



## **Kirklees Local Plan**

### **Methodology Part 1: National Policy Requirements**

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<b>CONTENTS</b>		<b>Page number</b>
1	Background and purpose	3
2	Plan making	3
3	Duty to Cooperate	4
4	Achieving sustainable development	5
5	Building a strong, competitive economy	5
	Need	5
	Supply	6
6	Ensuring the vitality of town centres	7
	Defining town centres	9
7	Supporting the rural economy	10
8	Promoting sustainable transport	11
9	Supporting high quality communications infrastructure	11
10	Delivering a wide choice of high quality homes	12
	Need	12
	Supply	13
	Safeguarded land	14
11	Requiring good design	14
12	Promoting healthy communities	15
	Urban green space	16
	Local green space	16
13	Protecting green belt land	17
14	Meeting the challenge of climate change, flooding and coastal change	18
	Renewables and low carbon energy	18
	Flooding	19
15	Conserving and enhancing the natural environment	20
	Biodiversity and geodiversity	21
	Contaminated and unstable land	22
	Air quality	22
	Environmental quality	23
	Water quality	24
16	Conserving and enhancing the historic environment	24
17	Facilitating the sustainable use of minerals and management of waste	25
	Minerals	25
	Waste	26
18	Sustainability appraisal	27
	Habitats regulation assessment	27
19	Viability	28
20	Planning for travellers	28

## 1 BACKGROUND AND PURPOSE

- 1.1 The Kirklees Local Plan will replace the existing Kirklees Unitary Development Plan which was adopted in 1999 (with relevant policies saved in 2007). The Local Plan will provide a framework for the consideration and determination of planning applications and a spatial context for future investment to assist economic and housing growth and infrastructure delivery. It will allocate land for housing and employment development and give protection for the district's environmental and heritage assets and important areas of open land.
- 1.2 An up-to-date and robust development plan will give communities in Kirklees greater certainty over development in their district over the next 15 years and provide an opportunity to match planned development with existing and new infrastructure.
- 1.3 The Local Plan will accord with the requirements of the National Planning Policy Framework (NPPF) which was introduced by the Government in 2012 as well as taking account of additional guidance set out in National Planning Policy Guidance (NPPG). The purpose of the Local Plan Methodology Paper is to set out the requirements of national planning guidance and to demonstrate the steps that the council has taken in order to produce a sound and viable Local Plan.
- 1.4 The Methodology Paper consists of two documents:
- Part 1 National Policy Requirements: sets out the requirements of national planning policy and indicates what evidence has been produced in support of policies in the plan; and
  - Part 2 Site Allocation Methodology: sets out the approach to the assessment of sites for development or protection.

## 2 PLAN MAKING

- 2.1 The NPPF (paragraph 158) states that "Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals".
- 2.2 National Planning Policy Guidance (NPPG) sets out that Local Plans should ensure that they are clear regarding:
- **What** is intended to happen in the area over the plan period;
  - **Where** and when this will occur; and
  - **How** it will be delivered.
- 2.3 In accordance with this, Local Plans should include broad locations and specific allocations of land for different land use purposes. In doing so, Local Plans should be

tailored to the needs of each area in terms of the strategy and policies required. Any Local Plan should aim to meet these requirements in an aspirational but realistic way.

- 2.4 The Local Plan is required to meet four tests of soundness before it can be adopted:
1. **Positively prepared**; the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  2. **Justified**; the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  3. **Effective**; the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  4. **Consistent with national policy**; the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 2.5 This Methodology Paper forms part of the context for the Local Plan and demonstrates consistency with national planning policies and a transparent approach to the council's preparation of a sound plan. Further information in relation to the site selection process can be found in Part 2 of the Methodology.

### 3 DUTY TO COOPERATE

- 3.1 The key legislation governing the Duty to Cooperate is the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. Section 33A of the 2004 Act requires local planning authorities to "...engage constructively, actively and on an on-going basis..." with other local planning authorities, County Councils and other prescribed public bodies when preparing development plan documents and other local development plan documents.
- 3.2 The Duty to Cooperate should be applied to any "strategic matter" related to the preparation of the Local Plan. A strategic matter is defined as "sustainable development or use of land that has or would have a significant impact on at least two planning areas including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas" (section 33A (4) (a)).
- 3.3 The council will need to demonstrate the steps it has taken with regard to meeting its duty to co-operate requirements.

<p>A Duty to Cooperate Interim Statement is available to view alongside the publication draft Local Plan. This document will be updated and republished at subsequent plan stages as further discussions take place. It will take into account the Leeds City Region (LCR) Statement of Cooperation.</p>
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## 4 ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 At the heart of the NPPF is a presumption in favour of sustainable development. There are three 'pillars' of sustainable development, each of which are mutually dependent, and which are listed within NPPF as follows:

- Economic: contributing to building a strong, responsive and competitive economy, by ensuring sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- Social: supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality environment, with accessible local services which reflect the community's needs and support its health, social and cultural wellbeing; and
- Environmental: contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

4.2 In line with the requirements of the NPPF, the Local Plan will strive to create sustainable communities which will embrace the principles of sustainable development using a co-ordinated approach to housing, transport, education and health, jobs, social opportunities, services and the physical environment. It is important that decisions take account of local circumstances so they respond to different opportunities for achieving sustainable development in different areas.

The council will ensure that the Local Plan adheres to the principles of sustainable development as indicated in Paragraph 14 of the NPPF by including a specific policy setting out the presumption in favour of sustainable development. The plan should however, be read as a whole. Achieving sustainable development is an integral part of the spatial strategy and local plan policies.

