

Kirklees Local Plan Examination

Stage 1 – Initial Hearings

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 8 - Approach to site allocations and Green Belt release

1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 8 – Approach to site allocations and Green Belt release. All the documents referred to in this statement are referenced within the statement.

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

a) Has the Council undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt?

1.2 As set out in the council's response to the Inspector's Initial note (Part1) (EX5), the Council can confirm that the assessment of development capacity within existing urban areas was robust and comprehensive. In the Kirklees context, all land not in the current urban areas is in the Green Belt and there is no land beyond the outer Green Belt boundary. The council have considered the existing capacity from planning permissions and completions since the Local Plan base date as part of the calculation of the number of new homes to be allocated in the Local Plan in addition to a windfall allowance to reflect capacity which will come forward from this source during the plan period (EX30, Table 1, page 5). In relation to the consideration of land within non-Green Belt areas potential allocations have emerged from a number of sources.

1.3 The opportunity to submit sites to be considered for development or protection in the Local Plan has been available since the adoption of the Unitary Development Plan (UDP) (LE1) in 1999. A formal 'Call for Sites' process has been available since 2008 with publicity at various stages of the plan preparation process. The Call for Sites process was also publicised during the early engagement period in 2014. The deadline for sites to be submitted for inclusion in the publication draft Local Plan was 12th August 2016. A number of further site options were received after this date and although no decisions have been made on their inclusion in the Local Plan they have been provided for consideration during the Examination and are contained in 'New Site Options Report – April 2017' (SD30).

1.4 Sources of land supply considered through the Local Plan process included:

- those identified through multiple Call for Sites;
- a review of Council owned land;
- land identified in the Council's housing and employment land supply records;
- a review of current UDP allocations;
- potential supply from the Council's Priority Employment Areas study (BP8);
- review of potential supply from Huddersfield and Dewsbury town centre locations was also considered, the results of which are set out in the Kirklees Town Centre

Delivery Study Huddersfield 2016 (LE34) and in Kirklees Town Centre Delivery Study Dewsbury 2016 (LE35);

- unimplemented planning permissions or sites partially under construction which have in many cases been included as part of commitments or accepted Local Plan allocations;
- land submitted following the council contacting individual landowners to determine whether other stalled sites or expired permissions were deliverable/developable;
- a number of site options within the urban areas put forward by public sector bodies through Call for Sites or through direct liaison with these bodies and the interrogation of the Register of Public Sector Land, although the Register identified no land in Kirklees;
- site options put forward to the council by members of the public through public consultation (i.e. not necessarily landowner/site promoters). The council carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable;
- consideration of whether empty homes can be brought back into use to contribute to future needs, as set out in the Housing Technical Paper (SD23 paragraphs 4.31 - 4.33) and the Empty Homes Strategy (LE25);
- consideration of Kirklees Neighbourhood Housing (KNH) assets but these have not contributed significantly to supply due to extensive housing renewal programmes in the past;
- the council proactively identified a number of large brownfield sites within the urban area during 2015 (pre-draft Local Plan) and 2016 (pre-publication draft Local Plan) and carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable;
- where the council have received enquiries in relation to the re-development of sites or business relocation, the council have actively encouraged the landowner/site promoter to submit a Call for Sites form; and
- allowances made in the figures for windfall, commitments and completions.

1.5 The development options were then subject to a robust and credible assessment through the Local Plan site allocations methodology (BP22 and BP23) to determine which sites could be accepted as allocations in the Local Plan. Green Belt site options were also submitted through this process and these sites were also assessed using the Local Plan site allocations methodology. Each site option was assigned a 'settlement position' ('within', 'extension' or 'detached') for consideration against the site allocation methodology. This information is included in the Accepted Site Options – Technical Appraisals – Revised July 2017 (BP29.1), the Rejected Site Options Report – Revised July 2017 (LE4.1).

1.6 In conclusion the council considers that a robust and comprehensive assessment of development capacity within existing urban areas has taken place. The sources of potential development site options has been comprehensive and reflects the guidance set out for local planning authorities in National Planning Practice Guidance (NE2, Paragraph: 006 Reference ID: 3-006-20140306, Revision date: 06 03 2014). This is evident from the comprehensive volume of reasonable alternative site options, including 982 housing options and 108 employment options, all of which were subject to technical assessment and Sustainability Appraisal. The results of this assessment are set out in the Accepted Site Options – Technical Appraisals – Revised July 2017 (BP29.1), the Rejected Site Options Report – Revised July 2017 (LE4.1) and the Sustainability Appraisal report (SD5).

b) Do exceptional circumstances exist which justify the release of Green Belt land to accommodate some 11,500 new dwellings and additional land for employment uses?

