

Appendix 8 - Green Belt Strategy and Policies 19.5 and Green belt boundary changes

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942142

Agent ID 950095

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b

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Consultee ID 942142

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solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the assessment is "red" need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942144

Agent ID 941843

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

It would appear from para 3.2 the favoured approach of the Green Belt Review is to review the Green Belt edge and land immediately adjacent from it. From the associated plans, the focus is associated more with the Green Belt edge and it becomes unclear how much consideration has been given to associated land parcels. Green Belt edges provide a useful starting point but 'parcels' / 'general areas' and potential boundaries should be tested.

Soundness - Effective

Soundness - Consistent with National Policy

The test does not attempt to establish where new Green Belt boundaries could be defined.

Proposed Change Requested

Council Response

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942154

Agent ID 941891

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared While Savile Estate is supportive of the Council's review of the Green Belt to identify areas to be released for development, the Council should be more ambitious in delivering growth and meeting the objectively assessed needs of the District.

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested Be more ambitious in meeting the objectively assessed needs of the district. A Government White Paper and accompanying changes to the guidance for development in Green Belts is anticipated in the New Year. Such changes should be taken on board.

Council Response

No change. Exceptional circumstances are required to amend the position of the green belt boundary and it is the inability of non-green belt areas to meet the objectively assessed need for housing and employment land that convey the exceptional circumstances required. While the Council is therefore supportive of the removal of land from the green belt to accommodate new development options to meet that need, the Council remains committed to the efficient use of previously developed land. The "Housing White Paper" was published by the Department for Communities and Local Government on 7 th February 2017. It sets out a range of proposals but does not introduce any new planning guidance or policy. It cannot therefore be used at the present time to formulate green belt policy or green belt review methodology.

Representations recieved at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942155

Agent ID 941779

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The green belt edge in this location is incorrectly assessed as having an important role in preventing merger (test 2a) as new development would be a modest extension of existing development south of Shillbank Lane and would not impact on the extent of the gap between Mirfield and Ravensthorpe any more than the existing development at Spring Place Court. It is also incorrectly assessed as having an important role in preventing sprawl (test 2b) as there are landscape features that could present new long term defensible boundaries. It also does not warrant a red assessment for encroachment (test 2c) as this area is not part of the wider countryside. It is an area of urban fringe which is not of high landscape quality. Topography and land use features also restrict views into the area.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Re-assess the green belt edge in this location.Â

Council Response

No change. The reason for the assessment of DW3 as an edge with a score of 5 is set out in the Green Belt Review document and is based on a comprehensive assessment of green belt purposes compatible with the Green Belt Review methodology. This area is considered to be a restricted gap separating Mirfield from Ravensthorpe but where some limited settlement extension could be achieved without fundamentally undermining that role. This is evidenced by the 'amber' assessment at Test 2a in terms of its role in preventing the merger of settlements. The green belt is then assessed as playing an important role in terms of checking sprawl and safeguarding the countryside from encroachment as the existing boundary is not a strong feature on the ground and that there is limited opportunity to contain new development. It is not accepted that this is an area of urban fringe as there is a clear distinction between land that is residential and land that is green belt and the treed areas and watercourse give the area a general countryside character. In accordance with the Assessment Matrix the green belt in this location is deemed to be performing strongly against green belt purposes and has been scored as 5. The assessment of the potential impact of the removal of site H594 from the green belt was carried out in line with the Council's Local Plan Site Allocation Methodology (November 2016). The red assessment for 'green belt edge' reinforced the green belt review and reflected the sprawl of the site to the west. The red assessment for the green belt overall reflected the extent and configuration of the site relative to the area of green belt in which it is located. Both the assessment of edge ref DW3 and the assessment of site H594 properly reflect the role and function of the green belt and the impact that the removal of site H594 would have on the green belt in this location.

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Paragraph/Site 19.5

Consultee ID 942155

Agent ID 941779

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The green belt review is unsupported by critical evidence. There is little clarity of evidence to underpin the application of test 1, such as how a slope would make a site undevelopable or how mitigation may apply to a site. There is no clear evidence to underpin the categorisation of sites based on physical or environmental constraints. The Council should have taken into consideration detailed site specific evidence of how any such constraints could be overcome.