## 5 BUILDING A STRONG COMPETITIVE ECONOMY

### Need

5.1 The NPPF (paragraph 160) states that "Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area".

5.2 The NPPG provides guidance on economic development needs assessment. The guidance outlines that in order for local authorities to understand the current market with regard to economic and town centre uses, they should liaise with the business community to understand current and future potential requirements. It further states that, although there is no one prescribed methodology, consideration should be given to recent patterns of the take-up of employment land including

losses to other uses, market intelligence and information from other sources demonstrating demand, or the lack of, for employment land and premises. Infrastructure constraints, existing stock of employment land and the locational premise requirements of particular types of business should also be taken into account.

Kirklees has produced two strategies to drive forward council ambitions in relation to the economy ambitions and health and wellbeing. These are the Kirklees Economic Strategy which has been written in the context of the Leeds City Region Strategic Economic Plan, and the Joint Health and Well-being Strategy. The strategies have a shared commitment to ensure that Kirklees is a district combining great quality of life and a strong and sustainable economy leading to thriving communities, growing businesses, high prosperity and low inequality and where people enjoy better health throughout their lives.

The overarching priority for the council's Local Plan is to deliver long term sustainable growth, ensuring that the council positively takes into account the three pillars of sustainable development. The publication draft Local Plan recognises that in order to do this, its vision and objectives should be drawn from the Kirklees Economic Strategy and the Joint Health and Well-being Strategy to reflect how ambitions for personal prosperity and health, together with ambitions for jobs and business growth effect how we should plan for new development. Local Plan policy will seek to support a skilled and flexible workforce to achieve this.

## Supply

- 5.3 Paragraph 20 of the NPPF states that local planning authorities are required to plan to meet the development needs of the local economy in order to help encourage and achieve economic growth. Paragraph 21 of the NPPF requires that planning authorities:
- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
  - set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
  - support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
  - identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
  - facilitate flexible working practises such as the integration of residential and commercial uses within the same unit.
- 5.4 The council commissioned a Market Strength Assessment which reviewed the market context for Kirklees and identified three market zones across the Kirklees area; North Kirklees, Huddersfield and South Kirklees, as well as the market drivers and characteristics of each zone.

- 5.5 The study assessed 104 sites identified as existing or sites put to the council as potential new employment sites. A more detailed assessment of the site options deemed strategically important to Kirklees was undertaken to determine their suitability for employment use. The overall assessment then judged the economic viability of each site and the ability of a developer to let or sell the development over the plan period.
- 5.6 Paragraph 22 of NPPF states that all undeveloped allocations will need to be assessed for their continued suitability to accommodate employment uses. The NPPG (housing and economic land availability assessment) states that “An assessment of land availability identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period”.
- 5.7 The council will continue to monitor current demand for employment land in the district, the capacity for the district to meet this demand using current land supply and the overall need to provide additional sites to meet these needs.

The Local Plan identifies Priority Employment Areas (PEAs) with the intention of safeguarding employment uses within them. Site assessment criteria have been established in order to determine the suitability of land for designation as a Priority Employment Area. The aim of the assessment is to identify existing employment sites which should be protected from alternative non-employment uses, especially where there is evidence of loss to other competing uses, primarily housing. Proposals for development in a Priority Employment Area will be considered against the Safeguarding employment land and premises policy. Further details can be found in Priority Employment Areas Methodology Statement.

- 5.8 Section 7 of this report focuses on supporting the rural economy.

## **6 ENSURING THE VITALITY OF TOWN CENTRES**

- 6.1 The NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
  - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
  - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
  - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
  - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

6.2 Planning guidance states that local planning authorities should plan appropriately to support town centres and generate local employment. This will in turn create attractive, diverse places where people want to live, visit and work. In order to achieve this, local planning authorities are required to assess main town centre uses and adopt a 'town centre first' approach when taking account of specific town centre policy.

6.3 Local planning authorities should also allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential developments which are needed in town centres. Local planning authorities should undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites.

A Retail Capacity Study has been undertaken which compared current and emerging retail trends and expenditure. The Study provides an analysis of key retail trends in the district and considers the up-to-date position in respect of relevant retail and town centre policy. A survey was undertaken as part of the study to consider whether any changes in shopping behaviour have occurred since the previous study was undertaken. An overview of the vitality and viability of the district's town centres and current and future population and expenditure trends within the study area was assessed. In addition, the study provides an assessment of the quantitative and qualitative need for further convenience and comparison goods floorspace over the assessment period and will summarise the findings in respect of the future capacity for additional retail floorspace within Kirklees.

A Leisure Needs Assessment was undertaken which considers how existing leisure provision in Kirklees will meet the needs of the district and identify how any additional needs could be met. The assessment identifies existing patterns of travel to access leisure facilities and the market share secured, by sector, by facilities in the district's town centres and qualitative deficiencies in the existing leisure provision where it is evident that residents are required to travel to visit certain types of facility. The study also assesses the current level of commercial leisure provision by sector and compares this with the anticipated level of supply based on national average benchmark levels of provision. The study sets out overall conclusions in respect of the district's future leisure needs and acts as the evidence base to assist the formulation of planning policy.

