



STATEMENT IN RESPONSE TO
INSPECTOR'S MATTERS, ISSUES AND
QUESTIONS TO THE EXAMINATION
OF THE KIRKLEES LOCAL PLAN

MATTER 8

CLAYTON WEST DEVELOPMENT
COMPANY LIMITED

September 2017

Our Ref: Q50514



Contents

| | | |
|---|---|---|
| 1 | INTRODUCTION | 1 |
| 2 | MATTER 8: APPROACH TO SITE ALLOCATIONS AND GREEN BELT RELEASE | 3 |

Documents

Appendix 1 - CWDCL Land

Appendix 2 - E2333a

1 INTRODUCTION

- 1.1 These representations are made on behalf of Clayton West Development Company Limited (“CWDCL”).
- 1.2 CWDCL have a development option on 25.7ha of land to the north and south of Wakefield Road, Clayton West. This is shown on the Plan at **Appendix 1**. This land is referred to throughout this response as the “CWDCL Land”.
- 1.3 CWDCL have made representations to the Kirklees Local Plan (“KLP”) at each stage of its preparation (namely, Call for Sites January 2015, Regulation 18 November 2015 and February 2016 and Regulation 19 November 2016).
- 1.4 CWDCL also made further representations in August 2016 (prior to the Regulation 19 Consultation) to deal with specific matters raised by the Kirklees Metropolitan Borough Council’s (“the Council”) landscape architect.
- 1.5 CWDCL have additionally submitted information over the period April – August 2017 to address questions from Historic England about the likely magnitude of any effects on designated heritage assets in the vicinity of the CWDCL Land, which will be relevant to the site specific hearing sessions due to take place in Spring 2018.
- 1.6 CWDCL’s representations and the additional information submitted show that it is wholly appropriate and necessary to allocate the full extent of the CWDCL Land for employment development in the KLP. The Council is proposing to only allocate part of the CWDCL Land for employment development in the KLP via Policy E2333. The extent of the proposed allocation is shown on the Plan included at **Appendix 2**.
- 1.7 CWDCL maintain that it is both appropriate and necessary to allocate the entirety of the CWDCL for development over the Plan Period to meet the objectively assessed needs of the Borough in full. This Statement demonstrates that CWDCL support the KLP and the intended allocation of the CWDCL Land for employment uses. CWDCL will, however, invite the Inspector to consider the appropriateness of extending the Council’s proposed allocation through her Examination of the Plan at the site specific hearing sessions in Spring 2018.



1.8 This Statement goes on to deal with the specific issues raised by the Inspector during her initial consideration of the KLP where relevant to CWDCL's interests. Specifically it relates to Matter 8 which considers the Council's approach to site allocations and Green Belt release.

2 MATTER 8: APPROACH TO SITE ALLOCATIONS AND GREEN BELT RELEASE

- 2.1 The Inspector has identified that the issues falling under this Matter relate to whether the KLP's, ***"approach to identifying site allocations (housing, employment and mixed use), safeguarded land and Green Belt release is soundly based and in line with national policy?"***
- 2.2 The questions of relevance to the CWDCL Land falling under this issue are addressed below.
- 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?**
- 2.3 It is noted by both CWDCL and the Council that NPPF paragraph 83 states that green belt boundaries should only be altered in exceptional circumstances through the preparation or review of a Local Plan.
- 2.4 The KLP and its evidence base is clear that it has sought to meet housing and employment needs so far as possible through delivery of brownfield sites and other site within existing urban areas but that, since there are not sufficient deliverable and/or developable brownfield supply to meet needs throughout the plan period, it has been necessary to adopt a sequential approach to land release which considers brownfield sites first, followed by greenfield sites within settlements (where not required for open space uses), urban extensions, and then detached green belt sites.
- 2.5 Applying this sequential approach, the Council's assessment of the supply of both housing and employment land within the existing urban areas of Kirklees and in other areas outside the current Green Belt identified that green belt land **must** be considered if housing and employment requirements are to be met (as shown in the Council's assessment of all of the development options that have been identified via the plan-making process), i.e. there is no reasonable alternative to this approach.
- 2.6 Prior to coming to this conclusion, the Council undertook a comprehensive assessment of all development options in accordance with the Kirklees Local Plan site allocation methodology. This demonstrates that all other non-green belt alternatives have been thoroughly examined.