Soundness - Effective

Soundness - Consistent with National Policy

The Council's approach to the green belt review appears not to align with advice in NPPF. There is no justification for the three tests or for the gateway approach of ruling out further consideration in any national policy or legal requirements. Test 2a is a gateway test as only if this test is passed are the other purposes of the green belt assessed. Merger however only appears second in the list of green belt purposes in NPPF and it is sprawl, not merger that is the fundamental aim of green belt policy. This makes test 2a inconsistent with the NPPF. Kirklees does not have any historic towns so test 2d is also inconsistent with national guidance. The origin of test 3 is the fifth purpose of the green belt as defined by NPPF which is a strategic matter concerned with encouraging urban regeneration by channelling development towards urban areas. It should not be applied on a site by site basis for brownfield sites in the green belt. The Council's approach to the green belt review rules out further consideration of a site's ability to meet development needs in a sustainable manner and an overall judgement against all green belt purposes if a single severe constraint is identified in test 1 or if it fails test 2a. There has been no assessment of a site's ability to meet paragraph 84 and 85 of the NPPF or section 39 of the Act in terms of promoting sustainable patterns of development. These are factors relevant to the choices about where development should be accommodated alongside green belt purposes in a green belt review. The approach the Council is taking in assessing options to add land to the green belt, remove land from the green belt and in relation to small sites is arguably unlawful as it asks whether the original boundaries were incorrectly drawn. This has been shown by case law not to amount to exceptional circumstances.

Proposed Change Requested

The Council should define clearly what exceptional circumstances are being relied upon to justify amendments to the position of the green belt boundary.

Council Response

No change. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as red at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the assessment is red need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does

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Consultee ID 942155

Agent ID 941779

not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942225

Agent ID 969464

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The red overall green belt assessment does not concur with the amber score from the green belt edge review. It is Windy Bank Lane and Hare Park Lane that prevent sprawl not the existing green belt boundary, which is ill-defined. It is agreed that the site does not preserve the setting of a historic town, that the presence of the listed building would not influence the result for the site, the site has no environmental or physical features best protected by a green belt designation and that the land does not serve a green belt purpose contained in NPPF. The land to the north east that would be severed from the remainder of the green belt could be designated as open space. Removal of the parcel of land would round off the settlement.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Allocate site H596 for housing in the Local Plan.

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in an "amber" (score 3) at edge HT7 which includes all the green belt land bounded by Hare Park Lane and Windy Bank Lane. The assessment concludes that the existing settlement pattern and land use features and characteristics of the green belt in this location could present opportunities for settlement extension without significant harm to the role and function of the green belt. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. The amber green belt edge RAG rating for the site reinforces the conclusions of the green belt review. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. It is clearly indicated in the site allocation methodology that a red RAG rating could apply to a site deemed to be poorly located in relation to the settlement edge. Site H596 has a very poor relationship with the existing settlement pattern and the red RAG rating is therefore entirely consistent with the site allocation methodology. H596 borders with accepted option H198 but this would still leave a large area of land to the north entirely severed from the wider green belt. The Green Belt Review is not an exercise in itself to amend the position of the green belt boundary, for which exceptional circumstances are required. A judgement that the existing boundary is ill-defined and that Windy Bank Lane would make a better or stronger green belt boundary than the existing boundary does not convey the exceptional circumstances required to amend it. Â

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942301

Agent ID 942076

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the

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Agent ID 942076

assessment is not need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. 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Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. 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Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the 'consequential changes'). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a 'best fit' scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the 'add land to the green belt' options and the 'remove land from the green belt' options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942301