### **Defining Town Centres**

- 6.4 In paragraph 23 the NPPF states that a network and hierarchy of centres should be defined, as should the extent of the town centres and primary shopping areas based on a clear definition of primary and secondary frontages.
- 6.5 The NPPF provides definitions of 'primary shopping area' and 'primary' and 'secondary' frontages in the glossary at Annex 2. The primary shopping area is the "defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage)". Primary frontages are "...likely to include a high proportion of retail uses which may include food, drink, clothing and household goods". Secondary frontages "...provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses". The NPPF also indicates that the primary shopping area will act as the boundary with regard to whether a site is 'in', 'edge' or 'out' of centre for retail purposes. For all other main town centre uses the extent of the town centre boundary shall be used.
- 6.6 A series of principles has been established to ensure that the definition of town centre boundaries, primary shopping areas and primary and secondary frontages are applied in a consistent and robust manner. An assessment of the current uses within and around town centres has been undertaken, considering the historic town centre boundaries as a starting point. This evidence base has then informed the definition of boundaries and the hierarchy of centres as follows:
- Appropriate boundaries which incorporate the greatest concentrations of main town centre uses in Kirklees have been established. Where additional main town centre uses are separated from the 'core' by distance or by physical barrier, these sites will be considered to be out of centre and will not be included within the boundary.
  - In defining primary shopping areas, an area has been identified which corresponds to the definition provided at Annex 2 of the NPPF in that only those secondary frontages which are 'adjoining' and 'closely related' to the primary frontages are included.

- The council has defined a centre hierarchy on the basis of the current role and function of centres ranging from higher order centres providing a wide range of shops and services to lower order centres providing local day to day needs.

The Local Plan includes a policy to direct main town centre uses to a hierarchy of defined centres, including principal town centres, town centres, district centres and local centres. Primary and secondary shopping frontages have been defined for principal town centres and town centres and the local plan policy will direct main town centre uses to defined areas to ensure a strong retail core. Further information can be found in the Retailing and Town Centres Technical Paper.

## **7 SUPPORTING THE RURAL ECONOMY**

7.1 At paragraph 28, NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It further states that to promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The rural economy plays an important role in the wider economy of Kirklees. In particular the smaller settlements in the south of Kirklees are home to a range of employment opportunities, including large, small medium enterprises and micro businesses. The characteristics of this economy are diverse, covering both smaller urban and green belt areas, and supports innumerable businesses including farms, garden centres and nurseries, riding stables and liveries, industry and offices, leisure and tourism, home working and a host of other enterprises. Employment in rural areas is important as is the delivery of high speed broadband technologies. Carefully designed and sited development to support existing businesses, and new businesses that can justify a green belt location, can maintain the economy, provide local jobs and help to support communities. The Local Plan includes a policy designed to support businesses in the green belt and elsewhere, including tourism related enterprises, farm diversification schemes and other appropriate development. Further information can be found in Kirklees Rural Economy Review document.

## **8 PROMOTING SUSTAINABLE TRANSPORT**

- 8.1 The NPPF specifies that when preparing Local Plans, the council should support development which promotes the use of sustainable modes of transport. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people (paragraphs 31-35).
- 8.2 The NPPG also sets out the necessity for local planning authorities to undertake a transport assessment to ascertain the transport implications of development proposed within the Local Plan. A robust transport evidence base will ensure decisions on site allocations can take account of road network capacity issues and determine where improvements may be required. This evidence base should detail where there are opportunities to make a modal shift to sustainable transport usage where reasonable and appropriate.

A Transport Model has been produced for the district which models the existing highway network in Kirklees. The model has allowed the council to understand the ways in which specific land allocations within the Local Plan will impact on the highway network. This has enabled the council to develop realistic mitigation measures. The results have been filtered through into a transport strategy and associated infrastructure planning. The overall model will also be an essential development management tool in assessing any impact of future planning applications on the strategic highway network. Further information can be found in the Transport Model Technical Paper.

The Local Plan includes policies relating to strategic transport infrastructure and sustainable travel to ensure an integrated approach to transport and development. In addition, policies will ensure that new development encourages the use of sustainable modes of transport based on a hierarchy of road users. These will be supported by policies ensuring that development has access to the appropriate category of road within the core network and that the core walking and cycling network is supported to allow alternative means of transport.

## **9 SUPPORTING HIGH QUALITY COMMUNICATIONS INFRASTRUCTURE**

- 9.1 The NPPF maintains that good communications' infrastructure is essential for sustainable growth. Paragraph 43 states that when preparing Local Plans it is necessary for local planning authorities to support the expansion of electronic communications networks including high speed broadband.

The Local Plan is supported by an Infrastructure Delivery Plan (IDP) which considers future infrastructure needs created by growth promoted in the plan. Discussion with

infrastructure providers including those responsible for providing communications infrastructure as part of the IDP process ensures that investment is aligned with the Local Plan's growth proposals. The Local Plan includes a policy relating to the support for the digital economy especially in rural areas where access to high speed broadband may affect the viability of businesses.

- 9.2 A wider infrastructure policy forms part of the Local Plan which ensures that the relevant infrastructure as required by local and national policies can be delivered.

## **10 DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES**

### **Need**

- 10.1 The NPPF (paragraph 159) states that local planning authorities should prepare a Strategic Housing Market Assessment (SHMA), as well as undertake further work with neighbouring authorities in relation to housing need where market areas cross administrative boundaries. This includes evidence to allow the Local Plan to:

- ensure full objectively assessed market/affordable housing needs are met in the market area;
- take account of market signals such as land price and housing affordability;
- plan for housing mix based on current and future demographic trends, market trends and needs of different groups in the community (including families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- set policies for meeting affordable housing need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. Policies need to be flexible and take account of changing market conditions over time.