2.7 CWDC consider that the Council has undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt as part of the plan-making process, and that this is demonstrated by its evidence base.

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?

2.8 In preparing the KLP, the Council has acknowledged that, only after due consideration of the matters below can exceptional circumstances be shown to exist that justify releasing land from the green belt:

- i. All relevant non-green belt alternatives;
- ii. The need to promote sustainable development patterns (having regard to the Spatial Development Strategy which is set out on p36 of the KLP); and
- iii. A judgement that based on an individual site assessment the benefits of meeting objectively assessed need outweighs the harm to the green belt caused by the removal of land from it.

2.9 This exceptional reason applies to the removal of any accepted development option including those for housing, employment, mixed use and safeguarded land, as well as any further land removed from the green belt as a consequence of accepting a development option.

2.10 Exceptional circumstances have been stated in the Council's Accepted Site Options Technical Appraisal for every accepted development option that would result in the removal of land from the green belt.

2.11 The need to use the green belt to meet the objectively assessed need for jobs and homes in a sustainable manner has been robustly demonstrated by the Council through its assessment of each of the development options that have been identified through the plan-making process (set out in the Sustainability Appraisal Report Annex 1 and 2).

2.12 CWDC support the Council's conclusion that this requirement comprises the exceptional circumstances required to remove sites from the green belt, provided it has been shown through

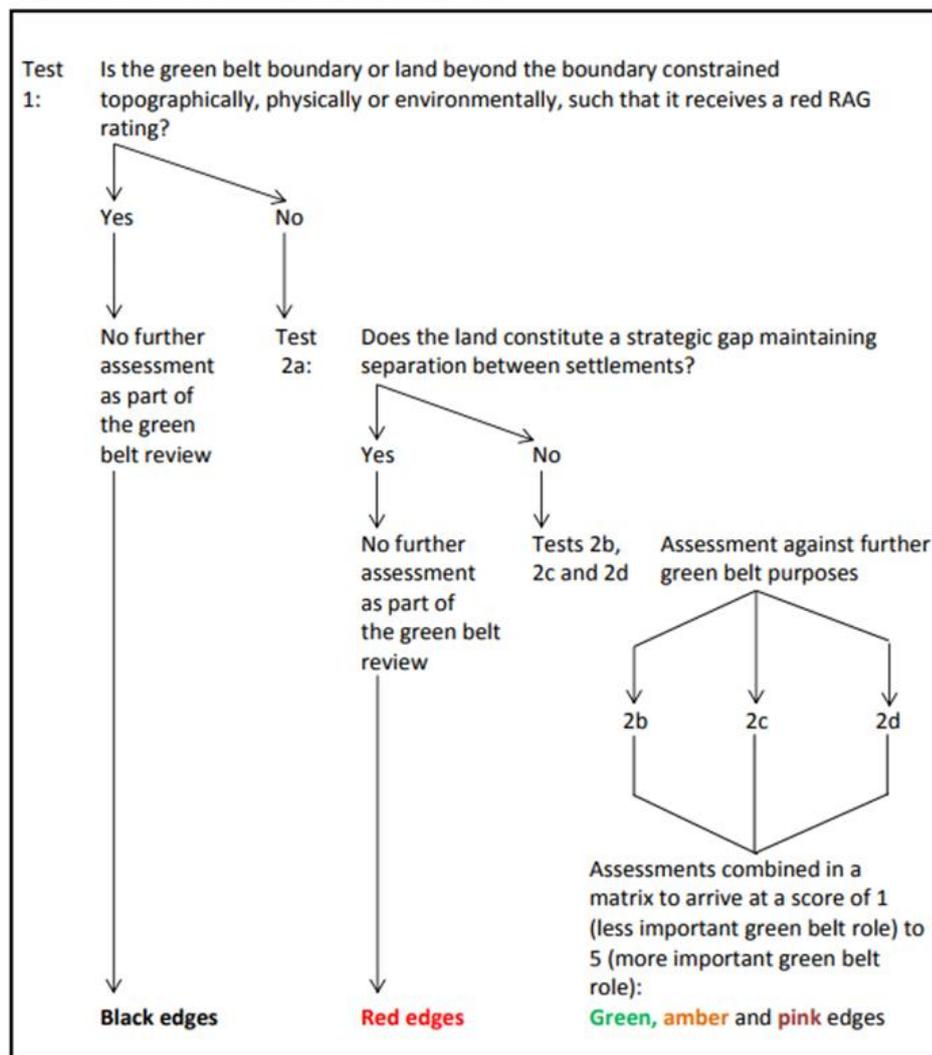
individual site assessments that any harm to the green belt associated with doing so is clearly and demonstrably outweighed by the need to allocate the site for development.

