

Kirklees Local Plan Examination – Stage 4 Hearings

Statement in relation to Matter 34:

Dewsbury and Mirfield Housing and Mixed Use
Allocations – Green Belt Releases

H2089 – Land south of Ravensthorpe Road / Lees Hall Road, Dewsbury

on behalf of Ms Margaret Dugdill and Mr Brian Dugdill

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Issue – Are the proposed Green Belt release housing and mixed-use allocations in the Dewsbury and Mirfield Sub-Area justified, effective, developable/ deliverable and in line with national policy?

H2089 – Land south of Ravensthorpe Road / Lees Hall Road, Dewsbury (2,310 dwellings within the Plan period, 1,690 dwellings beyond the Plan period)

- 1.1 Nexus Planning do not consider the proposed Green Belt release allocation in the Dewsbury and Mirfield sub-area to be justified or effective because of the skewed distribution that seems to have occurred in respect of the level of growth directed to Mirfield. The 5,000 dwellings to be delivered in Dewsbury equates to a 27% increase above the existing number of dwellings, yet by comparison Mirfield has a housing distribution of just 400, or a 5% increase. By considering Dewsbury and Mirfield under the same sub-area, and disproportionately distributing the vast majority of development towards Dewsbury, the Local Plan fails to address housing needs in Mirfield, particularly the need for additional affordable housing.
- 1.2 As we set out in our Hearing Statement in relation to Matter 2 (Doc. Ref. M2.32), Mirfield is to accommodate a vastly disproportionate amount of the overall housing growth when compared to the majority of other key settlements in the Borough, despite being the fifth largest settlement and a highly sustainable location to accommodate additional residential development.
- 1.3 Following the Stage 1 Hearings, the Council was asked to provide additional evidence to explain how the distribution and location of growth was determined across the Borough and between different settlements and how the proposed distribution takes account of the character and form/ function of settlements ('Stage 1 Hearings – interim views and key matters' – Doc. Ref. EX32). This question - about whether the proposed strategy represents a justified approach which directs development to the most sustainable locations - clearly lies at the very heart of the question of whether the Local Plan can be considered sound in accordance with the tests in Paragraph 182 of the National Planning Policy Framework ('the Framework').
- 1.4 We are therefore extremely concerned that the Council has still not provided a robust justification for the proposed distribution between the settlements.

1.5 A document titled 'Additional evidence relating to distribution of growth between settlements' (Doc. Ref. EX38) has been produced by the Council, seemingly in answer to the Inspector's request. However, this document purely represents a re-formulation of previous evidence. As stated in the introduction, the note '*does not present any new assumptions/ data which the council did not have available when preparing the plan or which is already set out in the evidence base.*' In this regard, we believe that it is important to reiterate that paragraph 7 of the Inspectors Interim Views (Doc. Ref. EX32) specifically requested 'additional' (i.e. new) evidence relating to spatial distribution. Accordingly, we do not believe that the Council's submission satisfies this clear request.

1.6 The only justification provided for the low level of housing growth attributed to Mirfield provided within this 'Additional Evidence' document is set out on page 30 as below:

"The relatively low level of green belt release [in Mirfield] is attributed to the settlement's position attached to Ravensthorpe to the east and green belt constraints to the north and south. The south-east of the settlement is in close proximity to the large strategic site at Dewsbury Riverside."

1.7 Nexus consider this rationale for such a disproportionate under-provision of new growth in Mirfield to be wholly unjustified. We consider it below with reference to the proposed Green Belt release site H2089 – land south of Ravensthorpe Road / Lees Hall Road, Dewsbury:

The first part of the above quoted paragraph within document EX38 states Mirfield is attributed a relatively low level of green belt release because of "the settlement's position attached to Ravensthorpe to the east and green belt constraints to the north and south"

1.8 We have undertaken a thorough assessment of the Green Belt Review (Doc Ref: SD19) and the accompanying Green Belt Edge Map for Dewsbury and Mirfield (Doc Ref: SD20). There is nothing presented within these evidence base documents that supports the view that the characteristics of the Green Belt around Mirfield are such that this precludes additional development in Mirfield to any greater degree than any other settlement. Green Belt represents a policy constraint as opposed to a physical constraint to development and the Local Plan preparation process is the very (indeed, the only) opportunity for the extent of the Green Belt to be reviewed. The citing of 'green belt constraints' around the settlement as a Mirfield-specific justification for limiting development is therefore unjustified.