- 10.2 The NPPF requires that local authorities identify and bring empty homes back into residential use in line with local strategies.

- 10.3 The NPPG sets out further advice including:

- exploring housing market areas using house prices and rates of change in house prices, household migration and search patterns, and contextual data (e.g. travel to work areas);
- the government's household projections form the starting point in estimating housing need but can be adjusted to reflect factors affecting local demography and household formation rates not captured in past trends. Assessments need to reflect the consequences of past under delivery of housing and will be influenced by market signals of the balance between supply and demand for dwellings including land prices, house prices, rents, affordability, rate of development and overcrowding;

- assessment of likely changes in job numbers based on past trends and/or economic forecasts having regard to working age population growth in the housing market area;
- identified housing figure to be broken down into tenure, household type (singles/couples /families) and household size using current and future trends of age profiles, household types, housing stock and tenure;
- estimate the unmet need for affordable housing including current and projected needs, considering newly arising households likely to be in affordable need, affordable housing supply and potential future supply; and
- stakeholders to be involved from the earliest stages of plan preparation, which includes the preparation of the evidence base in relation to development needs.

The Kirklees Strategic Housing Market Assessment (SHMA) which objectively assessed need for housing in Kirklees including mix, type and tenure and needs of specific groups. This takes account of specific localised studies and strategies including those with specialist housing needs including information set out in the Older Persons Accommodation Strategy. It also explores cross-boundary issues in relation to housing market areas. The local plan housing mix and affordable housing policy has been prepared to ensure that new development provides a broad mix of housing size, tenure and price, including for those with specialist needs. Further information can be found in the Housing Technical Paper.

## Supply

- 10.4 NPPF (paragraph 47) sets out that local planning authorities should identify and update annually a five year supply of deliverable housing capacity against their housing requirements as well as an additional buffer. This buffer should be 5% to ensure choice and competition in the market for land or 20% where there has been a record of persistent under delivery of housing.
- 10.5 The NPPF (paragraph 159) sets out that a local planning authority should prepare a Strategic Housing Land Availability Assessment (SHLAA) to understand the availability, suitability and likely economic viability of land. The SHLAA provides a high level assessment of potential sites which have been put forward for consideration for housing through the Local Plan. The Local Plan site allocations methodology sets out the assessment undertaken to determine which sites should be allocated for new housing development.

The council will continue to publish Strategic Housing Land Availability Assessment (SHLAA) documents taking account of the most recent information available.

The Local Plan will allocate sufficient land to maintain a supply of deliverable housing sites in the district. This is set out in the housing trajectory in the publication draft Local Plan. The council's Empty Homes Strategy will continue to encourage the re-use of empty homes and this is supported by policy in the Local Plan to give priority to the efficient use of land and building including bringing empty homes back into use.

## **Safeguarded Land**

- 10.6 At paragraph 85 the NPPF highlights that local planning authorities should identify safeguarded land to potentially accommodate long-term development well beyond the end of the current plan period. This will provide a long term supply of development land as well as ensuring that green belt boundaries will not need to be altered at the end of the plan period.

The council has designated safeguarded land to be protected from permanent development during the plan period. This will ensure a long term supply of development land and help to maintain the permanence of the green belt boundary.

## **11 REQUIRING GOOD DESIGN**

- 11.1 Paragraph 56 of the NPPF states that good design is indivisible from good planning and is key to achieving sustainable development. Local Plans should ensure that design policies are robust and comprehensive and set out the quality of development that will be expected for the area.
- 11.2 NPPG maintains that good design should be at the heart of plan making. Local planning authorities will need to evaluate and understand the defining characteristics of the area as part of its evidence base, in order to identify appropriate design opportunities and policies. NPPG contains further guidance on the importance of good design and the key points that local planning authorities should take into account in plan-making and decision-taking.
- 11.3 The council recognises that high quality design is fundamental to making places more attractive, sustainable, safe and accessible. The way buildings and spaces are designed improves the built and natural environment. Good design can help reduce and mitigate the impacts of climate change, promote healthier lifestyles, create safer places and make high quality and attractive places that foster civic pride. One of the priorities of the Kirklees Economic Strategy is 'quality places', which good design can support, to make the district more attractive to investment and to help support thriving communities.
- 11.4 The Kirklees Joint Health and Well-being Strategy places emphasis on the role of the environment in promoting good physical and emotional health and wellbeing, which good design can help to achieve. The Accommodation Strategy for Older People in Kirklees sets out extra care design principles to ensure that housing for older people supports their health and wellbeing. The council has also taken into consideration council strategies, guidance set out in Building for Life 12, the Urban Design compendium, Manual for Streets and Sport England Active Design Principles.

- 11.5 The Local Plan Early Engagement consultation documents put significant emphasis on place shaping and recognising the different characteristics of the places of Kirklees.

The Local Plan includes a design policy to support good design that recognises the characteristics of the district and supports the delivery of healthy and sustainable places. This policy will seek to bring together Kirklees specific characteristics with national planning policy and guidance, as well as the objectives of other council strategies.