- 1.7 Exceptional circumstances have been set out which justify the release of Green Belt land to accommodate the housing and employment requirements in the Local Plan. The National Planning Policy Framework (NE1) paragraph 14 states that; *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted”*. Green Belt is listed as a specific restrictive policy. This is reinforced by paragraph 3-044 of National Planning Practice Guidance (NE2)¹ which states that *“need alone is not the only factor to be considered when drawing up a Local Plan”*. Paragraph 83 of NPPF is clear that; *“once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan”*. In the Council’s view, the need for additional land to meet development needs is capable of amounting to an exceptional circumstance if, after due consideration of all relevant non-Green Belt alternatives, the need to promote sustainable development patterns, the role and function of the Green Belt and the specific characteristics of each site, the benefits of meeting objectively assessed needs outweigh the harm to Green Belt purposes caused by the loss of land from it.
- 1.8 The level of housing need has been set out in the Strategy and Policies document (SD1, Table 5, page 65) and updated in the Housing Supply Topic Paper (EX30, Table 1 page 5). The scale of employment need has been set out in the Strategy and Policies document (SD1, paragraphs 7.13-7.14 and Table 3).
- 1.9 In relation to meeting the objectively assessed needs for housing during the plan period the council have explored the housing market area relationship with adjoining authorities. The Kirklees SHMA states that Kirklees is an appropriate housing market area for the purposes of the Local Plan (SD18, paragraph 3.42). The Council considers *that no part of the requirement for housing land can be exported to neighbouring authorities*. As stated in the Leeds City Region Housing Market Areas (CR13, box 4, page 34) the level of cross boundary exchange of housing need between Kirklees and Calderdale and Kirklees and Wakefield is low, (such that the boundary between them is considered to be ‘impermeable’) indicating that it is not appropriate to accommodate Kirklees’s housing needs within either of those authorities. As the boundary with Bradford and Leeds is deemed to be more ‘permeable’ (*but still not within Kirklees’ self-contained housing market area*) the council have explored this issue further with these authorities through the Duty to Co-operate process. With respect to Bradford, correspondence received from City of Bradford Metropolitan District Council on 20th April 2017 (BP29, page 10) identifies that Bradford Council cannot meet any of the development needs of Kirklees District. Furthermore, Kirklees Council considers that Leeds Council cannot meet any of the development needs of Kirklees District as it requires a significant amount of Green Belt release to meet its own needs. The Leeds City Region Housing Market Areas (CR13 ref ES7 on page 4) also highlights the impermeability of the West Yorkshire/South Yorkshire Housing Market Area boundary. For this reason Kirklees Council considers that it would not be justifiable for Barnsley Council to meet housing needs of Kirklees District. Both Oldham Council and High Peak Council are also outside of the Kirklees housing market area and have approached Kirklees to ask if it could accommodate a

¹ Housing and economic land availability assessment; what is the purpose of the assessment of land availability? Paragraph: 044 reference ID: 3-044-20141006.

proportion of their housing requirements. It is therefore considered that neither would be able to meet any of the development needs of Kirklees District, nor would it be practically possible for the Peak District National Park authority given that it is not required to allocate land for housing development in its Local Plan.

- 1.10 As set out in the Duty to Co-operate (DtC) Statement (SD14, Appendix A, Ref 1C), adjoining authorities are planning to meet their own objectively assessed needs for housing. As set out in the DtC Statement (SD14, paragraphs 5.15 – 5.17 and Appendix A, Ref 1C), the council identified that it could meet the OAN within Kirklees and agreement was reached through the Leeds City Region DtC process that each local planning authority is aiming to meet their objectively assessed needs for housing within their own boundaries.
- 1.11 As set out in the council's Employment Technical Paper (SD22) the objectively assessed need (OAN) for jobs is approximately 23,200 full time equivalents (FTE) which equates to a land requirement of 175 hectares. The council and the wider Leeds City Region (LCR) LEP (as set out in the Strategic Economic Plan (CR9)) are committed to boosting the manufacturing sector with particular focus being afforded to the precision engineering and advanced manufacturing sectors. Some large flat sites, with good access to the motorway junctions and proximity to a skilled workforce will be required to deliver on these objectives.
- 1.12 The council's economic objectives in the Kirklees Economic Strategy (LE6) are primarily focused around the districts key growth sectors which are also precision engineering and advanced manufacturing. Based on the councils current employment land portfolio there is insufficient land suitably located and of an appropriate size to meet the growth aspirations of these businesses (SD22, section 8, page 41, paragraph 8.2). In view of this there are exceptional circumstances that justify the release of land from the green belt.
- 1.13 The Green Belt Review Supporting Document (BP25) states at section 6 that scrutiny of the existing supply of both housing and employment land within the urban area has shown that Green Belt land must be considered if Kirklees is to fully meet objectively assessed needs. The Green Belt is the only additional source of land that could accommodate the identified housing and employment requirements, as the Council will continue to protect valuable areas of open space within the urban areas through PDLP policy 61 'Urban Green Space' (SD1, page 194 and BP13 - Urban Green Space and Local Green Space Technical Paper for the outcomes of the assessments of Urban Green Space sites). A review of the Green Belt is therefore justified. Only after a judgement, based on an individual site assessment, that the benefits of meeting objectively assessed need outweighs the harm caused, can exceptional circumstances be shown that justify releasing land from the green belt. The Accepted Site Options Technical Appraisal (BP29.1) states for every accepted housing option that necessitates removing land from the Green Belt that *"Exceptional circumstances exist to amend the Green Belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-Green Belt alternatives, the need to promote sustainable development patterns, the role and function of the Green Belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt"*. Modified versions of this statement specific to land type have been set out for accepted employment, mixed use and safeguarded land sites.

1.14 The release of Green Belt land will also ensure that housing and economic development needs will be met within the lifetime of the plan and therefore that the new Green Belt boundary will not need to be reviewed within the plan period, thereby giving the Green Belt the long term protection required by policy.

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

1.15 Kirklees District extends to 40856ha which includes the area within the Peak District National Park. The area of Kirklees outside the National Park and for which the council is the planning authority extends to 36287ha of which 24919ha, or 68.7%, will remain in the Green Belt following implementation of proposals in the Local Plan.

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

1.16 The Council considers that the approach to assessing potential sites in the Green Belt is soundly based and in line with national guidance. Every potential development option progressed through the site allocation methodology (BP23 - Local Plan Methodology Statement part 2) meaning that no site was screened out at the beginning of the process whether it was located within or outside the green belt.