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

- 2.13 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 (NPPF Paragraph 79).
- 2.14 The NPPF (Paragraph 80) identifies that the Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns from 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 urban regeneration, be encouraging the recycling of derelict and other urban land.
- 2.15 The Council's Green Belt Review Methodology comprises a sequence of "tests" (set out in **Figure 1**).
- 2.16 The purpose of the first test is to determine the degree to which a site was constrained by its physical characteristics. Only those sites where it was anticipated that development could be physically satisfactorily accommodated were then assessed with regard to performance of green belt "roles".
- 2.17 The first part of the second test (Test 2a) assesses whether sites are performing as a strategic gap, maintaining separation between settlements. Only those sites deemed not to be a strategic gap then underwent a further three tests (Tests 2b, 2c and 2d), which considered the contribution of the site to checking unrestricted sprawl, safeguarding the countryside from encroachment, and protecting the setting of historic assets respectively.
- 2.18 The matters considered in Tests 2a-2d are directly related to four of the purposes of the Green Belt identified by the NPPF.

- 2.19 The fifth purpose of the green belt is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”. On a strategic level, the Council has accepted that entirety of the green belt achieves this by channelling development into urban areas. The Green Belt Review (Paragraphs 3.23 to 3.28) states however that there may be brownfield sites within the green belt whose redevelopment could be inappropriate under the terms of green belt policy, where it could be said that the green belt is preventing the beneficial re-use of brownfield land.
- 2.20 This matter was therefore considered separately under Test 3, which was only applied to previously developed land located in the green belt but abutting the settlement edge (and therefore deemed to be sustainably located).

Figure 1: The Green Belt Review Test Sequence.



2.21 CWDCL does not wholly agree with the Council's conclusions in relation to the location of the Green Belt boundary at the CWDCL Land (once redrawn). This will be a matter which CWDCL will invite the Inspector to consider further during the site specific hearing sessions in Spring 2018, but in summary CWDCL's previous representations have shown that that the northern boundary of the CWDCL Land to provide a preferable Green Belt boundary to that which is proposed by the Council for the following reasons:

- It is marked by easily read features present on the ground, including a Public Right of Way, a tarmac drive and overhead power lines. It will therefore create a stronger, more readily recognisable and defensible Green Belt boundary to the north of the Site;
- As noted in CWDCL's response to Matter 3 and 6, the proposed allocation area is unlikely to deliver the amount of employment development that is both appropriate and necessary in this location. As a direct consequence of this, the Green Belt boundary (once redrawn) will be inconsistent with the KLP's strategy for meeting identified requirements for sustainable development and will need to be altered at the end of the Plan Period (or, potentially, before this date) to accommodate medium to longer term development needs in this part of the Borough.