Agent ID 942076

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The reference of the site in the green belt review is CK3. The site could be released without compromising the strategic extent of the Green Belt in this location. The main concern appears to relate to the area of land that would remain between Hightown Road and Quaker Lane which they consider would become vulnerable to development pressure. This concern does not therefore relate to the actual acceptability of removing the site itself from the Green Belt. Should the remaining land to the east remain in the Green Belt, national and local planning policy would still give the Council sufficient control over development in that area. The rejection of the site on this basis is clearly not justified when the Council has confirmed the site is well contained and would not compromise the strategic extent of the Green Belt.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in an "amber" (score 3) at edge CK3, which extends from the rear of properties at "The Highlands" to the green belt edge west of Pyenot Gardens, indicating that this area of green belt displays similar characteristics and that the existing settlement pattern and land use features within the green belt could accommodate some settlement extension without significant harm to green belt purposes. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. The edge assessment looked at the conclusion from the green belt review. In this case the "amber" RAG rating for the green belt edge for site H226 reinforced the conclusion of the green belt review in that H226 could be released from the green belt without undermining the strategic role of the green belt in this location. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. It is clearly indicated in the site allocation methodology that a red RAG rating could apply to a site deemed to be poorly located in relation to the settlement edge. In the case of H226 a significant area of land between the site and Quaker Lane would effectively be "cut off" from the wider green belt should the area of H226 be removed from the green belt and impact on the role and function of remaining green belt is a legitimate concern of a green belt assessment. This land would be vulnerable to development pressure contrary to the purposes of including land in the green belt.

Representations received at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942405

Agent ID 941908

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

The Green Belt Review appears to take the form of an urban edge assessment and does not thoroughly consider the role and purpose of the Green Belt in all areas and locations. The review should have taken a three stage approach including identifying general areas within the green belt, technical site assessment and re-appraisal of resultant land parcels.

Proposed Change Requested

Undertake a full and robust and detailed Green Belt Assessment.

Council Response

No change. The Kirklees Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. The extent of assessed land around any particular settlement depends on its individual characteristics. The review methodology at paragraph 3.2 states "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". The initial assessment at test 1 indicates where the boundary, or land immediately beyond it, may be constrained such that new settlement extensions would be unlikely to be accommodated. While such land does not progress to a general assessment against green belt purposes, every site received for consideration as a development option in the green belt has been assessed in a manner consistent with the site assessment methodology contained in "Local Plan Methodology Statement Part 2: Site Allocation Methodology (November 2016)". This individual assessment was published in the technical assessment of sites, both for accepted and rejected options. The Kirklees Green Belt Review is not an exercise in itself to draw back the green belt boundary and it does not result in the removal of parcels of land from the green belt. It is an aid to the comprehensive assessment of sites in accordance with the site allocation methodology. The green belt is one part of this comprehensive assessment of the suitability of a site to form a new allocation in the Local Plan.

Representations recieved at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942405

Agent ID 941908

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Test 2b of edge SHL11 is incorrectly assessed as 'red' and should be re-assessed as 'green' as development would not lead to unrestricted sprawl. The site is well contained and would present stronger boundaries than the existing rear garden boundaries. Edge SHL11 is therefore incorrectly assessed as (4) and should be assessed as (1) or (2) i.e. 'green'. The site is well contained, does not lead to coalescence, and would not lead to unrestricted sprawl or encroachment. Test 2c of edge SHL11 is incorrectly assessed as 'amber' and should be re-assessed as 'green' as the site is well contained by development, is urban fringe and is not associated with wider countryside. Edge SHL11 is therefore incorrectly assessed as (4) and should be assessed as (1) or (2) i.e. 'green'. The site is well contained, does not lead to coalescence, and would not lead to unrestricted sprawl or encroachment.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Test 2b of edge SHL11 is incorrectly assessed as 'red' and should be re-assessed as 'green'. Test 2c of edge SHL11 is incorrectly assessed as 'amber' and should be re-assessed as 'green'.

Council Response

No change. Paragraph 3.16 of the Green Belt Review report states that an area's importance in checking the unrestricted sprawl of large built up areas will in part be judged on the presence of strong physical boundaries or landform which would contain an extension of development into the green belt. The existing green belt edge that delineates the western edge of Shelley is formed by the garden boundaries of properties on Park Avenue. The existing green belt boundary follows a strong, linear edge and there is a very clear distinction between land that is residential and land that is agricultural. It is not accepted that the existing boundary is weak, nor that the adjacent land does not fulfil a strong green belt role as it prevents the sprawl of Shelley to the west. Edge SHL11 is therefore correctly assessed as 'red' at test 2b and as '4' overall. Assessing the edge as 'green' would be inconsistent with assessment elsewhere in the district and fail to recognise the characteristics of different parts of the settlement edge. It is not accepted that the agricultural land to the west of Shelley is well contained by development or that it is an area of urban fringe. While there is some minor frontage development on Penistone Road the area consists entirely of open agricultural land, bounded by trees to the north. There is overlooking from properties on Park Avenue but this does not diminish the area's countryside character. The property at Healey Farm is considered to be sufficiently remote from the urban edge not to influence its appearance as countryside and farm access roads and tracks do not constitute urban fringe features. Landform restricts the relationship of the site to the countryside to the north, but the site is visible in long distance views from the south as open rising land very different in character from the strong urban edge of Shelley. Edge SHL11 is therefore correctly assessed as 'amber' at test 2c and as '4' overall. Assessing the edge as 'green' would be inconsistent with assessment elsewhere in the district and fail to recognise the characteristics of different parts of the settlement edge.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942410