- 1.9 Significant amounts of Green Belt is proposed for release adjacent to other settlements in the Borough. Large sections of the perimeter of Mirfield satisfied the Stage 1 and Stage 2a assessment within the Green Belt Review and of these, the majority had a final score of 3. A score of 1 is where development would be considered to represent a negligible impact upon the Green Belt and a score of 5 would lead to a significant impact. As highlighted in our Hearing Statement to Matter 8 (Doc. Ref. M8.43), a number of sites have been identified for released from the Green Belt elsewhere despite scoring 3, or even 4 or 5. It is therefore borne out in the Council's submitted evidence that opportunities to release Green Belt around sections of the perimeter of Mirfield clearly exist, particularly to the north east of the settlement.
- 1.10 A more detailed assessment of the Green Belt Review findings is provided in our Hearing Statement to Matter 8 (Doc. Ref. M8.43), but the overview of the evidence base findings provided here clearly points towards Mirfield not being constrained to the extent that housing distribution should be fettered in any way, contrary to the justification put forward within the 'Additional evidence relating to distribution of growth between settlements' (Doc. Ref. EX38).

The second reason given within document EX38 for the low level of green belt release in Mirfield is because "The south-east of the settlement is in close proximity to the large strategic site at Dewsbury Riverside."

- 1.11 The Council seem to be justifying the low number of dwellings attributed to Mirfield on the grounds that the strategic allocation at Dewsbury Riverside (site ref. H2089) is in close proximity. For the following reasons, we consider the Council's suggestion this allocation will meet the development needs of Mirfield to be entirely unjustified:
- Whilst we acknowledge that a proportion of the allocation falls within the ward boundaries of Mirfield, the Dewsbury Riverside allocation relates to the settlements of Dewbury and Ravensthorpe, and not to Mirfield. This is evident upon a review of the Dewsbury Riverside High Level Delivery Statement (April 2017) (Doc. Ref. SS14) which describes the vision for Dewsbury Riverside as creating up to 4,000 new homes in an urban extension to Dewsbury – which will create sufficient economic impetus to deliver new infrastructure and regenerate Dewsbury Town Centre, Ravensthorpe and the riverside. The Statement does not mention Mirfield once.

- The allocation is physically separated from Mirfield by the River Calder, the trainline and a buffer of undeveloped Green Belt land. The proposed ‘potential new rail and river bridge’ connecting the site with Ravensthorpe will not alleviate the physical or perceived sense of separation from Mirfield.
- What is more, the majority of the eastern part of the allocation (1,690 dwellings), and that closest to Mirfield and within the Mirfield ward boundary, is not due to be delivered until after the plan period (Dewsbury Riverside Delivery Framework Doc. Ref. SS14). As such, the argument that Dewsbury Riverside will contribute towards housing need in Mirfield in this plan period, and the opportunity to release Green Belt in Mirfield discounted on these grounds, is not justified and is not an effective plan for meeting housing needs in the area.
- We appreciate that the nature of Kirklees Borough is one of multiple closely related settlements. However, the Local Plan still recognises the need to differentiate between the settlements. In terms of Mirfield and Dewsbury, the Local Plan and evidence base does indeed make a distinction between the two settlements. It recognises that each settlement is independently served by its own range of shops, services and sources of employment, which to a large degree serve the residents of each town. There is also a recognition that Mirfield, independent from Dewsbury, has a strong housing market in its own right. On this basis, there is no justification whatsoever to re-direct the vast majority of housing growth within the sub-area towards Dewsbury at the expense of Mirfield.