## **12 PROMOTING HEALTHY COMMUNITIES**

- 12.1 National Planning Policy Framework section 8 recognises the role the Local Plan can play in creating healthy, inclusive communities. At paragraph 70, the NPPF states that planning policies should “plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.
- 12.2 Paragraph 73 of the NPPF states “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open-space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision are required”.
- 12.3 In the NPPG for open space, sports and recreation facilities the guidance states that open space should be taken into account in planning for new development and considering proposals that may affect existing open space. Local authorities are required to assess the needs for sports and recreation facilities by referring to Sport England’s guidance.
- 12.4 The Kirklees Joint Health and Well-being Strategy sets out the issues pivotal to making Kirklees a better place in the future; healthy people enjoying a great quality of life for longer via a strong and growing economy. These goals are bound together and are also recognised in the Kirklees Economy Strategy. A successful economy that offers good jobs and provides income for all of our communities makes a huge contribution to prosperity, health and the wellbeing of all age groups. Likewise, confident, healthy, resilient people are able to secure a job and are more productive in the workplace.

The council has up-dated its evidence on the demand and supply of open space, sports and recreation facilities and opportunities for new provision within Kirklees, including the Open Space Study (which includes an Open Space Demand Assessment), Playing Pitch Strategy, Built Sport and Leisure Facilities Strategic Framework which includes a golf needs assessment. These studies were undertaken in accordance with national policy guidance and, where applicable, Sport England's methodologies as set out in the 'Playing Pitch Strategy Guidance: An approach to developing and delivering a playing pitch strategy' (2013) and 'Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities' (2014).

The Local Plan includes policies that support healthy, active and safe communities, the protection of existing facilities and support for new ones and seek the reduction of inequalities in access to facilities. New developments will be required to provide new open space or the improvement of existing open space where appropriate.

### **Urban Green Space**

- 12.5 Paragraph 74 of the NPPF states that open space, sports and recreational buildings and land, including playing fields should not be built on unless;
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 12.6 The council identified urban green space in the Unitary Development Plan which included areas of open land within built up areas identified as being particularly valuable for sport, recreation, amenity or wildlife. This included parks, recreation grounds, natural and semi-natural greenspace such as woodlands and nature areas, play areas, allotments, public and private playing pitches, education sites with playing fields, amenity greenspace, churchyards and cemeteries.

The council has undertaken a review of all existing urban green space sites and sites emerging from the call for sites process, sites brought forward through the draft local plan consultation, the council's Open Space Study and Playing Pitch Strategy to identify open spaces, sport and recreation facilities requiring protection from development and designation as urban green space in the Local Plan. The Local Plan includes a policy to safeguard urban green space allocations, and other small valuable green spaces from development, unless the urban green space no longer performs such a function or can be satisfactorily replaced. Further information is available in the council's Urban Green Space and Local Green Space Technical Paper.

## Local Green Space

- 12.7 Paragraphs 76 to 78 of NPPF introduce a new Local Green Space designation to protect local green areas of particular importance to local communities. This will enable local communities, in certain circumstances, to identify and protect areas that are of value to them through local and neighbourhood plans.
- 12.8 Paragraph 77 of the NPPF states that “the designation should only be used:
- where the green space is in reasonably close proximity to the community it serves;
  - where the green space is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - where the green space concerned is local in character and is not an extensive tract of land.”

Local Green Space options have been assessed against the above criteria and designated as part of the Local Plan where appropriate. The Local Plan includes a policy to give special protection to Local Green Spaces that are important to the community. Further information is available in the councils Urban Green Space and Local Green Space Technical Paper.

## 13 PROTECTING GREEN BELT LAND

- 13.1 At paragraph 79 the NPPF states that the Government attaches great importance to green belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. National guidance states that once established green belt boundaries should only be altered in exceptional circumstances, including through the preparation of the Local Plan. These boundaries should be clearly defined, using physical features that are readily recognisable and likely to be permanent.

The council has undertaken a comprehensive review of the existing statutory green belt boundary in Kirklees to ensure that wherever possible it follows physical features on the ground and as such is defensible. Exceptionally it may be necessary to make minor adjustments and where this occurs the change will be recorded and advertised. Further information is available in the Councils Green Belt Boundary Changes document.

- 13.2 The NPPF states that the 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.

The council has produced the 'Green Belt Review' report which is a detailed assessment of the green belt edge and land immediately beyond it to assess the degree to which any area of green belt in Kirklees contributes to these five purposes. The review has been used to aid the site allocation process when considering the suitability of green belt land to help meet the requirement for new development in the Local Plan.

- 13.3 The NPPF makes it clear that inappropriate development is, by definition, harmful to the green belt and should only be approved in very special circumstances. Paragraph 89 of NPPF sets out exceptions where development may not be inappropriate. These are types of development normally associated with an open land use, such as agriculture or outdoor sport and recreation.

The Local Plan includes policies that set out clearly the issues that need to be considered should permission for any development in the green belt be sought.

## **14 MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE**

- 14.1 Chapter 10 of the NPPF outlines the importance of meeting the challenges of climate change, flooding and coastal change in relation to achieving sustainable development. Paragraph 94 states that "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations".

### **Renewables and Low Carbon Energy**

- 14.2 The NPPF requires Local Plans to plan positively to support the transition to a low carbon future and encourage the use of renewable resources. NPPF paragraphs 95 and 97 state that local planning authorities should plan for new developments in locations and ways which reduce greenhouse gas emissions and have a positive strategy to promote energy from renewable or low carbon sources. Policies should be designed to maximise renewable and low carbon energy development while ensuring that impacts, including cumulative impacts, are addressed.
- 14.3 The NPPG provides further clarity, stating that policies should promote renewable and low carbon technologies and these should be based on evidence that considers the opportunities for different types of technologies, the possible opportunities for district heat networks and consideration of the landscape impacts of these technologies.

