilst also appreciating that all aspects, features and impacts of the development have not been fully assessed at the Local Plan process stage. Indeed, irrespective of identifying specific constraints and mitigation associated with a particular site it should be appreciated that there is a strong framework of policies in the Local Plan relating to the



requirements of masterplanning and other development management aspects that will ensure a well planned and coordinated approach to the delivery of the identified housing allocations.

d. Should Part 2 of the Plan specify when Masterplan are required in association with an allocation site? Which sites would this apply to?

We think it would be sensible to tie in the wording of the policies that define the allocations with the Council's objective of ensuring the preparation of masterplans. Given our response to Question (c) above, it may be worth highlighting the most significant and relevant elements of the masterplan work and development objectives identified in Policy PLP5 as part of preparing a bespoke set of development principles to reflect the characteristics and scale of each of the allocated sites.

Policy PLP5 is currently too vague in its wording in terms of the level of masterplanning work and detail expected to be achieved as it refers to it being 'proportionate to the scale of development. In our experience the term masterplan can be interpreted widely and mean different things to different parties. It is important to ensure there is a clear expectation of the information required and therefore a more focused and structured approach between Policy PLP5 and each of the proposed housing allocations would be more beneficial to guide the delivery of development and provide more certainty as to the level of detail and assessment required.

Interestingly, Policy PLP5 only suggests that masterplans will be developed in consultation with the Council prior to the submission of a planning application. This again seems a vague approach to the uncertain status given to masterplanning a particular site as there is no clarification of the proposed mechanism of approval of the masterplan process during the determination process.

e. Should the Plan specify where planning permission has already been granted, for reasons of effectiveness?

We think it would be helpful to specify in the Plan if planning permission has already been granted to ensure the document remains up to date and is effective showing the stage in the delivery process a site as reached.

f. What are the implications of a site being located within a High Risk Coal Referral Area?

It is not unusual for sites allocated for development to be located within a High Risk Coal Referral Area given the ground characteristics of land within West Yorkshire. The Coal Authority have an efficient procedure for dealing with the applications of permits and in respect of the site we are promoting (H442) we have already undertaken an initial Phase 1 Geo Environmental Report which provides a detailed Coal Authority report. In combination with undertaking an anticipated Phase 2 Site Investigation work we will apply for the necessary permit to the Coal Authority and prepare a Method Statement based on the findings we have investigated.

From the Phase 1 assessment, the site is not in an area where the Coal Authority has granted or plans to grant a licence to remove coal using underground methods. Given the low cost of coal as a commodity, and this is likely to remain the case for the foreseeable future, it will continue to remain unviable to extract.

From the initial Phase 1 Desktop Study for Site H442 there are a number of known coal mine entries within or within 20m of the site boundary and it is also appreciated that there may be additional mine entries in the area which the Coal Authority has no knowledge of.

Our clients are an experienced housebuilder who has worked on a number of sites impacted by historic coal mining activity and in collaboration with the statutory agencies, they have used a range of technical engineering solutions. In this particularly case they envisage undertaking a proper site investigation as part of the Phase 2 study work in the near future to further clarify the mining activity on site. Working



with the Coal Authority and based on the more detailed information regarding the ground conditions, agreement will be reached either in terms of amending the layout to avoid the location of the identified shafts or alternatively if this is not possible works will be agreed to stabilise any coal mining works through drilling and grouting, piled foundations etc.

End

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