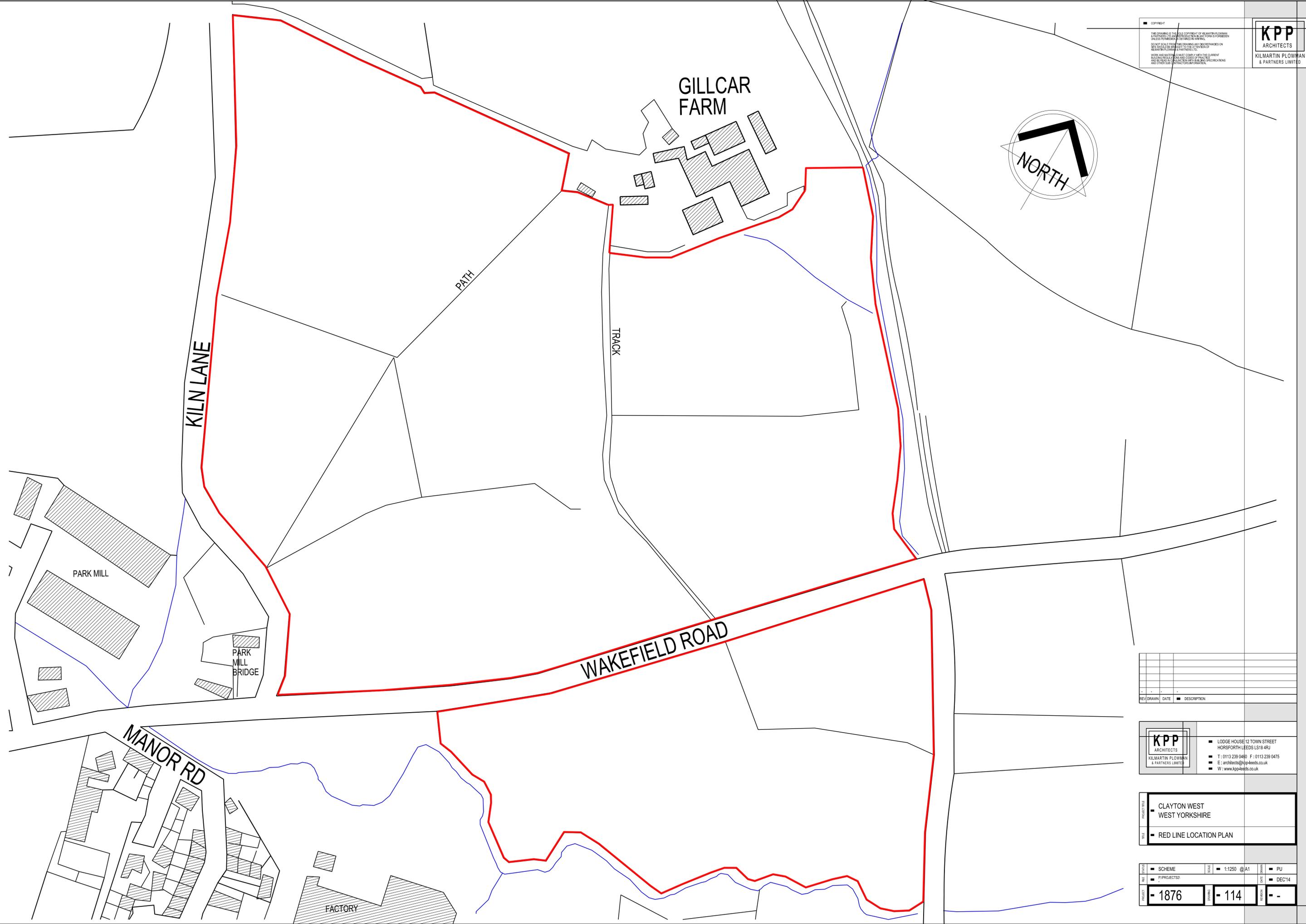
2.22 Notwithstanding these points, CWDCL supports the Council's overarching approach and methodology for assessing potential sites in the Green Belt for development, finding it soundly based and wholly in line with national policy and guidance.



APPENDIX 1

■ COPYRIGHT
 THIS DRAWING IS THE SOLE COPYRIGHT OF KILMARTIN PLOWMAN & PARTNERS LTD AND FORMS PART OF A CONFIDENTIAL DOCUMENT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KILMARTIN PLOWMAN & PARTNERS LTD.
 WORK AND MATERIALS MUST COMPLY WITH THE CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE AND BE HEAVILY CONSTRUCTION WITH BUILDING SPECIFICATIONS AND OTHER RELEVANT CONTRACT DOCUMENTS.

KPP
 ARCHITECTS
 KILMARTIN PLOWMAN & PARTNERS LIMITED



| REV | DRAWN | DATE | DESCRIPTION |
|-----|-------|------|-------------|
| | | | |
| | | | |
| | | | |

KPP
 ARCHITECTS
 KILMARTIN PLOWMAN & PARTNERS LIMITED

- LODGE HOUSE 12 TOWN STREET
HORSFORTH LEEDS LS18 4RJ
- T: 0113 239 0460 F: 0113 239 0475
- E: architects@kpp-leeds.co.uk
- W: www.kpp-leeds.co.uk