The council has considered the potential low carbon and renewable technologies that can be developed within the district. The 'Renewable and Low Carbon Energy Study', Maslen (September 2010) addresses Kirklees specifically. 'The Low Carbon and Renewable Energy Capacity in Yorkshire and Humber', Aecom (March 2011) study also considers the potential for different technologies in Kirklees within the context of the Yorkshire and Humber Region. The Local Plan includes a policy designed to support renewable and low carbon energy proposals while ensuring that consideration is given to any adverse impacts. The policy also encourages community schemes, including district heat networks. Further information is available in the Councils Renewable and Low Carbon Technical Paper.

- 14.4 Renewable and low carbon technologies can be incorporated effectively into building design and this will be encouraged in the Local Plan design policy. Building Regulations also require new developments to incorporate carbon saving through design and construction methods.
- 14.5 The Local Plan's evidence base relating to landscape along with national and other relevant guidance will be used to inform the impact assessment of specific renewable and low carbon technologies.

The 'Kirklees District Landscape Character Assessment', LUC (April 2015) provides valuable landscape evidence to inform plan making and aid decision taking, as do the 'South Pennines Wind Energy Landscape Study', Julie Martin Associates and LUC (October 2014) and 'Landscape Guidance for Wind Turbines up to 60m high in the South and West Pennines', Julie Martin Associates (January 2013). Recent government statements and guidance have also been produced relating to wind turbines.

### **Flooding**

- 14.6 NPPF (paragraph 100) states that Local Plans should also ensure that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk" and should be supported by a Strategic Flood Risk Assessment. The Strategic Flood Risk Assessment will provide the basis for applying the flood risk sequential test. An exception test may also be required.

The Calder Valley Strategic Flood Risk Assessment (SFRA) was prepared in accordance with national policy. This assessment has been used to inform the site allocation process as well as the latest Environment Agency Flood Map for Planning with the aim of preventing inappropriate development in high flood risk areas, taking

account of flooding from all sources identified in the Calder Valley Strategic Flood Risk Assessment (SFRA).

- 14.7 The Environment Agency Flood Map for Planning identifies areas at risk from river or sea flooding. For Kirklees, the Flood Map identifies fluvial flood zones 1 (lowest risk), 2 (medium risk) and 3 (high risk). The Calder Valley SFRA provides more detailed flood risk information including identifying which parts of flood zone 3 are within the functional floodplain (flood zone 3b).
- 14.8 The revised Calder Valley Strategic Flood Risk Assessment further refines flood risk information. This work has re-considered the approach to identifying the functional floodplain (flood zone 3b). Using the recommended 5% probability of flooding as a starting point for determining the functional floodplain does not reflect the fact that some land within these areas will already contain buildings and therefore cannot perform a functional floodplain role. The revised Calder Valley SFRA has therefore excluded such areas from the functional floodplain but has instead identified them as flood zone 3ai to highlight the higher risk than flood zone 3a. The following flood risk zones will therefore apply in Kirklees:
- Flood Zone 1
  - Flood Zone 2
  - Flood Zone 3a
  - Flood Zone 3ai
  - Flood Zone 3b
- 14.9 Proposals within flood zone 3ai will be assessed using criteria in national policy for flood zone 3a but with additional restrictions set out in the Local Plan flood risk policy to reflect the higher risk, as the probability of flooding in flood zone 3ai remains the same as the functional floodplain (flood zone 3b).
- 14.10 Potential development sites have been re-assessed using the updated information.

The council will apply a sequential approach to the location of new development to prevent inappropriate development in flood risk areas. The Local Plan includes a flood risk policy requiring new development to demonstrate that it has been directed to areas at lowest risk from flooding and a drainage policy to promote Sustainable Drainage Systems in new schemes. Further information can be found in the Councils Flood Risk Technical Paper.

## **15 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT**

- 15.1 Chapter 11 of the NPPF details how the planning system should contribute to the natural and local environment. When preparing Local Plans to meet development needs, local planning authorities should aim to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value. NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

15.2 NPPF paragraph 114 states that local planning authorities should: "Set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure".

### **Biodiversity and Geodiversity**

15.3 NPPF paragraph 117 states that to minimise impacts on biodiversity and geodiversity, planning policies should: "...identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation"; and "...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan".

The council commissioned West Yorkshire Ecology to identify a Kirklees Wildlife Habitat Network. This highlighted notable habitat links within the district and will enable species to be sustained by maintaining and enhancing the existing ecological corridors. The council has identified Strategic Green Infrastructure Networks as a result of green infrastructure mapping work undertaken across the region in partnership with Natural England.

The council has identified a hierarchy of international, national and locally designated sites and reviewed sites designated as Sites of Scientific Interest and Sites of Wildlife Significance on the UDP for their wildlife and geological significance and identified new sites important for their nature conservation value. These have been assessed and approved by the West Yorkshire Local Sites Partnership using locally agreed criteria and identified in the Local Plan as Local Wildlife Sites and Local Geological Sites. The Local Plan includes a policy to protect and enhance the international, national and locally designated wildlife and geological sites in Kirklees. Further information is available in the Councils Environmental

Designations Technical Paper.

### Contaminated and Unstable Land

- 15.4 At paragraph 120 the NPPF states that “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.
- 15.5 At Paragraph 121, the NPPF states that planning policies should ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
  - after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - adequate site investigation information, prepared by a competent person, is presented.

The council has produced a Contaminated Land Strategy in accordance with national requirements. To make information freely available to all relevant sections of the Council to enable consideration to be given about land contamination in policy making processes, and bringing sites forward for economic development.

