

**JOHN HALL**

**HILL TOP FARM, BIRKENSRAW**

## **MM8 APPROACH TO SITE ALLOCATIONS AND GREEN BELT RELEASE**

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Peacock & Smith Limited  
Suite 9C  
Joseph's Well  
Hanover Walk  
Leeds  
LS3 1AB  
**T: 0113 2431919**  
F: 0113 2422198  
E: [planning@peacockandsmith.co.uk](mailto:planning@peacockandsmith.co.uk)  
[www.peacockandsmith.co.uk](http://www.peacockandsmith.co.uk)

**1. INTRODUCTION**

1.01 These representations are made to the Examination of the Kirklees Local Plan Examination Stage 1 on behalf of Mr John Hall who has land interests at Hill Top Farm, Birkenshaw.

1.02 Mr Hall owns the land at Hill Top Farm, which is located to the north east of Whitehall Road, Birkenshaw (A58). Hill Top Farm adjoins land being promoted by Vernon Properties at Brownhill Farm. Both sites are identified as a single site in the Rejected Site Options Report November 2015 and November 2016 (see ID H675 and H1792).

**2. MATTER 8 - APPROACH TO SITE ALLOCATIONS AND GREEN BELT RELEASE**

**Issue – Is the Plan’s approach to identifying site allocations, safeguarded land and Green Belt release soundly based and in line with national policy?**

**Policy PLP 6**

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?

2.01 We consider this is a matter for the Council to address.

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?

2.02 The Local Plan represents a unique opportunity to review the Green Belt boundary, which is provided for in national planning guidance. Paragraph 83 of the NPPF states that: *“local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries, having regard to their*

*intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”*

2.03 Kirklees Council is therefore able to alter their Green Belt boundaries through the Local Plan process, if it is able to demonstrate exceptional circumstances. Whilst there is no explicit national planning guidance on what may constitute exceptional circumstances, it could include a need for housing.

2.04 The Publication Draft Local Plan allocates a number of sites within settlements, but is unable to meet all of the District’s housing need without proposing housing allocations outside settlement boundaries, including some Green Belt release. This demonstrates that exceptional circumstances exist to justify some Green Belt release in order that Kirklees can meet its housing need.

2.05 In order to ensure the long term permanence of the Green Belt, we consider the Council will need to release further land from the Green Belt, in addition to safeguarded land, to ensure that sufficient land is available to accommodate the development needs of the District for the duration of the plan period and beyond, especially if significant allocations are not able to deliver the amount of identified housing. This unique opportunity to amend the Green Belt must therefore ensure that there will not be a need for further land to be removed from the Green Belt at the end of the plan period.

c) What approximate proportion of land in Kirklees would remain in the Green Belt following the implementation of proposals in the Local Plan?

2.06 We consider that this is a matter for the Council to address.

d) Is the Council’s approach to assessing potential sites in the Green Belt for development soundly based and in line with national guidance?

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

2.07 Submission Document 19 ‘Green Belt Review’ was updated in April 2017 following the consultation period of the Publication Draft Local Plan in December 2016. The methodology for assessing Green Belt edges remained unchanged but the outcomes of the 2017 review were altered for some sites, for example our clients site; ref. B/EB18.

2.08 Appendix 2a of the Publication Draft Local Plan Green Belt Review provided site ref. B/EB18 a 'Test 2' score of '5' meaning that the Green Belt in this location has an 'important role'. The outcomes of the Green Belt edge review from 2017 contained in Appendix 2a of SD19; site ref. B/EB18 was given a 'Test 2' score of '3'. This assessment means that the role of the Green Belt edge is considered to be a 'moderately important role'.

2.09 Submission Document 20 'Green Belt Edge Map Batley and Spen' displays the Green Belt edge at site ref. B/EB18 as a 'Grade 3' edge. The key accompanying the Map states that development adjacent to the boundary within the Green Belt would lead to a degree of conflict with Green Belt purposes, ranging from significant (grade 5) to negligible (grade 1).

2.10 Taking the above example into account, we consider that the Council's approach to Green Belt review is not robust given the errors in the outcomes of the Rejected Site Options Report July 2017. The Green Belt Edge outcome for site ref. B/EB18 in SD19 and SD20 is not transferred to the summary of 'Green Belt Edge' for site ref. H675 in the Rejected Site Options Report. These inconsistencies need to be considered by the Inspector.