Agent ID 950095

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the

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assessment is "red" need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942410

Agent ID 950095

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Green belt boundary L1 is identified as a black boundary as it fails Test 1 in relation to physical and environmental constraints. In respect to L1, the Council consider that Grimescar Dyke, and open watercourse, streams and numerous listed buildings create physical features that would prevent development from happening and that protected trees form a strong linear edge in places. On this basis no further assessment of the green belt boundary has been carried out and the site has been discounted. The review disregards technical information submitted which show there are no constraints to development and this is evidenced by the site being a strategic location for development in the Core Strategy. Boundary L2 is assessed as amber (4) which is the second most important Green Belt boundary defined in the Council's review. The Council consider this boundary meets the Test 1 criteria relating to constraints and the site only scores one red against the Green Belt purposes, this being in relation to sprawl with the issue identified being that the developed area of Calderdale is immediately to the northwest of the site. This judgement seems to contradict the judgement in relation to merging where the Council consider that Brighouse Road prevents merger with Calderdale. In any event, the area to the northwest whilst in Calderdale, visually, physically and functionally relates to Huddersfield and there is no perceived gap between the Huddersfield and Calderdale urban areas in this location. In this context, the red criteria in relation to sprawl is considered unjustified and should be an amber/yellow.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Edges L1 and L2 should be assessed as green or amber (3) with no reds against the purposes of including land in the green belt.Â

Council Response

No change. Paragraph 3.5 and 3.6 of the Green Belt Review states that for tests 1b and 1c "physical and environmental constraints", the presence of features including watercourses, protected trees and listed buildings and the degree to which they would be considered to inhibit development is considered. The presence of numerous listed buildings and the length of the open watercourse running through areas of protected trees would clearly constrain new development from abutting the settlement edge and L1 is therefore correctly assessed as a "black" constrained edge. This approach is consistent with the assessment of edges elsewhere in the district and to change this approach would fail to recognise the constraints to development along the green belt edge in this location. In compliance with the site assessment methodology, each proposed development site option was assessed for the impact removing the site would have on the role and function of the green belt. This assessment consisted of two parts; an edge assessment and an overall site assessment. The edge assessment considers the site relative to the strategic role the green belt adjacent to the edge plays, as well the degree of constraint along that edge. The overall assessment considers the relationship of the site to the settlement and the degree to which removing the site would impact on the purposes of including land in the green belt, including safeguarding the countryside from encroachment and the prevention of sprawl.Â The assessment of site MX1904 has concluded that development would significantly impact on the purposes of including land in the green belt, and has been assessed as "red" for both the edge assessment and the overall assessment. This included the consideration that development that respected the watercourse and protected trees and their sensitive environmental habitats would be poorly related to the settlement it adjoins. Information relating to how constraints could be overcome that has been submitted in support of the site has been considered elsewhere as part of the technical assessment of the site, consistent with the site allocation methodology. The area was not proposed as a strategic location for housing or employment in the Core Strategy proposed Submission DPD September 2012: Submission date 2nd April 2013. In any case, the council has updated the evidence base to support the Local Plan since that date and the decisions made are based upon the most up to date evidence available. In respect to edge L2, the conclusions and assessments in relation to sprawl and encroachment were amended from the draft Plan to better reflect the role and function of the green belt in this location. This included a revised reason for the amber assessment at test 2a (merger) and a reversal from red to green between tests 2b (sprawl) and 2c (encroachment) resulting in green for test 2b and red for test 2c. The revision reflects the assessment in paragraph 2.23 of the Green Belt Review which states that development at Ainley Top has straddled the Kirklees and Calderdale boundaries and effectively the two authorities are already merged, but that the retention of open space in this location would retain long distance