The contaminated and unstable land policy in the Local Plan will require proposals to be accompanied by a contaminated or unstable land report to ensure the safety of future users.

### Air Quality

- 15.6 The NPPF at paragraph 124 states that “planning policies should sustain compliance with and contribute towards European Union limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.
- 15.7 NPPG provides guiding principles on how planning can take into account the impact of new development on air quality. The Local Plan may need to consider:

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;
- the impact of point sources of air pollution (pollution that originates from one place); and
- ways in which new development would be appropriate in locations where air quality is or is likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.

The council has declared two Air Quality Management Areas, where levels of pollution are considered to be too high to allow new development unless improvements can be secured. The council has also identified further areas of concern where monitoring levels of nitrogen dioxide appear to indicate that the annual average for nitrogen dioxide may be exceeded. The council has prepared an Air Quality Strategy and Action Plans for the two AQMAs.

Included in the Local Plan is a policy to improve local air quality requiring new development to incorporate mitigation measures where appropriate. The Council has also commissioned an Air Quality Assessment to assess the potential cumulative impacts of sites allocated in the Local Plan. The Council will monitor air quality annually and set out its findings in its annual monitoring report.

### **Environmental Quality**

15.8 Paragraph 123 of NPPF states that “planning policies should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.

15.9 NPPG requires that local planning authorities should take account of noise in preparing Local Plans and in doing so should consider:

- whether or not a significant adverse effect is occurring or likely to occur;

- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

15.10 Paragraph 125 states that “by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

The council has included a Protection and Improvement of Environmental Quality policy within the Local Plan which addresses noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution.

The council has also produced Noise Design Advice and Guidance on Noise, Odour and Air Quality Control for Residential Development in Town Centres.

### **Water quality**

15.11 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment. This should be achieved by minimising impacts on biodiversity and providing net gains in biodiversity, where possible. This is linked to the EU Water Framework Directive and associated Humber River Basin Management Plan which requires UK water bodies to achieve established chemical and ecological water quality targets. As a result, the impacts of development proposals need to be assessed and mitigation measures considered to off-set negative impacts.

The Local Plan includes numerous policies relating to water quality. These include a conserving and enhancing the water environment policy to improve water quality and achieve the objectives of the EU Water Framework Directive, a flood risk policy encouraging reverting water courses to their natural state and a drainage policy to ensure that surface water run-off from new developments is managed in a sustainable manner. Further information is available in the Flood Risk Technical Paper.

## **16 CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT**

16.1 At paragraph 126 the NPPF stipulates that a Local Plan should set out a positive strategy for the conservation and enjoyment of the historic environment, in which the desirability of sustaining and enhancing the significance of heritage assets should be considered. Local planning authorities should recognise that heritage assets are an irreplaceable resource and therefore should seek to conserve them in a manner appropriate to their significance. The associated statutory duty regarding the desirability of preserving or enhancing the character or appearance of a conservation area must be considered in this regard (S72, Planning (Listed Buildings and Conservation Areas) Act 1990).

16.2 Further direction is given in National Planning Policy Guidance. Local planning authorities should seek to ensure that they deliver specific policies, for example in

relation to the use of buildings and the design of new development and infrastructure. Local planning authorities should also consider the relationship and impact of other policies in the delivery of the strategy for conservation.

The council has included an historic environment policy in the Local Plan. Historic assets, including archaeological sites, conservation areas, registered battlefields, registered parks and gardens, and scheduled monuments have been designated on the policies map.

- 16.3 Historic England has produced a draft advice note called “The Historic Environment and Site Allocations in Local Plans” which was published for consultation in June 2015. This sets out best practise for ensuring that site allocations within a Local Plan avoid harming the significance of heritage assets, which includes effects on their setting.

The council had regard to the advice issued by Historic England, as well as evidence provided by the West Yorkshire Archaeological Service and from internal expertise, in the site allocations process.

## **17 FACILITATING THE SUSTAINABLE USE OF MINERALS AND MANAGEMENT OF WASTE**

### **Minerals**

- 17.1 Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. It is important to make best use of these finite resources in order to secure their long-term conservation.
- 17.2 Chapter 13 of the NPPF requires that, as a Minerals Planning Authority (MPA), the council must plan for a steady and adequate supply of minerals to meet future demand. NPPG indicates that MPAs should do this by adopting one or more of the following methods (in order of priority):
- Designating specific sites
  - Designating preferred areas of search
  - Designating areas of search
- 17.3 Paragraph 143 of the NPPF also indicates that MPAs should safeguard known mineral resources within their area by defining mineral safeguarding areas to ensure that such resources are not needlessly sterilised by non-mineral development.
- 17.4 The Local Plan therefore identifies sites for mineral extraction and safeguarding. To do this, the council has identified and assessed potential mineral sites and from a list of potential options and selected the sites most suitable for allocation and safeguarding in the Local Plan. This process will be influenced by the special characteristics of minerals development, which are area set out in the NPPG as:

- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-minerals development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas;
- working is a temporary use of land, although it often takes place over a long period of time;
- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
- since extraction of minerals is a continuous process of development there is a requirement for routine monitoring, and if necessary enforcement, to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
- following working, land should be restored to make it suitable for beneficial after-use.

17.5 The special characteristics of minerals development is further acknowledged in Paragraph 90 of the NPPF which indicates that mineral extraction may not be an inappropriate use in the green belt, thus recognising that minerals can only be worked where they are found.