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

2.11 We consider that this is a matter for the Council to address.

*iii. Is the 'gateway' approach in the Green Belt Review justified?*

2.12 The first stage of the process (Test 1) consists of three assessments; topographical, physical and environmental. Where any of the three assessments resulted in a 'severe' constraint; these areas were not subject to further tests. This means that the assessment ended and that the Green Belt was not subject to the tests set out in national planning guidance.

2.13 Paragraph 79 of the Framework states that the ‘*fundamental aim*’ of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Para. 80 sets out the five purposes of Green Belt land:

- *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.*

2.14 By ‘failing’ Test 1, the Green Belt was not assessed against the five purposes of Green Belt land as required by Para. 79 of the NPPF. The approach taken by the Council is not in accordance with Para. 79 and is therefore not consistent with national policy.

- iv. *Are the other assessments tests in the Green Belt Review justified and soundly based? Is Test 2d consistent with Green Belt purposes as defined in the NPPF and as they relate to Kirklees?*

2.15 The fourth purpose of the Green Belt as set out in the Framework is ‘to preserve the setting and special character of historic towns’. There are no historic towns in Kirklees.

2.16 Presumably as there are no historic towns in Kirklees, the Council have considered ‘historic features such as the presence of ancient monuments, listed buildings and conservation areas’ and then applied this as Test 2d. As set out in the methodology, Test 2d then considers whether an area contains or relates to a historic asset and how development would be harmful to that asset or its setting. This is not a justified approach and is not consistent with the NPPF.

- 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?*

2.17 We consider this is a matter for the Council to address.

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

2.18 We have no comments to make in relation to this matter.

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?*

2.19 Paragraph 84 provides further guidance to local authorities on reviewing Green Belt boundaries and states that: *“when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”*

2.20 Kirklees Council provides in its Publication Draft Local Plan that as a District, it needs to plan for 31,140 new homes over the Plan period 2013-2031. It proposes to allocate a number of housing allocations, in the following order of priority:

- *Previously developed land and buildings within settlements;*
- *Suitable greenfield sites within settlements (unless essential for urban green space/local green space or other over-riding constraints);*
- *Sustainable extensions to settlements where exceptional circumstances can be demonstrated;*
- *Detached green belt sites (where these are previously developed or where exceptional circumstances can be demonstrated).*

2.21 We agree with this sequential approach to development as sustainable patterns of development can include ‘urban extensions’, i.e. new areas of development on the edge of existing areas that benefit from good access to employment opportunities and services, i.e. education, health, public transport and shops. It is considered that the location of the representation site on the edge of the existing settlement of Birkenshaw provides an opportunity to create a sustainable urban extension in the north of the Kirklees District.

2.22 It is not clear how sustainable development criteria has been considered in making decisions on site options. It is therefore considered that one of the criteria highlighted in the site options report for each rejected site should be related to the requirements of sustainable development in accordance with Paragraph 84 of the Framework.

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

2.23 We have no comments to make on this matter.

e) *Is the Council's approach to other proposed changes to the Green Belt boundaries, including those arising from the digitising exercise, small site assessment, consequential changes and proposed additions, justified and robustly based? Have exceptional circumstances been broadly demonstrated?*

2.24 We have no comments to make on this matter.

f) *The Plan identifies a number of safeguarded sites on land not currently within the Green Belt. Is this approach justified and in line with national policy and guidance?*

2.25 When preparing new Local Plans, local planning authorities should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan period. In order to ensure protection of Green Belts within this longer timescale, safeguarding land between the urban area and the Green Belt may be required to meet longer-term development needs.

2.26 Paragraph 85 of the Framework states that: '*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*'. It continues that local planning authorities should: '*satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period*'.

2.27 We welcome the identification and provision of safeguarded land in the Plan but we are concerned that the quantum of safeguarded land identified is not sufficient and does not meet with current policy guidance in the Framework with regard to the purpose of safeguarded land. It is therefore considered that the amount of land identified is not

justified, is not effective in protecting the permanent nature of the Green Belt and is not consistent with national planning policy.

2.28 The representation site at Birkenshaw is able to be delivered during the plan period for housing to meet current requirements, however equally it would be represent a suitable location for safeguarded land for the future development requirements of the district.

g) What evidence is there to demonstrate that safeguarded sites which have been assessed as unsuitable or undeliverable for housing development over the Plan period will be capable of delivery for this use in the longer term?

2.29 We consider that this is a matter for the Council to address.