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942410

Agent ID 950095

views to the east and would help retain a sense of openness and separation. The revised assessment of edge L2 has been published in the Green Belt Review as an amber '3' edge, amended from amber '4' in the draft plan. The Council maintains that the red assessment for the role this area plays in safeguarding the countryside from encroachment is justified.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 942768

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The Green Belt Review does not adequately assess the role of the Green Belt as a whole, nor of specific sites, in contributing the urban regeneration by encouraging the re-use of brownfield land. Allocation of land near motorway junctions will shift emphasis of development activity away from the urban areas.

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Re-run the Green Belt review to take proper account of the Green Belt's purpose in encouraging urban regeneration.

Council Response

Representations received at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 943608

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

It is appalling that the Green Belt Review never even discusses merits of releasing individual parcels of land for development, considered against purposes of including land in the Green Belt.

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Council Response

No change. The Green Belt Review is a method of assessing land around settlements in Kirklees for the strength of its green belt role and function to aid the overall assessment of development options as part of the preparation of the Local Plan. The Green Belt Review informs the individual green belt assessment of development options in accordance with the site allocation methodology.

Representations recieved at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 968829

Agent ID 942125

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The assessment of green belt edge AL9 states it is topographically, physically and environmentally constrained but this ignores the fact that there is existing property on land immediately to the north with an identical physical profile. The site does not meet any green belt purpose, is bounded by existing development on three sides and by Penistone Road to the west, and has a limited visual relationship with open countryside.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Council Response

No change. Green belt edge AL9 assesses the green belt adjacent to the settlement edge from Fenay Lane to Jumble Wood. Where site H27 is located between the edge of the settlement and Penistone Road the topographical constraint is considered to be severe and in addition it contains an extensive area of protected trees. Fenay Beck and its floodplain lies immediately west of Penistone Road. The red assessment for the physical and environmental constraints identified at edge AL9 is therefore consistent with the Green Belt Review methodology paragraphs 3.3 to 3.8. In accordance with the Site Allocation Methodology site H27 underwent a two part green belt assessment. This individual site assessment reinforced the conclusion of the Green Belt Review that this is a steep and narrow area of land that appears as a wooded edge to the settlement. The Green Belt Review methodology adopted by Kirklees is a method of assessing the green belt around settlements in Kirklees to aid the overall assessment of development options as part of the preparation of the Local Plan. It does not, by itself, result in any amendment to the green belt boundary. This is done only through the acceptance of a development option in accordance with the site allocation methodology of which the green belt assessment is one part. A judgement that Penistone Road would make a better or stronger green belt boundary than the existing boundary does not convey the exceptional circumstances required to amend it.

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 969350

Agent ID 969343

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The council has not demonstrated that there has been a material change in circumstances or exceptional justification for the Sites removal. The Green Belt review is therefore flawed and does not accord with the NPPF requirements

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. It does not, by itself, result in any amendment to the green belt boundary. Exceptional circumstances are required to amend the position of the green belt boundary and it is the inability of non-green belt areas to meet the objectively assessed need for development that constitute the exceptional circumstances required to remove sites from the green belt and allocate them for development purposes. In addition to the need for new housing, whether a site is to be removed from the green belt is a decision that is taken through the comprehensive assessment of sites in accordance with the site allocation methodology, of which the green belt assessment is a part, and in accordance with the Local Plan strategy for growth.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 972565

Agent ID 1059531

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Green belt boundaries HB2 and adjoining boundary HB1 are identified as "pink" boundaries (significant conflict) and relate to the boundary between Bradshaw Road and Meltham Road. The boundaries fail tests 2b and 2c in relation to safeguarding against sprawl and encroachment into the countryside. Site H2598 therefore scores 5 in the green belt review so no further assessment is carried out and the site has been discounted. The red scores at Test 2 are unjustified and should be amber. The roads, wall features and Highfield Farm would create defensible new green belt boundaries and the topography, landscape and intervening features would significantly limit and control encroachment and sprawl.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Boundaries HB1 and HB2 should be altered to either light green or light yellow with no reds against the purposes of including land in the green belt.