1.17 There is no nationally prescribed method for undertaking a review of the green belt. The Kirklees Green Belt Review (SD19) assessed the Green Belt around settlements against the purposes of the Green Belt as set out in paragraph 80 of the National Planning Policy Framework (NE1):

“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”.*

1.18 The methodology used in the review of the Kirklees Green Belt is set out in full in the Green Belt Review (SD19) and is illustrated in the Green Belt Review Supporting Document (BP25 page 15 Figure 1). The outcomes of the review are given in the Green Belt Review (SD19 Appendix 2a) and to illustrate the outcome the Green Belt edges have been coloured black, red, green, amber or pink on the five Green Belt edge maps (SD20). The review resulted in a detailed assessment of where the removal of land from the Green Belt would cause least harm to its role and function (the green and amber edges) or most harm (the black, red or pink edges). The outcome of the review was used to inform the technical assessment of Green Belt options following the process set out in section 4.51 to 4.56 of the site allocation methodology (BP23 pages 17 to 19). How the Green Belt Review translates into an assessment of individual development options is illustrated in the Green Belt Review Supporting Document (BP25 page 19 Figure 2). In this way the degree of harm that the removal of each individual development option would have on the role and function of the Green Belt could be determined. This allowed a decision to be made as to whether the need to meet the objectively assessed need for development land would outweigh the degree of harm so caused and thereby confer the exceptional

circumstances to amend the position of the Green Belt boundary required by paragraph 83 of the National Planning Policy Framework (NE1).

di) Is the approach to the Green Belt review, based on the assessment of Green Belt edge sites, robust and justified?

1.19 The council considers that its approach to the Green Belt review is robust and justified. There is no nationally prescribed method of undertaking a Green Belt review. The examination of the Kirklees Green Belt around settlements is consistent with the Local Plan approach to provide for new development land firstly on the edges of settlements. The extent of adjoining land taken into consideration depends on its individual characteristics and the features it contains, as stated in the Green Belt Review (SD19) at paragraph 3.2 *“The chosen boundary lengths are defined by reference to points where the nature of the boundary changes significantly. The extent of adjoining land taken into consideration depends on the features it contains and whether and how such features could form a new boundary”*. This allows the review to be precise and to reflect both the relationship between the Green Belt and the settlement it adjoins and also where the nature of that relationship changes. The result is a robust assessment of the sometimes subtly varying role and function of the Green Belt around settlements.

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

1.20 All site options, irrespective of their location relative to any edge, have been assessed against relevant Green Belt purposes as part of the overall site allocations methodology consistent with section 4 of BP23 (Local Plan Methodology Statement part 2 pages 17 to 19) and as illustrated in Figure 2 on page 19 of the Green Belt Review Supporting Document (BP19).

1.21 Paragraph 4.51 of BP23 states; *“Development options in the Green Belt were assessed based on their position relative to the edge of a settlement using the outcomes of the Green Belt Edge Review as a guide, as well as for their overall impact on the purposes of including land in the green belt”*. Where the site abuts a settlement edge it received a two part Green Belt assessment in line with the site allocation methodology set out in section 4.51 to 4.53 of BP23. Sites detached from the settlement edge, that is those sites not sitting directly adjacent to an existing inset settlement, received only an overall Green Belt assessment based on the harm that would be caused to relevant Green Belt purposes by their release. This assessment is nevertheless influenced by the outcome of the Green Belt Review. Sites located in areas where the settlement edge has been assessed as constrained by topography for example would be likely to have a significant detrimental impact on openness through intrusive development on steep valley sides. Sites located within a gap assessed as important to the preservation of settlement separation would be assessed for the degree of harm to this Green Belt purpose. Some sites are located within extensive areas of open countryside. One of the purposes of the Green Belt is to safeguard the countryside from encroachment and in all cases the creation of small areas of developed non-Green Belt land surrounded by Green Belt would cause significant encroachment of built form into the green belt.

- 1.22 Green Belt land around inset settlements that was deemed constrained topographically, physically or environmentally did not progress through the review to be assessed against Green Belt purposes in relation to the assessment of the Green Belt edge. However, all development options adjacent to such edges still had an individual assessment based on the impact its removal would have on the role and function of the green belt.
- 1.23 The conclusion of the one part (for sites detached from the settlement edge) or two part (for sites attached to the settlement edge) assessment for every Green Belt option has been published as part of the information on each site in the Accepted Site Options - Technical Appraisals – Revised July 2017 (BP29.1) and the Rejected Site Options Report Revised July 2017 (LE4.1).
- diii) Is the ‘gateway’ approach in the Green Belt Review justified? (whereby failure to meet Test 1 meant Test 2 on Green Belt purposes was not engaged, and failure to meet Test 2a meant no further assessment against other Green Belt purposes)**
- 1.24 The council does not consider that the Green Belt review methodology represents a ‘gateway’ approach. The Green Belt Review Test1 (1a topographical constraint, 1b physical constraint and 1c environmental constraint) considered land constrained by steep topography where the intrusive impact of development would be likely to be severe and immediate, where there were physical constraints to development, for example significant existing built form such as schools, or where there are environmental constraints such as ancient woodlands or areas at high risk of flooding. The details of these tests and how they were assessed are set out in the Green Belt Review (SD19 section 3) and Green Belt Review Supporting Document (BP25 sections 7.3 and 7.4). The assessment is set out for each individual length of edge at Appendix 2a of the Green Belt Review and where the Green Belt boundary, or land beyond the boundary is deemed constrained these are illustrated as ‘black’ edges on the Green Belt edge maps (SD20). Where the constraint was deemed severe, no assessment against Green Belt purposes was undertaken as part of the Green Belt review and this is deemed proportionate to the need to review the Green Belt as a Local Plan supporting document and where the review forms part of an overall site allocation methodology. It should be noted that any development option abutting a constrained ‘black edge’ still underwent a comprehensive technical assessment, including a Green Belt assessment, in line with the site allocation methodology (BP23) and therefore the review methodology does not represent a ‘gateway’ in terms of the assessment of development options, as no development options were sieved out of the assessment process.
- 1.25 Land that passed through Test 1 was then subject to testing against Green Belt purposes, the first one, Test 2a, being to determine whether, based on a professional planning judgement, an area of Green Belt is functioning as a strategic gap maintaining separation between settlements. Whether land performs this role can be assessed based on the existing settlement form and the width of the existing gap. Land that functions as a strategic gap need not be assessed against further Green Belt purposes as it is considered that any land release would fundamentally undermine the role of the Green Belt and therefore that its Green Belt role and function is already strong. The council does not consider that this represents a gateway approach in terms of the Green Belt review, nor is it a gateway approach in terms of the assessment of development options as no sites were sieved out of the comprehensive technical assessment process.