1.12 With regard to the above, we reiterate our serious concerns that the level of growth being directed to Mirfield in the Local Plan is wholly inappropriate with regard to its size, sustainability and capacity. This disproportionate approach has still not been justified by the Council either in the original Submission Documents or in the information submitted since, despite the Inspectors specific question on this matter. It is essential that this matter is addressed to ensure the Local Plan is based on a sustainable and effective development strategy and is able to meet the tests of soundness contained in paragraph 182 of the NPPF.

Land at Crossley Lane, Northorpe (reference H149 in Rejected Site Options and MF12 in the Green Belt Review)

- 1.13 It is in light of our above concerns that Mirfield should be attributed a higher level of housing growth, that we reiterate how land at Crossley Lane in Northorpe represents an available, suitable and achievable site for housing development that meets the required tests of deliverability such that it present an eminently sensible location to direct new housing development for Mirfield. The site measures approximately 2.2 hectares and has a regular shape. Accordingly, we envisage the site has capacity for approximately 60 to 70 dwellings.
- 1.14 It lies adjacent to the safeguarded site SL2163 – land at Balderstone Hall Lane which in our view should be allocated for housing in the local plan rather than safeguarded for beyond the plan period. It is our view that any such allocation should logically incorporate the immediately adjacent site, land at Crossley Lane (Site Ref. 149), indicated on the below extract of the proposals map. This wider side would be able to make a substantial contribution to meeting local housing needs.