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in a "pink" (score 5) at edges HB1 and HB2. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. The edge assessment looked at the conclusion from the green belt review. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. While it is accepted that there are roads, field boundaries and other land use features that could provide potential new green belt boundaries, the Green Belt Review methodology at paragraphs 3.16 and 3.17 in relation to Test 2b state that assessment should have regard to the presence of boundaries or landform and the degree of containment that could be achieved. This is an elevated area of rising land where the extension of the existing settlement pattern could result in an elongated and poorly related built form sprawling along Bradshaw Road. Test 2c considers an area's importance in safeguarding the countryside from encroachment which involves an assessment of the character of the land in relation to its surroundings. The more that an area appears to relate to an urban edge rather than open countryside or is screened from the wider countryside the less will be its importance in achieving this purpose. There is a very strong urban edge in this location and a clear distinction between land that is urban and land that is countryside. This is elevated and rising land very prominent both locally and in long distance views where development would significantly impact on the purposes of including land in the green belt.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 972565

Agent ID 1059531

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the

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Paragraph/Site 19.5

Consultee ID 972565

Agent ID 1059531

assessment is "red" need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

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Agent ID 950095

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The Green Belt assessment of H672 is not sound. Drighlington was not assessed and as such there has been no formal assessment of this site in the Green Belt Review and this is a fundamental error in the process. Other boundaries with the adjoining Local Authority have been assessed, for instance, BS11 and B/EB1 so there is no justification for not considering a boundary review in this location particularly given the site's relationship to the built form of Drighlington, its local facilities and the A650. The Drighlington boundary bears a remarkable physical similarity and relationship to development as the Bradley Golf Course boundary and it is considered that if it were assessed against the same criteria, it would become a light yellow Green Belt boundary of medium importance with only three ambers in relation to the purpose of identifying land within Green Belt, these being merger, sprawl and encroachment. There are no topographical, physical or environmental constraints that would result in the site failing Test 1 and as such, it would be assessed against Test 2 with the conclusions as set out above.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Assess the green belt edge in this location as an amber boundary with an amber assessment for merger, sprawl and encroachment.Â

Council Response

No change. The Kirklees/Leeds administrative boundary runs along the edge of the A650, meaning that Drighlington as a settlement is within Leeds. The Kirklees green belt boundary abuts the road, which is in Leeds, so any development in this location would be wholly unrelated to any settlement in Kirklees. For comparison, edge ref BS11 delineates the boundary of the built up area of the West Yorkshire Retail Park, but the road it abuts, (the M62), is within Kirklees. Edge BS11 has also been assessed as 'black constrained', in that it is not physically possible to extend the settlement into the motorway. B/EB1 assesses the green belt edge where it meets properties at Toftshaw, Bradford. However, the properties on the south side of Toftshaw Lane are within the Kirklees administrative district. In this case, it would be possible to extend the settlement further into Kirklees if necessary.Â This is also the case at Bradley, where both the existing settlement and the adjoining green belt are within Kirklees. Â Map 4ii of the Green Belt Review shows the relationship of the Kirklees green belt with Leeds and states that in this location development could have a significant effect in undermining the key function of the green belt in this location, particularly where Drighlington in Leeds extends to the boundary. While the Kirklees Green Belt Review has assessed the settlement edge of Birkenshaw locally as amber, meaning that some settlement extension could be accommodated without significantly undermining the role and function of the green belt, this is for the potential to extend beyond the existing edge of Birkenshaw, not an extension to Drighlington.

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Consultee ID 973538

Agent ID 950095

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the

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assessment is "red" need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 974190

Agent ID 941908

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

MSL question the conclusions of green belt edges AS5 and AS6. A more robust green belt boundary for the long term would be the M62 motorway. The current green belt boundary is drawn along back gardens of properties but the distinctive feature is the motorway and along with adjacent woodland would form a long term robust and defensible boundary. The motorway would also be a more robust boundary than that proposed for accepted option H351. The Green Belt Review only considers green belt edges against the five purposes of the Green Belt and is therefore not a full consideration or strategic review. The assessment does not reflect the contained setting and strong physical features and boundaries surrounding the area.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Review the Green Belt boundary around sites H2600 and H2601 along Bradford Road and the proposed M62 Junction 24A (TS2).

