

GEORGE F. WHITE



SITE H49a: MATTER EIGHT
MATTERS, ISSUES AND QUESTIONS
4TH SEPTEMBER 2017

HELEN BOSTON

1.0 **Introduction**

- 1.1 George F. White (Planning and Development) are instructed by Mr John Lund ('the Site Owner'), Site H49a (Land adjacent Brick Hill Farm, Oddfellows Street, Scholes, Cleckheaton) to submit representations to the Kirklees Local Plan; Stage 1 Matters, Issues and Questions, 10 July 2017.
- 1.2 The publication of the plan and the need to accommodate the new homes and jobs, within Kirklees up to 2031, is strongly supported.
- 1.3 In responding to the Matters, Issues and Questions Document, we have considered each of the questions and make representations only to those considered relevant at this time. We would also like to rely on the submissions to date, which for ease of reference has been appended to this submission.
- 1.4 We welcome the opportunity for further engagement and the opportunity to appear at the Examination in Public.
- 1.5 We trust that you will confirm that these representations are duly made and will give due consideration to these comments.
- 1.6 Please do not hesitate to contact us to discuss any issues raised in this Representation further.

2.0 **Matter 8 – Approach to site allocations and Green Belt release**

Issue – Is the Plan’s approach to identifying site allocations (housing, employment and mixed use), safeguarded land and Green Belt releases soundly based and in line with national policy?

Policy PLP 6

[Note – this will cover the general approach to site selection and the Green Belt. Issues relating to individual site allocations will be considered at Stage 4. All matters relating to minerals and waste allocations will be covered at Stage 2]

3.0 Questions

- a) **Has the Council undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt?**
- b) **Do exceptional circumstances exist which justify the release of Green Belt land to accommodate some 11,500 new dwellings and additional land for employment uses?**
- c) **What approximate proportion of land in Kirklees which would remain in the Green Belt following the implementation of proposals in the Local Plan?**
- d) **Is the Council's approach to assessing potential sites in the Green Belt for development soundly based and in line with national guidance?**

3.1 It is our opinion that the Councils approach is soundly based and is in line with the National Guidance.

3.2 Green belt policies were first defined in the 1960s. Pre dating the NPPF by 57 years. The West Yorkshire Structure Plan, approved in 1980, confirmed the general area of the green belt in the District and subsequent local plans identified detailed boundaries. These boundaries were largely carried through into the Kirklees Unitary Development Plan which was adopted in 1999, 18 years before the publication of the NPPF.

3.3 A review of the green belt was essential to ensure it complied with the assessment and aims of the green belt as set out within the NPPF.

3.4 National Planning Policy Framework (NPPF) 2012 contains a presumption in favour of sustainable development. With particular reference to the preparation of Local Plans and the provision of housing Paragraph 47 indicates that local planning authorities should 'boost significantly the supply of housing'. In order to achieve this, local planning authorities should:-

- *Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement;*
- *Identify a supply of specific, developable sites or broad locations for growth, for 6-10 years, where possible, for years 11-15;*

- *For market and affordable housing, local planning authorities need to illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target.*

3.5 Footnote 11 of the NPPF states that:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

3.6 Paragraph 79 of the NPPF states:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

3.7 Paragraph 80 of the NPPF continues:

“Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

3.8 Finally Paragraph 85 states:

“When defining boundaries, local planning authorities should:

- *ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- *not include land which it is unnecessary to keep permanently open;*
- *where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*

- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

3.9 Policy PLP 5 of the Draft Kirklees Local Plan relates to Safeguarded Land. It states:

“Areas identified as safeguarded land will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long term development on safeguarded land sites.

The status of safeguarded land sites will only change through a review of the local plan”.

3.10 The supporting text to this policy states:

“Safeguarded land is identified as land to be protected from development during the local plan period but to be considered for development through a review of the local plan. Although development will not generally be appropriate on safeguarded land, it is recognised that not all development will prejudice the function and the value of the land. It will therefore, be appropriate to permit development required in connection with established uses, or change of use to an alternative open land use or to temporary uses which would not prejudice the possibility of development after the plan is reviewed, nor is detrimental to the character of the site and its surroundings.

The consideration of the permanent development of safeguarded land, such as for housing or employment, will only occur through a change to the allocation through a review of the local plan. During a local plan review, the reassessment of safeguarded land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as safeguarded land until the next review of the plan.”

3.11 Appendix 4a of the Draft Local Plan Green Belt Review and Outcomes Report November 2015 which assesses the site in Green Belt terms states with respect to Site H49a:

“No risk of sprawl as motorway presents an absolute barrier. Numerous opportunities for some limited rounding off. Opportunity to provide strong new boundary. Development should be restricted so as not to sprawl down slope as this would be unrelated to the settlement.”

3.12 The Council's decision to remove the land from the Green Belt is recognition from the Council that the site is not contributing to the five purposes of including land within the Green Belt which are:

- *“to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

3.13 The development of this site for housing would, as stated above, round off the settlement. It would create a defensible and robust boundary to the Green Belt and would help the Council meet its housing need figures whilst protecting the Green Belt from future incursions.

i. Is the approach in the Green Belt Review, based on the assessment of Green Belt edge sites, robust and justified?

ii. As part of the overall site allocations methodology, is there clear evidence to show that site options not captured or full appraised in the Green Belt Review have subsequently been fully assessed against relevant Green Belt purposes?

iii. Is the 'gateway' approach in the Green Belt Review justified? (whereby failure to meet Test 1 meant Test 2 on Green Belt purposes was not engaged, and failure to meet Test 2a meant no further assessment against other Green Belt purposes)

iv. Are the other assessment tests in the Green Belt Review justified and soundly based? To what degree are the identified topographical, physical and environmental constraints absolute, and were site-specific solutions or partial development options taken into account? Is test 2d consistent with Green Belt purposes as defined in the NPPF and as they relate to Kirklees?

3.14 The Councils assessment of Site H49a is proof of how the Council have considered topographical, physical and environmental constraints. The assessment even considered the extent of development and the site specific solutions.

v. To what extent has the process of assessing Green Belt sites taken account of the extent of remaining gaps between different settlements and the maintenance of separate settlement identity, and emerging proposals in neighbouring authorities that would reduce these gaps?

vi. Is it clear how site development options were identified?

vii. How have sustainable development requirements and the need to promote sustainable patterns of development been taken into account in decisions on site options, in accordance with paragraphs 84 and 85 in the NPPF? Are there specific examples of sites which scored

well in the technical appraisal and Green Belt Review but were rejected for reasons linked to the sustainability of a settlement?

viii. Have all sites which scored well in the site assessment process for housing been allocated for this purpose?

4.0 **Conclusion**

- 4.1 Whilst the Local Plan will be examined by the Inspector, who will ultimately conclude whether the plan has been prepared with the Duty to Cooperate, legal and procedural requirements and sound. We are satisfied that the Plan the Inspector is being asked to consider is positively prepared and justified, effective and consistent.

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