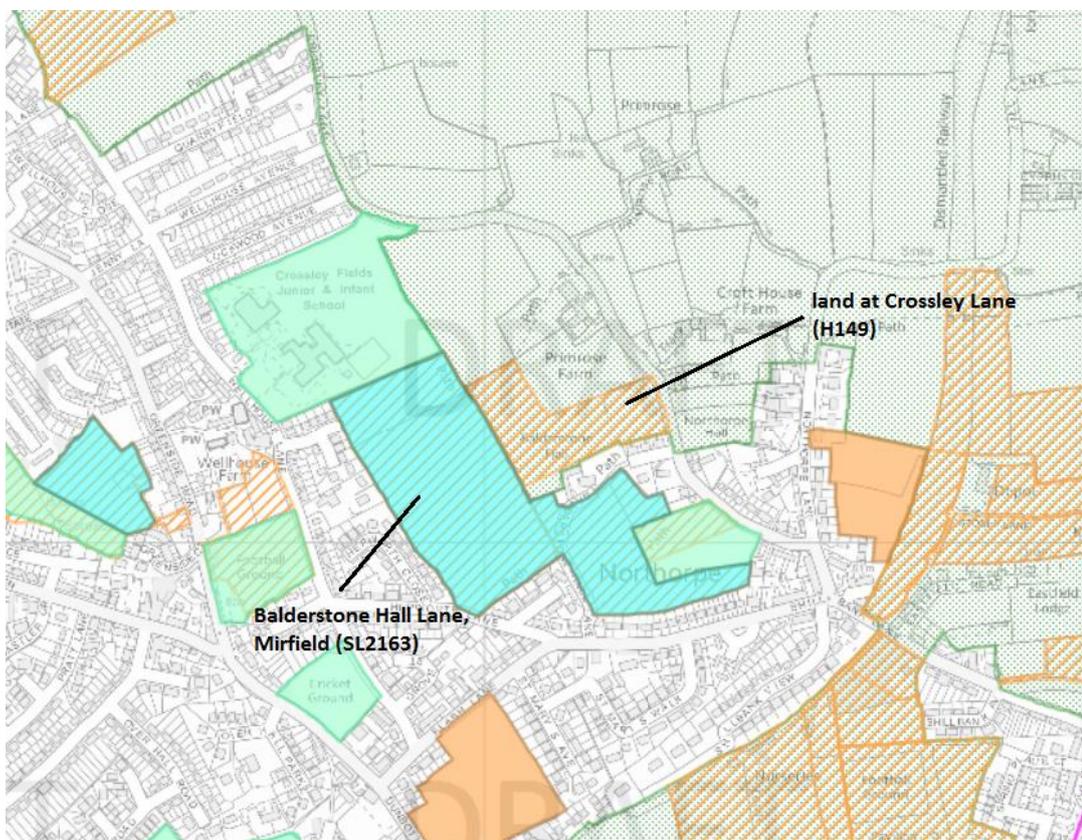


Figure 1: Extract of Submission Proposals Plan

Available

- 1.15 The site is under the single ownership of the Dugdill family, who is supportive of the sites development for housing and has promoted it for this use throughout the Local Plan preparation process. The land is not subject to any ransom strips or covenants that would restrict its development for new housing. As such, the site can be considered to be available.

Suitable

- 1.16 The site lies immediately adjacent to the existing settlement of Mirfield and therefore benefits from access to a range of local facilities and services. It is extremely well related to the existing settlement, with Crossley Land and the buildings of Northorpe Lane to its east, a further collection of residential dwellings to the immediate south, and the proposed Safeguarded site SL2163 – Balderstone Hall Lane, Mirfield to the west.
- 1.17 The site is referenced MF12 in the Green Belt Review and H149 in the Rejected Site Options Report (Doc. Ref. LE4). Site H149 is scored 'red' in respect of the 'Green Belt' criterion. We do not believe that this scoring accurately reflects the characteristics of the site or the Council's own evidence base which concludes development in this location 'would have limited impact on the openness of the Green Belt', attributing a score of 3 – where development would only lead to a moderate impact on the Green Belt.
- 1.18 In this regard, the Rejected Site Options Report commentary identifies that site H149 is separated by Crossley Lane from the wider Green Belt and confirms that the site relates well to the existing settlement pattern. Notwithstanding this, the commentary goes on to suggest that the site is 'visually linked' to the Green Belt and retains a countryside character.
- 1.19 We do not agree with this conclusion and do not believe that it is supported by the Council's Green Belt Review (April 2017) (Doc. Ref. SD19). We consider that the site's location – well related to the settlement and wholly within the strong barrier of Crossley Lane – actually provides for a very defensible future Green Belt boundary. In making this point, we note that the Green Belt Review's assessment of MF13, to the north of MF12, describes Crossley Lane as a 'strong boundary'. It is therefore in-consistent for it not to be considered a strong boundary in relation to MF12.

1.20 We now go on to demonstrate how the site makes only a limited contribution towards the five purposes of including land within Green Belt as set out in Paragraph 80 of the NPPF. As such, it represents a suitable location to identify for Green Belt release.

- **Purpose 1 – To check the unrestricted sprawl of large built-up areas.** As identified in the Council's Green Belt Review (April 2017), there is an 'extensive gap' and the nearest built up areas to the east of Dewsbury, Heckmondwike and Norristhorpe and as such the site has a low importance towards this purpose.
- **Purpose 2 – to check the unrestricted sprawl of large built-up areas.** Again, the Council's Green Belt Review recognises that the 'Crossley Lane field boundaries provide containment'. We reiterate that the key physical feature in the area is Crossley Lane, which runs to the north and to the east of the site, and that the area to the south and west falls outside the Green Belt. Accordingly, we also re-iterate our view that Crossley Lane acts as a logical defensible boundary to restrict urban sprawl and safeguard the countryside from encroachment. It is only land which lies beyond Crossley Lane that is identifiable as open countryside.
- **Purpose 3 – to assist in safeguarding the Countryside from encroachment.** The Green Belt Review describes MF12 as 'part of the wider countryside, partial urban edge'. As set out above, we disagree that the site can be viewed as part of the countryside when in fact it is acknowledged the site is well related to the settlement. It is surrounded by existing built development to the east and south, and to a safeguarded site to the immediate west, which is currently subject to a planning application for housing. Its development will not be experienced as an unnatural encroachment into the countryside, but rather a logical infilling of the emerging shape of the settlement here.
- **Purpose 4 – to preserve the setting of historic assets.** We acknowledge that the site is within the setting of the Grade II listed Balderstone Hall. The Hall is however, sited some distance from the majority of the site and its location clearly does not preclude the delivery of an appropriate residential development.