Council Response

No change. The Green Belt Review methodology that resulted in an amber edge at AS5 (score 3) and an amber edge at AS6 (score 4) has been arrived at by an assessment of the green belt beyond the edge of the settlement against the green belt purposes set out in NPPF and in accordance with paragraphs 3.16 to 3.20 of the Green Belt Review methodology. The Assessment Matrix is then applied to combine the outcome of tests 2b to 2d into a conclusion "score" for the edge. The score of "3" for edge AS5 compared to the score of "4" for edge AS6 reflects the subtle differences in the role of the green belt in those locations. Land beyond edge AS5 is considered to be contained by hedgerows and landform and has a limited visual relationship with the wider countryside. Existing land use features and degree of containment mean that settlement extension could be possible with less potential harm to openness or the role and function of the green belt than on land beyond AS6 which is less contained and where development could be more prominent. The Green Belt Review methodology adopted by Kirklees is a method of assessing the green belt around settlements in Kirklees to aid the overall assessment of development options as part of the preparation of the Local Plan. It does not, by itself, result in any amendment to the green belt boundary. This is done only through the acceptance of a development option in accordance with the site allocation methodology of which the green belt assessment is one part. Exceptional circumstances are required to amend the green belt boundary and these are conveyed by the need to meet objectively assessed needs for development. The fact that an alternative boundary would represent a strong potential new green belt boundary does not convey the exceptional circumstances necessary to move the boundary. The new green belt boundary around accepted option H351 follows a field boundary which is discernible and complies with the requirements of NPPF.

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Paragraph/Site 19.5

Consultee ID 974190

Agent ID 941908

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

The Green Belt Review appears to take the form of an urban edge assessment and does not thoroughly consider the role and purpose of the Green Belt in all areas and locations. The review should have taken a three stage approach including identifying general areas within the green belt, technical site assessment and re-appraisal of resultant land parcels.

Proposed Change Requested

Undertake a full and robust and detailed Green Belt Assessment.

Council Response

No change. The Kirklees Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. The extent of assessed land around any particular settlement depends on its individual characteristics. The review methodology at paragraph 3.2 states "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". The initial assessment at test 1 indicates where the boundary, or land immediately beyond it, may be constrained such that new settlement extensions would be unlikely to be accommodated. While such land does not progress to a general assessment against green belt purposes, every site received for consideration as a development option in the green belt has been assessed in a manner consistent with the site assessment methodology contained in "Local Plan Methodology Statement Part 2: Site Allocation Methodology (November 2016)". This individual assessment was published in the technical assessment of sites, both for accepted and rejected options. The Kirklees Green Belt Review is not an exercise in itself to draw back the green belt boundary and it does not result in the removal of parcels of land from the green belt. It is an aid to the comprehensive assessment of sites in accordance with the site allocation methodology. The green belt is one part of this comprehensive assessment of the suitability of a site to form a new allocation in the Local Plan.

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 975291

Agent ID 969464

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The methodology for the green belt review is set out in the Green Belt Review and Outcomes report but it is not clear how this translates into a "red" overall score for the site in the Rejected Site Options Report. Explanation is limited to paragraph 4.48 of the Site Allocation Methodology. The red overall site assessment would seem to indicate that the site plays a more important green belt role than the green belt review would justify. The site is well contained with two boundaries adjacent to the existing settlement and two further boundaries formed by roads. Existing properties in the north eastern corner of the site also increase the perception of rounding off. The more elevated part of the site abuts existing property so would not be prominent. The site plays no role in preventing the merger of settlements. Strategically this is a rural fringe landscape and while it does have some characteristics associated with the wider pastoral landscape this is lessened by the horse grazing and stabling which marks the site as transitional between rural fringe and urban fringe. This is reinforced by the separation from the wider landscape by kerb lined and street-lit roads. The site plays no role in preserving the setting of historic towns.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Allocate site H575 for housing in the Local Plan.

Council Response

The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in an "amber" (score 3) at edge KH4. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. In this case the "amber" RAG rating for the green belt edge for site H575 reinforced the conclusion of the green belt review. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. In this case it was concluded that the characteristic of this extensive site was not rural fringe but open countryside, visually linked to the wider countryside beyond. The site therefore plays an important role in safeguarding the countryside from encroachment.

