

## **Kirklees Local Plan Examination**

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Dear Mr Hollinson,

### **Stage 1 hearings – interim views on key matters**

1. Thank you for your contributions and assistance at the Stage 1 hearing sessions. As discussed, I am writing to outline my interim views at this stage on a number of matters that were covered at the hearing sessions.
2. The letter does not cover every matter debated at the Stage 1 hearings, but provides a broad overview of the matters on which I have significant concerns. Other actions and potential modifications were discussed at the Stage 1 hearings and have been noted by the Council.
3. I must stress that the comments and interim views expressed in this letter do not represent my full or final conclusions on these matters. In some cases the Stage 3 and 4 hearings will provide an opportunity for further investigation, and my final report will need to take account of any additional work and representations made during consultation on modifications. My report will also cover other issues that arose during the Stage 1 hearings but are not dealt with in this letter.
4. In summary, although I have a number of outstanding concerns, I consider that the examination should progress to the Stage 3 and 4 hearings. Further details are provided in the sections below.

### **Spatial development strategy**

5. The spatial development strategy (SDS) in section 6.1 of the Plan establishes that the Council has taken account of an area's character and the form/function of settlements when determining the distribution and location of growth. The Plan outlines that this approach allows most development to be focused in the main urban areas of Huddersfield and Dewsbury, whilst enabling a more flexible

approach elsewhere in the district to achieve a sustainable pattern of development.

6. The Council's SDS Technical Paper (BP17) indicates that the process of determining the distribution and location of growth has involved taking account of the broad characteristics of four sub-areas in the district, alongside other factors such as the results of the Green Belt review, the technical and Sustainability Appraisal of site options, and the assessment of accessibility and environmental characteristics of each settlement. This evidence is contained in various documents, including the SDS Technical Paper, the Accepted and Rejected Site Option Reports and the Sustainability Appraisal documents. However, there is no one single document which draws together the results of these assessments and clearly explains how the distribution and location of growth has been determined. As such it is difficult to understand why certain settlements are identified for growth whilst others will accommodate less, particularly within the Kirklees Rural Area. It also appears that all site options which scored well in the technical appraisal and Sustainability Appraisal work have been allocated, and as such it is unclear how settlement function/form was taken into account.
7. At the hearing the Council agreed to provide additional evidence to explain how the distribution and location of growth was determined across the district and between different settlements, and what weight was given to settlement sustainability and other factors. I consider that this evidence is essential to demonstrate consistency with the spatial strategy in the Plan and with paragraph 84 in the National Planning Policy Framework (NPPF) which states that the review of Green Belt boundaries should take account of the need to promote sustainable patterns of development. **This work should be completed as soon as possible, and the Council is requested to provide details of the timelines.**

#### Housing supply and delivery

8. The Council has submitted an updated housing trajectory which takes account of completions and commitments data from April 2017 (EX30.1), with further alterations to the supply table provided at the hearings sessions. The Council has confirmed that the projected housing supply over the Plan period is 33,614 dwellings (net), against a housing requirement of 31,140 dwellings.
9. Specific sites, in the form of outstanding permissions, strategic allocations and other allocations, provide the bulk of the projected supply. The phasing rates attributed to these, as established in the Council's updated Housing Supply Topic Paper (EX30.1), were discussed at the hearing session. In some cases bespoke phasing rates have been applied, whilst for other sites the Council has applied average lead-in times and rates based on broad parameters.
10. As expressed at the hearing session, I have strong concerns at this stage about the deliverability of the phasing rates, and whether the Council is able to demonstrate that the housing requirement over the Plan period and a five year supply of housing land can be met. Based on the evidence currently before me it appears that the lead-in times for some sites are optimistic, and it is unclear whether sufficient flexibility has been allowed in the programmes to deal with aspects such as the appointment of development partners/housebuilders, EIA work where relevant, legal contract work, negotiation of Section 106 agreements and infrastructure delivery on large sites, and the preparation of reserved matters applications. The Stage 4 hearings will provide an opportunity to consider the

delivery of the strategic sites and other specific sites in more detail, and the requested information on the delivery programme for Dewsbury Riverside (H2089) and the Lindley Moor Road site (MX1911) will form part of this. Accordingly, despite having significant concerns at this stage about housing delivery, including the projected windfall rate, I consider that the examination should progress to the Stage 3 and 4 hearings. I must stress, however, that I have not reached any firm conclusions on the issue of housing supply and delivery at this stage, but will explore the matter further via the Stage 4 hearings.