17.6 Where potential mineral extraction areas are identified, the application of further exclusions should be considered to remove areas in which there is little potential for minerals development to take place.

To inform the production of the Local Plan, the council has carried out a minerals assessment. This identifies the key minerals found in the district, the quantities of permitted reserves of those minerals, the likely future minerals requirements for the district over the plan period and a methodology for safeguarding known minerals resources/infrastructure and for allocating potential mineral extraction sites. This assessment has identified a need for additional minerals allocations to be included in the Local Plan to ensure that a steady supply of minerals can be maintained and the demands of the district are fully met during and beyond the plan period. These will be supported by a range of policies in the Local Plan including policies on mineral extraction and safeguarding, protection of existing and planned mineral infrastructure sites and restoration and after care following mineral extraction. Further information is available in the Minerals Technical Paper.

## **Waste**

17.7 The NPPF does not provide specific guidance on waste. National policy guidance for waste has been published in a separate document 'National Planning Policy for Waste'. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to the NPPF. The NPPF does state that local

authorities are required to ensure that they strategically prioritise waste management within their local authority (paragraph 156).

- 17.8 NPPG provides further guidance on planning for waste. The NPPG states that Local Plans should identify sufficient opportunities to meet the needs of a district through waste management, ensuring that “suitable sites and areas for the provision of waste management facilities are identified in appropriate locations”.
- 17.9 The NPPG also indicates that Waste Planning Authorities should seek to drive waste management up the ‘Waste Hierarchy’ which is outlined in Appendix A of the National Planning Policy for Waste. This hierarchy identifies the methods of managing waste and gives greater priority to the more sustainable methods.

The council has carried out a Waste Needs Assessment which has taken into account the current waste trends within Kirklees and the outputs and arising within the district. The assessment also identifies waste infrastructure in the district, its capacity to deal with waste throughout the plan period and concludes with which waste facilities/infrastructure Kirklees will be deficient in by the end of the plan period. Recommendations are then made regarding what provision will need to be made within the Local Plan period. The Local Plan includes policies relating to the provision of new waste facilities and the protection of existing sites in order to ensure the long term management of the waste needs of Kirklees.

## **18 SUSTAINABILITY APPRAISALS**

- 18.1 Under the Planning and Compulsory Purchase Act 2004, Sustainability Appraisal is mandatory for development plan documents. For these documents it is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment (SEA) Directive (European Directive 2001/42/EC).
- 18.2 The requirements to carry out Sustainability Appraisal (SA) and SEA are distinct, although it is possible to satisfy both using a single appraisal process (as advocated in the NPPG), whereby users can comply with the requirements of the SEA Directive through a single integrated SA process. This is the process that is being undertaken in Kirklees.
- 18.3 The council has published an SA scoping report for the Kirklees Local Plan which sets the framework to undertake the SA work whilst detailing how the council will meet the requirements of the SEA Directive. The council will publish SA reports at key stages during the development of the Local Plan.

A Local Plan Sustainability Appraisal (SA) incorporating the requirements of the SEA Directive has been undertaken by consultants on behalf of the council.

## Habitats Regulations Assessment

- 18.4 Under Article 6 (3) and (4) of the Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) land-use plans, including development plan documents, are subject to Habitats Regulations Assessment (HRA). The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European site and to ascertain whether it would adversely affect the integrity of that site. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is explained in the National Planning Practice Guidance (NPPG).

A Habitat Regulations Assessment for the Kirklees Local Plan has been undertaken by consultants on behalf of the council.

## 19 VIABILITY

- 19.1 The NPPF (paragraph 173) states that plans should be deliverable. This means that the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPF also recommends that where possible Community Infrastructure Levy (CIL) rates should be drafted at the same time as the Local Plan. This ensures that all future costs and policy requirements for developers can be tested together.

The Local Plan has been tested by a viability assessment. The viability assessment has considered the cost of development alongside the cumulative impact of national and local planning policies to ensure that the cumulative policy requirements do not prevent development coming forward. The Local Plan viability assessment also tests the cumulative impact of draft CIL rates which are being consulted upon in parallel with the draft Local Plan.

## 20 PLANNING FOR TRAVELLERS

- 20.1 The NPPF and NPPG do not provide specific guidance on planning for Traveller sites. The Government produced a separate document "Planning Policy for Traveller Sites" which provides the following aims:
- that local planning authorities should make their own assessment of need for the purposes of planning;
  - to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
  - to encourage local planning authorities to plan for sites over a reasonable timescale;
  - that plan-making and decision-taking should protect green belt from inappropriate development;
  - to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;

- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;
- to increase the number of traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply;
- to reduce tensions between settled and traveller communities in plan-making and planning decisions;
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; and
- for local planning authorities to have due regard to the protection of local amenity and local environment.

20.2 Planning policy for traveller sites also sets out that local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. It also states that local planning authorities should, in producing their Local Plan:

- identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
- identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density protect local amenity and environment.

The council commissioned the 'Kirklees Gypsy and Traveller and Travelling Showperson Accommodation Needs Assessment' 2015 (Arc4). This work was undertaken in accordance with national policy and best practice including the Gypsy and Traveller Accommodation Needs Assessment Guidance (CLG, Oct 2007). Further work was commissioned, called the 'Calderdale and Kirklees baseline census: Gypsy and Traveller Communities 2015' (Leeds GATE). These key reports have informed the pitch and plot requirement and the location of potential site(s), which will be set out in Local Plan policy. Further detail is available in the Housing Technical Paper.

