

## **Statement of Common Ground under the Duty to Co-operate**

**Between**

**Calderdale Metropolitan Borough Council and Kirklees Metropolitan Borough Council**

**on**

**The Kirklees Local Plan 2013-2031 and the Calderdale Local Plan 2015-2032**

**Date of agreement: TBC**

### **1. Scope of the statement**

This document is a draft Statement of Common Ground (SOCG) and has been prepared under the Duty to Co-operate. It provides a position statement on the extent of co-operation and understanding in respect of the preparation of development plans covering both Calderdale and Kirklees districts. The draft SOCG is intended to set out the position of both signing authorities and be kept up-to-date as both local planning authorities reach key milestones in the preparation of their respective plans.

The duty to co-operate<sup>1</sup> is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. National Planning Practice Guidance is clear that local planning authorities should bear in mind that effective cooperation is likely to require sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone. Local planning authorities and other public bodies are required to consider entering into agreements on joint approaches<sup>2</sup>. Local planning authorities are also required to consider whether to prepare local planning policies jointly under powers provided by section 28 of the 2004 Act. It is agreed between the two councils that while there are strategic and cross-boundary matters which have required both councils to work collaboratively on them to ensure their local plans are sound, it has not been necessary to prepare local planning policies jointly in the form of a joint development plan. However both councils are in agreement regarding the key strategic and cross boundary issues, as set out below, and that a statement of common ground detailing this agreement is sufficient evidence to demonstrate outcomes of the duty to co-operate activity to date.

The SOCG is intended to highlight the extent of agreement, or otherwise on strategic cross-boundary matters where appropriate which have been identified as part of the ongoing duty to co-operate activity between both councils while preparing their local plans. The SOCG will be revised again before either of the Local Plans are submitted to the Secretary of State for examination.

Local planning authorities are required<sup>3</sup> to keep under review the matters that may be expected to affect the development of their area or the planning of its development. As such this statement will be reviewed, monitored and reported on as part of each authority's annual monitoring reports.

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<sup>1</sup> Section 110 of the Localism Act 2011

<sup>2</sup> Section 33A(6) of the Planning and Compulsory Act 2004

<sup>3</sup> Section 13 of the Planning and Compulsory Act 2004

## **2. Calderdale Local Plan (2015-32) (Draft) and Kirklees Local Plan (2013-2031) – Pre-Submission Stage**

This draft SOCG has been prepared in the context of the draft Calderdale Local Plan (Reg18) and pre-submission versions of the Kirklees Local Plans (Reg19). The Kirklees Local Plan was released for the purposes of public consultation in the latter part of 2016 to seek views on whether it complies with any relevant legal tests and for formal comments on the soundness of the plan. The Calderdale Draft Local Plan will continue its preparation through a further consultation under Regulation 18 during Summer 2017. The two plans are not jointly prepared but there is a likelihood that both plans have potential implications across the boundary and will need to be tested with regard to the duty to co-operate and strategic planning matters at their respective examinations.

Both Councils border onto other local authority areas, but Calderdale and Kirklees share a boundary broadly along the M62 motorway which forms a key strategic transport route across the region, provides a focus for economic activity for both authorities and forms a strong and permanent physical boundary separating the two local planning authority areas.

Plans showing the administrative border between the two council areas is attached at Appendix A (based on current local authority boundaries at the time of writing).

### **3. Matters agreed**

Discussions between the two authorities have embraced the full range of strategic cross-boundary matters covered by the Duty to Co-operate to include, the overall approach to each plan, housing needs and supply, the economy including the implications of economic growth for employment and the land to accommodate rising job numbers, town centres, the infrastructure implications for public and private transport including commuting, the implications for Green Belt, minerals and waste, water resources including flooding, and air quality matters. The level of impact of these issues, together with any agreed mitigation and outcomes will be set out in each council's respective duty to co-operate statements/evidence which will be tested at the examination. This draft SOCG focusses on the key strategic matters under the duty to co-operate that have required both councils to reach common ground upon:

#### **A. Housing Market Areas and Objectively Assessed Housing Need**

The geography of housing market areas for Calderdale and Kirklees (as set out in the respective evidence contained in Strategic Housing Market Assessments) is an agreed matter between the two authorities, which confirms that although there is some overlap along the boundary both authorities have predominately self-contained housing market areas.

The Calderdale Local Plan aims to accommodate all the objectively assessed needs identified for housing and economic development within Calderdale District. The position is that Calderdale Council is not looking for other Councils to accommodate its growth and therefore it is unnecessary for Kirklees Council to consider whether any of the development needs of Calderdale borough were able to be met within Kirklees District. This position is similar to all West Yorkshire Districts and other neighbouring authorities, but does have implications on the requirements for potential Green Belt release and the exceptional circumstances that will need to be demonstrated to justify such release.