- div) Are the other assessment tests in the Green Belt Review justified and soundly based? To what degree are the identified topographical, physical and environmental constraints absolute, and were site-specific solutions or partial development options taken into account? Is test 2d consistent with Green Belt purposes as defined in the NPPF and as they relate to Kirklees?**
- 1.26 The remaining assessment tests in the Green Belt Review are justified and soundly based as they reflect the five purposes of Green Belt set out in the NPPF (NE1, paragraph 80). These include checking unrestricted sprawl, preventing neighbouring towns merging, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns and assisting in urban regeneration.
- 1.27 The council considers that Tests 1a, 1b and 1c of the Green Belt Review (SD19 Section 3 pages 13 to 15) are justified and soundly based. In terms of Test 1, it is considered reasonable to assess the degree of constraint as a starting point when considering possible settlement extension. The Green Belt Review Supporting Document (SD21 section 7.4 pages 8 - 12) sets out in detail the topographical, physical and environmental constraints and how they were assessed using a 'rag' rating (red/amber/green) to illustrate the degree of constraint present either along the Green Belt boundary or on land beyond the boundary. It is stated in paragraph 7.4.2 that "*constraints noted along a length of Green Belt edge may not necessarily apply to a site that has been submitted to the council for consideration*". Whether or not a constraint would result in the rejection of an option depends on the nature and scale of the constraint and its relationship to the option. All Green Belt development options had an individual assessment against relevant Green Belt purposes even if constraints were identified at Test 1.
- 1.28 Sites were identified in accordance with the site selection methodology (BP23 chapter 3 paragraph 3.1 page 5) and have been the subject of ongoing engagement as part of the development of the local plan. As part of this engagement site promoters have provided site "specific solutions and partial development options" within their sites in order to respond to issues, including those identified in the technical assessment of rejected sites in the draft local plan (PC11). These have resulted in a new site option or a subdivision into multiple smaller site options referenced by a suffix added to the original site ID (e.g. "a", "b", "c"). This is evident from the comprehensive volume of reasonable alternative site options, including 982 housing options and 108 employment options, all of which were subject to technical assessment and Sustainability Appraisal.
- 1.29 It is recognised, and stated in the Green Belt Review (SD19 at paragraph 3.20) that for the fourth purpose of the Green Belt set out in paragraph 80 of NPPF; "*to preserve the setting and special character of historic towns*", there are no historic towns in Kirklees. One option for the review therefore would have been to ignore this purpose. However, the Council is mindful of the need to be comprehensive when considering Green Belt purposes, and also recognise the fact that the Green Belt does help to preserve the setting of historic assets by preventing the intensification of built form. The Kirklees Green Belt Review methodology for Test 2d (SD19 paragraphs 3.16 – 3.22) allows for the degree to which development would impact on historic assets to be combined with an assessment of other Green Belt purposes to give an overall view of the role of the Green Belt in these areas.

1.30 The fifth purpose of the Green Belt as set out in NPPF paragraph 80 states that the Green Belt serves to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The Green Belt Review states at paragraphs 3.23 to 3.28 (SD19 pages 17 to 19) that the Green Belt performs this purpose on a strategic level throughout the district; *“by constraining the potential for the expansion of built-up areas the Green Belt will direct development pressure towards opportunities to recycle land within urban areas and thereby achieve urban regeneration”*. As the Green Belt as a whole performs this role equally throughout the district, this purpose does not form part of the Green Belt review methodology and therefore does not influence the overall assessment of Green Belt land. However, there may also be small pockets of land in the green belt, former industrial sites for example, which may be said to have an urban land use but where Green Belt policy, i.e. the need to consider openness when proposals for re-use are considered, may restrict their beneficial re-use. Test 3 of the Green Belt Review considered brownfield sites on the edges of the urban areas to determine whether their Green Belt location could restrict their beneficial re-use. The outcomes of this test are set out in Appendix 2b of the Green Belt Review. The Council recognises however that any sites assessed as likely to be restricted by Green Belt policy would still require exceptional circumstances to be demonstrated to justify their removal from the green belt.

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

1.31 Section 2 of the Green Belt Review (SD19) examines the strategic nature of the Kirklees Green Belt which serves both to prevent the cities and towns of West and South Yorkshire from merging into one another and to maintain separation between settlements within Kirklees. For a large part of its boundary the Green Belt in Kirklees is contiguous with Green Belt in neighbouring authorities. In the north and east Kirklees borders the urban areas of Bradford, Calderdale, Leeds and Wakefield where in places the Green Belt separating these major built up areas is narrow. It is recognised that in these areas the green belt’s key role is in preventing the actual physical merger of these large built up areas.

1.32 The Duty to Cooperate Statement (SD14) states at paragraphs 5.4 and 5.5 that *“Various strategic issues have been identified and discussed in relation to the spatial development strategy, including the role and function of the Green Belt (particularly where it serves to separate settlements in Kirklees from settlements in adjoining local authority areas)”* and *“In relation to the Green Belt this issue is noted under references 1A, 2C and 12 in the Duty to Cooperate Strategic Issues Table on pages 76, 86 and 100 of SD14. Kirklees shares Green Belt with a number of local adjoining authorities including Leeds, Bradford, Calderdale, Wakefield, Barnsley and via the Peak District National Park, Oldham and High Peak”*.

1.33 Calderdale Council’s Initial Draft Local Plan² (released for Regulation 18 consultation from 4th August to 29th September 2017) proposes a garden suburb at Woodhouse Lane, Rastrick (site number LP1451) and a new employment site (site number LP1618) on land to the west of Huddersfield Road, Brighouse. These proposed allocations are contiguous with the Kirklees district boundary and are situated within the same Green Belt gap as allocations H1747 and H351.