11. Following the Stage 4 hearings it is likely that a further session on overall housing supply and delivery will be required. I will liaise with you via the Programme Officer to arrange a suitable point for a session to be inserted into the Hearings Programme.

### Employment land supply and requirements

12. The Plan seeks to support sustainable economic growth and develop a strong and thriving economy. The allocation of new employment land is a key part of this strategy, and the Plan identifies a total employment land requirement of 175 hectares over the Plan period (based on a jobs growth target of about 23,000 jobs).
13. The employment strategy in the Plan seeks to exceed this requirement and deliver a total of 264 hectares of employment land over the Plan period. The Council's evidence indicates that the projected supply incorporates some flexibility to allow for non-deliverability and market choice, and to enable the delivery of large strategic sites close to motorway junctions in line with needs identified in the Leeds City Region Strategic Economic Plan and other evidence. Nevertheless, the difference between the projected supply of employment land and assessed requirements is significant, and based on the evidence before me I am unclear why a figure of 264 hectares has been selected and whether alternative levels of provision were explored.
14. The Council has also indicated that whilst there is capacity within urban areas to deliver about 150 hectares of the predicted supply, the strategy would involve releasing about 114 hectares from the Green Belt for employment development. The release of land from the Green Belt requires exceptional circumstances to be demonstrated, as established in the NPPF. In this context questions regarding the scale of supply are particularly pertinent.
15. Furthermore, the identified employment land requirement for 175 hectares is based on a jobs growth target of about 23,000 jobs over the Plan period, and the same target has been used to inform the Council's objectively assessed need (OAN) for housing. The Plan seeks to deliver the full OAN for housing within Kirklees and the OAN of 31,140 dwellings is identified as the overall housing requirement in the Plan. At the hearing the Council confirmed that the provision of 264 hectares of employment land could create additional jobs above the target of 23,000, although the extent of this was not clarified. As such this raises questions about the fit between the Council's employment and housing strategies.
16. In conclusion, I would question whether the provision of 264 hectares of employment land over the Plan period is justified, and whether exceptional circumstances for 114 hectares of Green Belt release have been demonstrated. The issue also raises concerns regarding the coherence of the Council's

employment and housing strategy, and whether there are implications for housing requirements or levels of in-commuting (and the approach to sustainable development). **I would therefore invite the Council to consider their position on the matter of employment land supply and requirements, and whether or not any actions or modifications are necessary.** As part of this process the Council may wish to look at the various sources of employment land supply in more detail, including the windfall element from Priority Employment Areas (PEAs) as discussed at the hearing sessions.

17. As before, I must stress that I have not reached a firm conclusion on this matter. The Stage 4 hearing sessions will provide an opportunity to assess the soundness of the individual employment allocations, and accordingly I consider the examination should proceed to this stage. As with housing, it may be necessary to hold a further session on employment land supply and requirements after the Stage 4 hearing sessions.

#### Area Action Plans

18. The Council's Hearing Statement on retail outlines that Area Action Plans (AAPs) for Huddersfield and Dewsbury Town Centres could identify specific sites and more detailed policies to guide future retail growth and assist in the future development of these Principal Town Centres. Neither document is included in the Council's current Local Development Scheme (LDS). However, having regard to the content of the Plan and the sparsity of retail allocations or spatial expression for the Principal Town Centres, my initial view is that such AAPs could be important in helping to shape and develop the centres of Huddersfield and Dewsbury over the Plan period.