PROJECT TITLE
 ■ CLAYTON WEST
 WEST YORKSHIRE

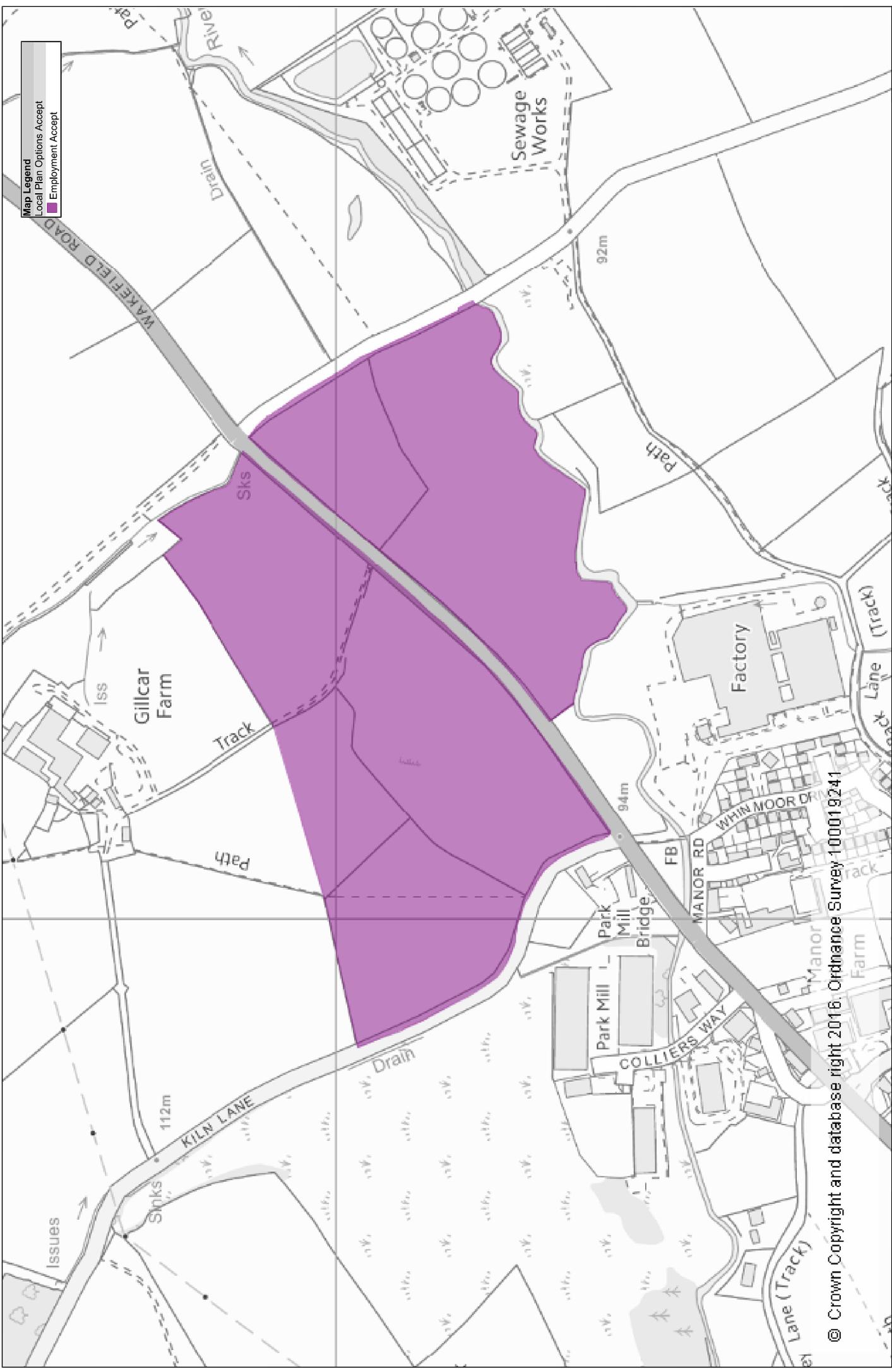
TITLE
 ■ RED LINE LOCATION PLAN

| | | | | | |
|--------------------|---------------|---------------|--------------|-------------|----------|
| FILE STATUS | ■ SCHEME | SCALE | ■ 1:1250 @A1 | DATE | ■ PU |
| PROJECT | ■ P/PROJECTS/ | NUMBER | ■ 114 | YEAR | ■ DEC'14 |
| PROJECT | ■ 1876 | NUMBER | ■ 114 | YEAR | ■ -- |

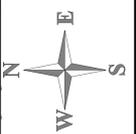


APPENDIX 2

Map Legend
 Local Plan Options Accept
 Employment Accept



© Crown Copyright and database right 2016. Ordnance Survey 100019241



26-Aug-2016

Scale 1 : 3296



Kirklees
 council

Kompass
 Kirklees Mapping Service