² <https://www.calderdale.gov.uk/v2/maps/local-plan-initial-draft>

- 1.34 In line with the requirements of the Duty to Cooperate the Council prepared the Local Plan in the context of strategic cross boundary matters and was proportionate in how it did this. The Local Plan was also prepared in the context of appropriate evidence available at the time of preparation. Calderdale Council consulted on potential sites in advance of Kirklees Council submitting its Local Plan, however this was neither on a publication Local Plan, nor a complete initial draft plan. Accordingly Kirklees Council took account of potential sites, but only to the extent that it was relevant, proportionate and necessary to do so considering the prematurity and limited weight of the consultation documents made available. It has been established that there are no other emerging proposals within neighbouring authorities that would reduce strategic cross-boundary Green Belt gaps to the extent that they would cause fundamental harm to the role and function of the green belt.
- 1.35 On a detailed level Test 2a of the Green Belt Review (SD19 page 15 paragraphs 3.12 to 3.13) identified areas where the Green Belt between existing settlements was deemed to be playing an important role in preventing the merger or appearance of merger of settlements. It states; *“Test 2a considers an area’s importance in preventing neighbouring towns from merging into one another. This assessment considers the strategic significance of the wider green belt, the width of the current Green Belt gap and the risk that development would compromise that gap and whether development would appear to result in the merging of built-up areas. The relative importance of an area’s contribution to this purpose depends on the extent of the current separation of built-up areas and the degree to which an extension of development into Green Belt could be accommodated without significantly reducing separation from neighbouring built-up areas. The extent to which features such as slopes, tree cover or roads and railways would screen it so that there would be no significant appearance of merging was also considered”*.
- 1.36 The relative importance of an area’s contribution to this purpose depends on the extent of the current separation of built-up areas and the degree to which a settlement extension could be accommodated without fundamentally impacting on its role. The Green Belt edges in these locations are shown in red on the Green Belt edge maps (SD20). An example of this is the gap between Hartshead, Green Belt edge ref HH4 and Roberttown edge ref RT1 (assessed at Appendix 2a of SD19 and illustrated on SD20 Green Belt edge map Batley and Spen). Where relevant the extent of the Green Belt gap and any potential impact upon it formed part of the individual Green Belt site assessments published in the Accepted Site Options - Technical Appraisals – Revised July 2017 (BP29.1) and the Rejected Site Options Report Revised July 2017 (LE4.1).
- 1.37 The Council is satisfied that no direct conflict with Green Belt purposes has been caused by the acceptance of any development option as no physical join has occurred, although it is accepted that some gaps have been narrowed as a result.

dvi) Is it clear how site development options were identified?

- 1.38 All the Green Belt and non-Green Belt site options were identified through the process of assessing site options from the original sources of sites. Sources of site options considered through the Local Plan process are set out in EX5 Council Response to Inspector’s initial note - Part 1 (page 5). These included:-
- those identified through multiple Call for Sites;
 - a review of Council owned land;
 - land identified in the Council’s housing and employment land supply records;

- a review of current UDP allocations;
 - potential supply from the Council's Priority Employment Areas study (BP8);
 - review of potential supply from Huddersfield and Dewsbury town centre locations was also considered, the results of which are set out in the Kirklees Town Centre Delivery Study Huddersfield 2016 (LE34) and in Kirklees Town Centre Delivery Study Dewsbury 2016 (LE35);
 - unimplemented planning permissions or sites partially under construction which have in many cases been included as part of commitments or accepted Local Plan allocations;
 - land submitted following the council contacting individual landowners to determine whether other stalled sites or expired permissions were deliverable/developable;
 - a number of site options within the urban areas put forward by public sector bodies through Call for Sites or through direct liaison with these bodies and the interrogation of the Register of Public Sector Land, although the Register identified no land in Kirklees;
 - site options put forward to the council by members of the public through public consultation (i.e. not necessarily landowner/site promoters). The council carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable;
 - consideration of whether empty homes can be brought back into use to contribute to future needs, as set out in the Housing Technical Paper (SD23 paragraphs 4.31 - 4.33) and the Empty Homes Strategy (LE25);
 - consideration of Kirklees Neighbourhood Housing (KNH) assets but these have not contributed significantly to supply due to extensive housing renewal programmes in the past;
 - the council proactively identified a number of large brownfield sites within the urban area during 2015 (pre-draft Local Plan) and 2016 (pre-publication draft Local Plan) and carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable;
 - where the council have received enquiries in relation to the re-development of sites or business relocation, the council have actively encouraged the landowner/site promoter to submit a Call for Sites form; and
 - allowances made in the figures for windfall, commitments and completions.
- 1.39 Sites submitted to the Council for consideration whether non-Green Belt or Green Belt options were all considered to be relevant alternatives, not hypothetical options, and were assessed equally through the site allocation methodology. The Local Plan Site Allocation Methodology Part 2 (BP23 section 4) sets out the approach taken to the technical assessment of development site options.
- 1.40 All site options were subject to consultation during the draft stage of the Local Plan (9th November to 21st December 2015). As a result of assessments made at that time some site promoters submitted revised proposals with amended site boundaries. These options, along with other options where changes were made to the original extent of a site, are identified by the use of a suffix 'a' (H727a for example).
- 1.41 It is evident therefore how site options have been identified. This applies equally to both non-Green Belt and Green Belt site options. The assessment of non-Green Belt site options have followed a comprehensive technical appraisal, whilst the Green Belt options have also been assessed against relevant Green Belt purposes, combined with the same technical appraisal as the non-Green Belt options.