19. Whilst I am unable to direct changes to the Council's LDS, I note that there is Officer agreement to take a report to Cabinet to update the LDS to incorporate reference to the AAPs. This would need to take place prior to the production of my report, otherwise there is a risk that I could find the Plan unsound in terms of its approach to retail and town centre development. The exact content of the AAPs is a matter to be determined by the Council, but should have regard to the points identified in the above paragraph. **I therefore request to be kept informed of progress with the report to Cabinet and any subsequent decision. If alterations are agreed to the LDS, associated modifications to Chapter 1 in the Plan will also be necessary to refer to the AAPs.**

#### Safeguarded Land

20. The Plan includes a range of safeguarded sites for housing with capacity for nearly 4000 dwellings. Paragraph 5.1 in the Council's Local Plan Methodology Statement Part 2 (BP23) indicates that safeguarded sites are those where assessment has shown they are unlikely to deliver new homes within the Plan period but where there is a reasonable prospect of delivery beyond 2031. In some cases I consider that the evidence is not wholly clear how this planning judgement has been reached, particularly where a site has been safeguarded in the Council's Unitary Development Plan (UDP) for a number of years and appears to have significant constraints such as lack of road access. At the hearing the Council confirmed that about a third of safeguarded sites were identified as safeguarded land (previously known as Provisional Open Land) in the UDP. The Stage 4 hearings will provide an opportunity to consider the deliverability and availability of such sites in further detail.

21.Paragraph 85 of the NPPF states that local authorities can, where necessary, identify safeguarded land 'between the urban area and the Green Belt'. However, a number of safeguarded sites in the Plan are located within the built-up urban areas of Kirklees. At the hearing it was confirmed that Policy PLP 6 would apply to these sites. However, in situations where constraints are overcome prior to 2031 I would question whether it would be logical or realistic to resist applications for housing in urban areas (assuming that other matters can be satisfied), in the context of the need for additional housing development in sustainable locations and the priority which the Plan places on regeneration. Although the Stage 4 hearings will provide an opportunity to consider these sites in further detail, **my interim view is that the approach to safeguarded land within built-up areas does not appear to be effective or in line with national policy on Green Belts. The Council is requested to respond to this matter and consider what form of modifications may be necessary to deal with this issue.**

#### Urban Green Spaces

22.The Council's approach to the allocation of Urban Green Spaces (UGS) has come under some scrutiny and representors have raised concerns regarding the suitability of a number of sites as well as the overall site selection methodology.

23.At this stage I wish to flag up that I have some concerns about the Council's approach to protecting natural/semi-natural green spaces as UGS. The Council's Open Spaces Study (LE119) and UGS Technical Paper (BP13) indicate that a number of such sites have been allocated as UGS sites on the basis of a deficiency of natural/semi-natural green space within a particular settlement, rather than due to any particular visual or other value. However, this quantitative assessment does not appear, on the whole, to have taken account of the surrounding countryside or the existence of other natural/semi-natural green spaces within nearby settlements. The Stage 4 hearings will provide an opportunity to consider specific UGS sites in further detail. A robust assessment of development capacity within settlements is an important component in the process of demonstrating exceptional circumstances for the release of Green Belt land.

#### Green Belt Review process

24.The Council's evidence indicates that all site options in the Green Belt have been assessed against relevant Green Belt purposes. In the case of sites that are not located adjacent to a Green Belt edge this assessment is currently provided in the form of a summary and coloured scoring in the Accepted and Rejected Site Options reports (BP29.1 and LE4.1). Whilst I note the brevity of the summary, the Stage 4 hearings will provide an opportunity to explore the results in further detail, and to assess whether exceptional circumstances for Green Belt allocations have been demonstrated.

#### Next steps

25.Although I have a number of outstanding concerns, I consider that the examination should progress to the Stage 3 and 4 hearings. I would emphasise that this is not a guarantee that the Plan will ultimately be found sound, either in respect of the issues discussed above or other matters.

26. Arrangements for the Stage 3 hearings on Other Policies in Part 1 of the Plan can now be put in place, commencing on Tuesday 5<sup>th</sup> December 2017. In association with this I have attached a copy of my Matters, Issues and Questions (MIQs) for the Stage 3 hearings, and an updated Examination Guidance Note. **The MIQs will need to be placed on the Council's website and interested parties alerted as soon as possible, given the relatively short timescales involved.** The deadline for the receipt of hearing statements is 17<sup>th</sup> November 2017 at midday. Once confirmation of attendees and hearing statements have been received I will issue a revised hearing programme for the event.

27. The Council is also requested to respond to the specific questions and action points highlighted in this letter by Friday 17<sup>th</sup> November 2017.

28. If you have any questions please do not hesitate to contact me via the Programme Officer.

*Katie Child*

INSPECTOR