1.21 Accordingly, and with reference to the Council's own evidence base, the site identified at Crossley Lane is considered suitable for residential development.

Achievable

1.22 There are no known physical constraints which would prevent the site from coming forward for housing development.

- Access and Highways: vehicular access to the site could be achieved directly from Crossley Lane to the east, or via land to the immediate west (currently the subject of the Bellway application) connecting to Woodward Court and Wellhouse Lane. The Rejected Site Options report (Doc. Ref. LE4) identifies that improvements would be required to the road width of Crossley Lane and the provision of pedestrian facilities but confirms that the access could be achieved via the existing adopted highway.
- Flood Risk and Drainage: The entire site is located within Flood Risk Zone 1 with reference to the Environment Agency flood maps and therefore residential development would be entirely acceptable in flood risk terms. There are no topographical constraints that would automatically prevent the implementation of a drainage strategy for development of the site.
- Utilities: It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. The presence of the relevant utilities networks in the area is evident given the current application for residential development to the immediate west and the long established residential settlement beyond. Further investigations and enquiries would reveal any improvement works or on site provision deemed necessary.
- Historic Environment: Whilst potentially a matter to be considered at design stage, the Grade II listed Balderstone Hall is sited some distance from the majority of the site and its location clearly does not preclude the delivery of an appropriate residential development.
- Ground Conditions: Given the previous agricultural use of the site, it is not anticipated there will be any issues with land contamination which would preclude residential development of the site. The location of the site (along with much of Kirklees) within a high risk coal referral area does not preclude its suitability for residential development and is a matter to be appropriately addressed at planning application stage.

- Ecology and Trees: There are no designated sites of nature conservation interest within or adjacent to the site. Given the agricultural use of the site, the majority of habitats with the site are common and only of local value. Existing trees and hedgerows will be incorporated into any future development layout along with appropriate buffers to preserve their value as wildlife habitat. Opportunities for ecological enhancement would be incorporated into any future development such that there would be a net biodiversity gain to the proposals. Overall, given the nature and location of the site, there are no overriding constraints to its development in respect of biodiversity and it is considered the site can be delivered in a manner which provides appropriate mitigation and enhancements.

1.23 Accordingly, it has been demonstrated that there are no physical, legal or environmental constraints which would prevent the site from coming forward for housing development. It has been demonstrated that the site is deliverable in line with the tests set out in footnote 11 of the NPPF in that it is available, suitable and achievable with no reason to believe that housing could not be delivered on site.

Modifications Sought

- 1.24 Our view has been consistent that a significant quantum of land needs to be released from the Green Belt for development in order that the future housing needs of Mirfield can be met; our response to Matters 8 and 34 should be referred to in that regard.
- 1.25 Given that our firm and justified view is that Site SL2163 Balderstone Hall Lane, Mirfield should be identified as a Housing Allocation, additional land should also be released from the Green Belt and identified as Safeguarded Land on the outskirts of Mirfield, particularly in the north / east of the settlement, in order that the Green Belt boundary can endure well beyond the plan period.
- 1.26 In this context, the Council should be taking the opportunity to also allocate land at Crossley Lane (Rejected Site Ref. H149) for housing as a logical part of any Green Belt release in this area.

Implementing these modifications would ensure consistency with the advice set out in the Framework in respect of the release of Green Belt and the identification of Safeguarded Land, in the context of the exceptional circumstances that exist to do so. The Plan could then be considered to comply with the tests of soundness set out at paragraph 182 of the Framework.

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