- dvii) How have sustainable development requirements and the need to promote sustainable patterns of development been taken into account in decisions on site options, in accordance with paragraphs 84 and 85 in the NPPF? Are there specific examples of sites which scored well in the technical appraisal and Green Belt Review but were rejected for reasons linked to the sustainability of a settlement?**

How have sustainable development requirements and the need to promote sustainable patterns of development been taken into account in decisions on site options, in accordance with paragraphs 84 and 85 in the NPPF?

- 1.42 Paragraph 84 of the NPPF (NE1) states that local planning authorities “...*should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary*”. In the Kirklees context, all land not in the current urban areas is in the Green Belt and there is no land beyond the outer Green Belt boundary. As set out above, the council has considered all development options within the urban areas, which also includes towns and villages inset within the Green Belt boundary. The site selection process has determined which of those within the current urban areas have been accepted or rejected and gives reasons why.
- 1.43 The Council published a map of the district in the Green Belt Review Supporting Document (BP25, page 26, Map 4 “Distribution of Accepted Green Belt Development Options Showing Relationship to Sustainable Settlements”). The council considers that this evidence shows that the patterns of Green Belt release and associated site allocations are sustainable patterns of development. The location of Green Belt releases are indicated in red and show a strong correlation with the main urban areas in the district. Evidence set out in the Spatial Development Strategy and Settlement Appraisal Technical Paper (BP17) indicates the role and range of services and facilities of settlements in Kirklees. The majority of the Green Belt releases are concentrated on Huddersfield and Dewsbury (comparing well to the spatial development strategy of the Local Plan). Comparatively, there are fewer Green Belt releases around smaller settlements.
- 1.44 The Sustainability Appraisal process allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account, and has played a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the Local Plan reflects sustainability objectives and has considered reasonable alternatives. Recognising that development in the Green Belt is not necessarily unsustainable, the SA objectives were used to give a measure of the likely effects of options for development in the Green Belt in a form that was consistent with the appraisal of options in non-Green Belt locations.
- 1.45 The SA considered patterns of development in terms of both the Spatial Development Strategy and individual site allocations. For example, the SA made use of ‘heatmapping’ which demonstrated travel time to various services and facilities. Positive effects were identified where services and facilities were close to potential site allocations. The ‘Recommendations’ section in Chapter 12 of the October 2016 SA Report (SD5) explains how the SA has influenced decisions on site options, for example with regards to avoiding development within flood zones 2 and 3. Appendix 5 of the SA Report details the reasons for selection or rejection of each site option considered by the Council.

- 1.46 The SA does not address Green Belt directly, as this is a policy designation, not an environmental designation. However, a number of the SA objectives are relevant to the purposes of the Green Belt set out in the NPPF. SA Objective 12 (Landscape) is relevant regarding the purposes of checking unrestricted sprawl of large built-up areas, preventing coalescence and safeguarding the countryside. SA Objective 11 (Protect and enhance the character of Kirklees and the quality of the landscape and townscape) is relevant to safeguarding the countryside from development and assisting in urban regeneration. SA Objective 13 (Conserve and enhance the historic environment, heritage assets and their settings) is relevant to preserving the setting of heritage assets, and SA Objective 14 (Maximise opportunities to protect and enhance biodiversity and geodiversity) is relevant to the protection of biodiversity associated with undeveloped land. However, because land is designated as Green Belt does not by itself mean that it is of high landscape, heritage or biodiversity value, and it is entirely possible that some areas of non-Green Belt land have greater environmental value in this respect. In this way, the findings of both the Green Belt assessment and the Sustainability Appraisal fed into the spatial development strategy and site selection process.
- 1.47 Similarly, the SA appraised all of the site options in relation to their accessibility by non-car modes to services and facilities, and for residential sites to employment nodes, as good accessibility can encourage sustainable patterns of development and movement. For example, SA Objective 1 (Increase the number and range of employment opportunities available for local people, and ensure that they are accessible) appraised residential sites on the basis of journey time by non-car based modes of transport to an employment node. SA Objective 3 (Ensure education facilities are available to all) appraised residential sites on the basis of journey time by non-car based modes of transport to education facilities, and SA Objective 4 (Improve the health of local people and ensure that they can access the health and social care they need), did likewise for access to health facilities, and SA Objective 6 (Retain and enhance access to local services and facilities) did the same for access to local, district and town centres.
- 1.48 The Council developed place shaping/constraints/opportunities evidence alongside the Green Belt Review on one side of the early plan making stages, and settlement sustainability on the other. Evidence on settlement appraisal is set out in the Spatial Development Strategy and Settlement Appraisal Technical Paper (BP17). Evidence of how the Green Belt Review has helped shape decisions on growth for each settlement is primarily set out in the Green Belt Review (SD19) and the Green Belt Edge Maps (SD20) and then transposed into the Accepted Site Options Technical Appraisals (BP29.1) and the Rejected Site Options Report (LE4.1). (This avoids the need to produce complicated mapping overlays of Green Belt edge outcomes and site options; however the Council has made this information available to the public during the main consultation stages through its online mapping system).
- 1.49 The Council specifically consulted on the Green Belt Review and Outcomes (PC14) at the Draft Local Plan stage to allow comments to be made on how it helped shape decisions on growth and whether the initial outcomes were acceptable.
- 1.50 A useful example of how the Green Belt outcomes have had a bearing on decisions for growth is for the larger town of Holmfirth. Evidence of its relative scale, function and size is set out in the Spatial Development Strategy and Settlement Appraisal Technical Paper (BP17) and yet the settlement has a relatively low level of newly proposed housing allocations compared to its size. The Green Belt Edge map for Kirklees Rural West (SD20) shows the extensive 'black edges' (around Holmfirth) which are derived from an assessment of topographical constraint indicating that development on steep

slopes in close proximity to the settlement edge could have an immediate detrimental impact on openness and character and therefore these are not potential locations where settlement extension would be encouraged. These issues were identified in the Place Shaping policies and early engagement evidence. As a result the scale of housing growth is relatively low compared to a more rigid settlement hierarchy approach. Conversely other settlements have greater flexibility to grow in terms of the Green Belt edge assessment, subject to sustainability and infrastructure planning considerations.