The Kirklees Local Plan similarly aims to accommodate all of its own objectively assessed needs for jobs and homes within its own district. This means the Local Plan needs to set out exceptional circumstances to release land from the Green Belt to accommodate this need.

As both Local Plans are able to demonstrate sufficient housing land supply within their own areas, in order to meet objectively assessed needs it is an agreed matter between the two authorities that there is no requirement and no justifiable opportunities which would allow either authority to seek to meet to deliver any unmet housing needs for the other. This position does however require land to be released from the Green Belt within both Council areas to accommodate the growth planned for in both Local Plans.

## **B. Functional Economic Market Areas and Ambitions for Economic Development**

The geography of functional economic market areas for Calderdale and Kirklees is an agreed matter between the two authorities, which confirms that both authorities are part of a wider Leeds City Region economic market area. The approach to economic development across the city region is underpinned by the support provided by each Council for the Leeds City Region LEP objectives as set out in the LCR Strategic Economic Plan.

The Calderdale Local Plan recognises the situation with respect to the Leeds City Region, and the major economic patterns for commuting flows, namely with Kirklees, Bradford, and Leeds Districts. It also recognises that the Greater Manchester area plays an important although lesser role. Calderdale Local Plan is underpinned by the LCR SEP

The Kirklees Local Plan aims to meet the economic ambition for the district set out in the Kirklees Economic Strategy, recognising its role within the wider Leeds City Regional functional economic area. Adjoining the Calderdale boundary, along the M62 corridor, this means the Local Plan needs to set out exceptional circumstances to release land from the Green Belt to accommodate the need for strategic employment land, primarily for the purposes of advanced manufacturing.

As both Local Plans are able to demonstrate sufficient employment land supply within their own districts, will meet objectively assessed needs and require land to be released from the green belt to enable this to be met, it is an agreed matter between the two authorities that there is no requirement and no justifiable opportunities which would allow either authority to deliver any unmet employment needs for the other.

It is also an agreed matter that sufficient economic job capacity is forecast in the shared evidence regarding econometric modelling for the functional economic area and that the economic ambitions of both authorities will serve to complement the delivery of key strategic employment locations, including Clifton Business Park in Calderdale and Lindley Moor East and West in Kirklees.

## **C. Role and Function of the Calderdale/Kirklees Green Belt**

It is recognised that along the boundary between both local authority areas forms an important part of the West Yorkshire Green Belt and performs a key strategic Green Belt role and function as set out in national planning policy, which is preventing the coalescence of settlements between the two districts.

Both Local Plans are promoting development within the strategic Green Belt gap between Huddersfield and Brighouse/Rastrick, however it is an agreed matter that the Green Belt will still perform a strategic role and function and meet the purposes of including land in the Green Belt as set out in national planning policy.

## D. Transport Infrastructure

Both councils have assessed implications of planned growth in their Local Plans for their own district's transport networks and shared this evidence to understand the implications of any cross-boundary traffic movements. This evidence is currently being finalised, but draft evidence to date suggests that it is an accepted matter that there are no transport network issues that would create severe issues for the transport network as set out in national planning policy which cannot be accommodated or mitigated through interventions that are proposed as part of the West Yorkshire+ Transport Fund.

A number of cross-boundary transport schemes are currently being planned and jointly supported through the West Yorkshire Plus Transport Fund and other transport funding structures. Kirklees and Calderdale Councils have consulted Highways England throughout the Local Plan preparation process to identify sites that have the potential to significantly impact upon the strategic highways network, and where measures to mitigate impacts may be necessary in light of committed schemes. It is agreed that both councils need to work jointly to promote the following schemes which aim to mitigate impacts on the transport network and assist with the delivery of growth:

- A629 Huddersfield to Halifax
- A641 Huddersfield to Bradford via Brighouse
- J24a M62
- Junctions 24 and 25 M62
- Corridor Improvement Package (CIP)
- Calder Valley Line improvements including the provision of a new station at Elland
- North Kirklees Orbital

## E. Growth Locations and Supporting Infrastructure

Both Local Plans contain proposed land allocations which are significant in terms of scale and function and which have the potential to raise strategic, cross boundary issues due to their proximity to the Calderdale/Kirklees administrative boundary. These sites require joint working between both authorities over time to ensure measures are in place to mitigate any cross-boundary issues and to ensure that informed decisions are being made with regard to infrastructure planning to ensure site allocations can be delivered.