- 1.51 In order to determine whether individual site options were technically deliverable they were assessed separately along with the creation of defendable Green Belt boundaries (for potential Green Belt release sites). In many cases this exercise dictated the indicative housing capacity/employment site size for the site option. The site allocation outputs provide a deliverable and developable land supply (in the form of the accepted development options and as set out in evidence in the Accepted Site Options Technical Appraisals (BP29.1).
- 1.52 With this information in place the Council aimed to produce a deliverable local plan that showed sustainable patterns of development (as tested through the sustainability appraisal), which is consistent with the NPPF and that has been created from considerations of place shaping and sustainability. The overall outputs of this exercise were brought together in the Draft Local Plan (PC7-PC14) as the Council tested the internal consistency of the plan and applied NPPF/NPPG tests.
- 1.53 Paragraph 19 of the Inspector's Initial Note to the Council (EX2) requested a document which sets out an overview of the assessment results for each accepted Green Belt release and a summary of why each site was selected. In response, the Council produced a report that brought together the assessment of each site with the sustainability appraisal (EX13 "Site pro-formas for each Green Belt release showing accepted site information, outputs from Sustainability Appraisal and site maps").
- 1.54 The council consider that all reasonable alternatives, where identified, have been subject to the sustainability appraisal process. The conclusion of the sustainability appraisal for the Local Plan is set out in the sustainability appraisal documents for each policy and proposal. The Sustainability Appraisal – Non-technical Summary (SD9, page 50) concludes the following:

"The reasonable alternative site and policy options, as well as the policies and site allocations now included in the Publication Draft version of the Kirklees Local Plan have been subject to a detailed appraisal against the SA objectives which were developed at the Scoping stage of the SA process. The Publication Draft Local Plan proposes a large amount of housing, employment and other development across Kirklees to meet future needs of the District; therefore the SA has identified the potential for negative effects on many of the environmental objectives including biodiversity, cultural heritage and the landscape. However, during the site allocation process the Council considered a large number of reasonable alternative site options and their technical assessment, alongside the Sustainability Appraisal findings, informed the final allocation and rejection of sites. Where the early SA work specifically recommended that particular sites not be allocated due to flood risk issues, those sites have not been taken forward as allocations in the Local Plan.

In addition, the Local Plan also includes a wide range of development management style policies, aiming to protect and enhance the economic, social and environmental conditions of the District. These policies provide appropriate mitigation, seeking to address the potential negative effects of the overall scale of development proposed."

1.55 The council maintains that the consideration of site options in the Local Plan is in accordance with paragraphs 84 and 85 of the National Planning Policy Framework because when the Local plan is taken as a whole overall sustainable development patterns are achieved.

Are there specific examples of sites which scored well in the technical appraisal and Green Belt Review but were rejected for reasons linked to the sustainability of a settlement?

1.56 No site options have been specifically rejected for reasons linked to the sustainability of a settlement alone, but the council's evidence base clearly sets out how the sustainability of a settlement and the sustainability of a site were fully considered (SD5).

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

1.57 Every site underwent a detailed and comprehensive assessment in accordance with the site allocation methodology and the outcomes of the assessment were published in the Accepted Site Options - Technical Appraisals (BP29.1) and the Rejected Site Options Report (LE4.1). There were policy related and technical aspects to the site assessments which resulted in some sites being rejected, which could technically deliver housing. This was for a number of reasons, including:

- Impact on Green Belt purposes;
- Overlapping sites (where one site has been accepted another cannot also be accepted on the same site);
- Those without the exceptional circumstances required to remove them from the green belt;
- Sites overlapped by or within another site accepted for protection from development (e.g land allocated for urban green space, rather than housing development);
- Sites located where housing could cause conflict with other land uses.

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

1.58 The Council considers that the approach to this work is justified and robust. The digitising exercise is set out in full in the Green Belt Boundary Changes (SD21 at section 2) and involved transferring the statutory Green Belt boundary as shown on the Unitary Development Plan (LE1) on to an Ordnance Survey base. This exercise is both necessary and appropriate to the preparation of the Local Plan. The exercise in itself does not confer the exceptional circumstances required to justify an amendment to the Green Belt boundary, but the Council is also mindful of the need for the Green Belt boundary to be robust and to endure throughout the lifetime of the Local Plan. For the vast majority of the length of the Green Belt boundary no change is proposed to its position. In a number of areas however, it is clear that something has happened on the ground, subsequent to the original capturing of the position of the boundary, which has resulted in a material change in circumstances such that retaining its original position would not result in a robust boundary. In most cases this has resulted from the

granting of planning permission for development. Such a material change is deemed to constitute exceptional circumstances required to justify an amendment. In a number of cases, for example where the original boundary appears to follow a contour line or dissects a building, the Council considers that there was a clear error in the capture of the original position of the boundary. The exceptional circumstances relevant to each individual proposed change (including an illustrative map) have been set out in the Green Belt Boundary Changes document (SD21 section 2).

- 1.59 In order to properly assess all sites submitted for consideration the Council scrutinised Green Belt sites that fell below the site allocation size threshold of 0.4ha (the small sites) to determine whether any exceptional circumstances exist that would justify a change to the position of the boundary. For those sites where a change has been accepted the exceptional circumstances to justify it has been set out in the Green Belt Boundary Changes document (SD21 section 3). Adding land to the Green Belt requires an amendment to the position of the boundary in exactly the same way as removing land from the green belt, and exceptional circumstances must be demonstrated. The Council has proposed to add land to the Green Belt (option AGB2074 in BP21 Appendix 2c) in the immediate vicinity of the scheduled ancient monument at Castle Hill and in doing so considers that the new evidence contained within the Castle Hill Setting Study August 2016 (LE63) constitutes the material change in circumstances necessary to amount to exceptional circumstances justifying the change.
- 1.60 The Green Belt Boundary Review and Outcomes report (November 2015) (PC14) was a Draft Local Plan consultation document. Following representation received the Council re-visited the digitising and small sites assessment exercise to ensure that exceptional circumstances could be shown for every proposed change. Upon reviewing the evidence the council determined that there were no exceptional circumstances to justify some of the proposed Green Belt boundary changes. This resulted in the reversal of one decision on a small site (RSSGB91) and the removal of a number of advertised changes to the Green Belt boundary resulting from the digitising exercise.
- 1.61 The acceptance of development options in the Green Belt has in some cases required the removal of additional land from the Green Belt in order to create a robust and defensible new position for the Green Belt boundary. The acceptance of the development option is a material change in circumstances such that exceptional circumstances exist to warrant such a change. These are referred to as 'consequential changes' (land assessed as either unallocated or urban green space), or 'Green Belt losses' and 'Green Belt gains' (roads or other infrastructure necessary to create a sensible Green Belt boundary). These areas are individually mapped and referenced and included in the Green Belt Boundary Changes document (SD21) at section 4.

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

1.62 Kirklees has had land identified in successive development plans as ‘safeguarded land’ which has played a role in ensuring the permanency of the Green Belt boundary and being protected by policies consistent with those now contained in the National Planning Policy Framework and those contained previously in PPG2 - Green Belts (1995)³ and its predecessors.

1.63 Land was identified on the edge of settlements and within the urban areas in a series of Local Plans adopted 1985, 1986 and 1988 covering different parts of the Kirklees district under the umbrella of the West Yorkshire Structure Plan Policy N14 (July 1980). All of these individual allocations were fully reviewed in a single plan as part of the Kirklees Unitary Development Plan (adopted 1999) (LE1) and although some were re-allocated many of the original ‘safeguarded land’ options were carried though into the Kirklees UDP. In doing so, heavy reliance was placed on the advice in Planning Policy Guidance Note 2 – Green Belts (1995) and its advice set out in Annex B, in particular that safeguarded land should be located where future development would be an efficient use of land, well integrated with existing development, and well related to public transport and other existing and planned infrastructure, so promoting sustainable development.

1.64 The Council accepts that much of this previous guidance has now been replaced by a single bullet point in paragraph 85 of the National Planning Policy Framework (NE1) which states:

“85. When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- not include land which it is unnecessary to keep permanently open;*
- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

1.65 Considerations of efficient use of land, well integrated future development, access to public transport and other infrastructure and the promotion of sustainable development are still principles set out in the National Planning Policy Framework (NE1) which the Council has given weight to in reaching its decisions.

³ Planning Policy Guidance Note 2 – Green Belts (1995), ODPM

- 1.66 In assessing land in the preparation of the Local Plan, the Council has reviewed all the UDP safeguarded land sites, to determine whether they are deliverable/developable for housing purposes. Proposed new safeguarded land options were also received through the site allocation process. These were assessed in the same way and consideration of all the safeguarded land options' relative sustainability was carried out through the Sustainability Appraisal. Consideration was given to whether those in the urban areas should be retained as safeguarded land or left unallocated.
- 1.67 The majority of the safeguarded land sites allocated fully meet the description set out in paragraph 85 and are allocated between the urban area and the green belt, in some cases meaning that land is being removed from the existing Green Belt as a result. The Council set out its approach to identifying safeguarded land in the 'Local Plan Methodology Statement Part 2' (BP23 – section 5, page 22).
- 1.68 For those safeguarded land sites within the urban areas the Council considers that they still perform an important role in helping to meet longer-term development needs stretching well beyond the plan period as required by the National Planning Policy Framework. The Council did not feel it could justify rejecting such options on the basis that they were not necessarily urban fringe sites, particularly as to do so would have meant trying to justify further exceptional circumstances for additional Green Belt release.
- 1.69 Full consideration has been given to whether exceptional circumstances exist or not to justify further Green Belt release for safeguarded land, when balanced against the degree to which land subject to such proposals performs a Green Belt role and function through the Green Belt Review and the site selection process. As such the Green Belt boundary has been drawn taking this into account.

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

- 1.70 The Council set out its approach to identifying safeguarded land in the 'Local Plan Methodology Statement Part 2' (BP23 – section 5, page 22).
- 1.71 In response to paragraph 21 of the Inspector's Initial Note to the Council (EX2), the Council has produced a report called '*Schedule of safeguarded land sites showing their constraints and assessment of future delivery*' (EX14). This document summarises each of the safeguarded land options and lists the key constraints facing each safeguarded land option meaning that they are not justified in evidence terms as housing allocations within the plan period, but also demonstrating that there is a reasonable prospect of them contributing towards housing delivery in the longer term, if required.
- 1.72 In developing this Local Plan approach to safeguarded land, the council has also been mindful of the policy set out in the NPPF (NE1, paragraph 85) which states:

"When defining boundaries, local planning authorities should:

- *where necessary (our emphasis), identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded*

land should only be granted following a Local Plan review which proposes the development (our emphasis)”

- 1.73 The council considers that there is therefore flexibility in plan making terms regarding the need to identify safeguarded land and the amount, but also that it is important that such land is considered for development properly when the Local Plan is reviewed. For safeguarded land identified in the current UDP (LE1) this has been carried out in preparing the Local Plan. If appropriate, the council would undertake the same assessment when the Local Plan is reviewed (SD1, chapter 20). The council considers that applying a proportionately evidenced approach to whether there is a reasonable prospect of issues being resolved in the longer term means that it is satisfied that the Green Belt boundaries will not need to be altered at the end of the development plan period as land could be available for new development if needed, notwithstanding the possibility of plan review as suggested by the NPPG (NE2) and the Housing White Paper (NE6).