Key strategic site locations in the Calderdale Local Plan with the potential to raise strategic, cross boundary issues for Kirklees are:

- **Woodhouse, Rastrick:** this is a strategic housing area which could accommodate over 1,200 homes and adjoins Bradley Wood. It is therefore in close proximity to the Bradley Road site in Huddersfield. It lies within the strategic Green Belt gap between Brighouse/Rastrick and Huddersfield, but development here does not lead to the merging or joining of settlements. It will require significant infrastructure intervention to ensure that it is delivered effectively. Utility infrastructure evidence suggests that both Councils will need to liaise closely with YEDL to reinforce local electricity sub-station infrastructure in the Brighouse area. This site is likely to need provision of a new primary school, which would be accommodated within the development.
- **Wakefield Road Business Park, Clifton, Brighouse, (Part of M62 Enterprise Zone).** This is a strategic employment area, which has been designated as an Enterprise Zone. It is

considered to be complementary to the Cooper Bridge area in the Kirklees Local Plan, and is already an employment allocation outside the Green Belt. The West Yorkshire Combined Authority have provided £5million to help unlock this site. The development of the Clifton site will have implications on Junction 25 of the M62 together with Cooper Bridge Road, for which work to understand the implications is underway.

- **Thornhills Lane, Clifton Brighouse:** This is a strategic allocation for housing and mixed development capable of accommodating over 1,900 homes. Its close proximity to Kirklees and the fact that it will be a Green Belt deletion raise cross boundary issues of relevance to Kirklees. It will require significant infrastructure interventions to enable it to come forward. Utility infrastructure evidence suggests that both Council's will need to liaise closely with YEDL to reinforce local electricity sub-station infrastructure in the Brighouse area. This site will require both a new primary and secondary school, which will be accommodated within the development.

These areas are subject to ongoing consideration and master Planning for which Kirklees have been a partner organisation.

**Key site locations in the Kirklees Local Plan with the potential to raise strategic, cross boundary issues for Calderdale are:**

**Land at Cooper Bridge (E1832c Part of M62 Enterprise Zone):**

This is a strategic employment allocation on the border with Calderdale which requires transport and highway network improvements in the Calderdale district to ensure the site can be delivered. The site is also positioned close to important heritage assets located in Calderdale. Evidence is still in preparation but could demonstrate that these issues can be resolved and mitigated to the satisfaction of both Councils. Further work is needed before the final version of this Statement of Common Ground is agreed by both Councils. It is hoped to reach common ground with regard to the following matters:

- Revised masterplan for land at Cooper Bridge. Agree acceptable in principle (i.e. the form of development proposed is supportable in terms of layout, landscaping, density, mix, height and massing) and appropriately informed by the updated Heritage Impact Assessment.
- Heritage Impact Assessment: Agree the scope, approach, assessment, analysis and recommendations.
- Development Principles: Agree general guiding principles with regard to significant assets, mitigation measures, opportunities for conservation and enhancement, setting considerations, and measures to minimise conflict with heritage assets where necessary.
- Access: Agree an appropriate access point that has been designed according to DMRB standards and informed by detailed traffic modelling.
- Infrastructure: Agree infrastructure improvements (to the A644 and Cooper Bridge Gyratory/Bradley Road Junction) and at what stage these are necessary taking account of the anticipated rate and phasing of E1832c.

#### **Land off Bradley Road, Huddersfield (H1747 and H351):**

This is a strategic residential urban extension allocation close to the border with Calderdale which will require significant highway network improvements to ensure the site can be delivered. The site is also likely to generate significant vehicle movements although it is expected that the Kirklees Transport Model and the site specific transport assessment will indicate that planned mitigation measures will not lead to severe issues for the transport network as set out in national planning policy. The provision of a new M62 motorway junction (Junction 24A) is a key transport mitigation measure for this site and it is an accepted matter that this junction will assist the delivery of this site and planned growth to the north of this junction in Calderdale. Both councils have encouraged Highways England to consider this issue through duty to co-operate activity. The allocation will require the provision of a new primary and secondary school which will prevent increased pressure on Calderdale school places. Utility infrastructure evidence suggests that both Councils will need to liaise closely with YEDL to reinforce local electricity sub-station infrastructure in the Brighouse area.

#### **4. Commitment to future co-operation**

Both Calderdale and Kirklees councils remain committed to effective co-operation, collaboration and coordination on all matters relating to the Duty to Co-operate and will undertake to review and update this agreement as appropriate as key milestones are reached as part of respective plan preparation and reviews. In this regard Calderdale and Kirklees Council have collaborated in drafting a Memorandum of Understanding (MoU) that describes the joint working approach to be adopted by both parties with regard to the planning and delivery of a wide range of infrastructure and economic activity traversing the boundary between the two authorities. The cooperation that has been undertaken to date is outlined and evidenced within the Kirklees Council Local Plan Duty to Cooperate Statement.