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Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The methodology for the green belt review is set out in the Green Belt Review and Outcomes report but it is not clear how this translates into a "red" overall score for the site in the Rejected Site Options Report. Explanation is limited to paragraph 4.48 of the Site Allocation Methodology. The red overall site assessment would seem to indicate that the site plays a more important green belt role than the green belt review would justify. The site has been incorrectly assessed as red overall as it is located adjacent to an edge that the Council considers not to play an important green belt role. A review of the green belt undertaken by Pegasus Group concurs with the Council's assessment that there is no risk of sprawl or merger to the north. It is agreed that the trees and watercourse are sensitive environmental features but these do not influence the perception or role of the green belt. Existing development at Wheatleys Farm and the hotel and car park are urbanising features which erode the role of the green belt and the boundary should be redrawn along Moor Lane thereby bringing this area into the settlement of Gomersal. This is an urban fringe landscape and while the site displays parkland characteristics and has a number of protected trees this is significantly disrupted by the M62. The site is not part of open countryside and plays no role in preserving the setting of historic towns. The M62 could form a strong new boundary to the north and the line of the drive to the hotel could be strengthened to form a new green belt boundary if necessary to the east. The protected trees could be sympathetically integrated into the scheme.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Allocate site H231 for housing in the Local Plan

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in a "green" (score 2) at edge GS8 indicating that the green belt role and function of adjacent land is relatively weak, and a "black" constrained edge at GS7 indicating that settlement extension would be constrained, in this case by the presence of a Tree Preservation Order area which protects trees in their parkland setting. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. Paragraph 4.6 of the Green Belt Review states that for tests 1b and 1c "physical and environmental constraints" the presence of features, including protected trees, and the degree to which they would be considered to inhibit development is considered. The red RAG rating is entirely consistent with both the Green Belt Review and the Site Allocation Methodology. The Green Belt Review is not an exercise in itself to amend the position of the green belt boundary, for which exceptional circumstances are required. A judgement that Moor Lane or the motorway would make a better or stronger green belt boundary than the existing boundary does not convey the exceptional circumstances required to amend it.

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Paragraph/Site 19.5

Consultee ID 975291

Agent ID 969464

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The methodology for the green belt review is set out in the Green Belt Review and Outcomes report but it is not clear how this translates into a "red" overall score for the site in the Rejected Site Options Report. Explanation is limited to paragraph 4.48 of the Site Allocation Methodology. The red overall site assessment would seem to indicate that the site plays a more important green belt role than the green belt review would justify. The site is not currently contained by development but land to the south and south west is proposed as allocations. Leeds Road provides a strong boundary to the north. Removal of the whole pocket of land within which the site sits would allow Mirfield to expand while being contained by the strong boundary of Leeds Road. Development of the site would continue the strong urban development along Leeds Road and there is no risk of sprawl. Development would be rounding off of Mirfield and would not merge settlements. Strategically this is an urban fringe landscape and the site itself does not appear part of wider countryside beyond the A62. It has no role in preserving the setting of historic towns.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Allocate site H476 for housing in the Local Plan.

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in an "amber" (score 3) at edge MF20 which assesses the majority of this area of land as playing a similar green belt role and with similar land use characteristics. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. The edge assessment was informed by the conclusion from the green belt review. In this case the "amber" RAG rating for the green belt edge for site H476 reinforced the conclusion of the green belt review. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. It is clearly indicated in the site allocation methodology that a red RAG rating could apply to a site deemed to be poorly located in relation to the settlement edge. There are no accepted options in this area of green belt between Slipper Lane and Stocks Bank Road and the release of this site would significantly impact on the purposes of including the remaining land within the green belt, particularly that between the site and the settlement to the south. This land would be somewhat isolated from the wider green belt and therefore vulnerable to development pressure contrary to the purposes of including land in the green belt.

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1045883

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Green belt edge AL13 adjacent to sites H2684a and H2730a should have been assessed as moderate at test 1a and severe at test 1b and 1c. The inclines within the sites have not been tested and are therefore not known. A listed building to the north and Beldon Brook to the south both form physical constraints to development that should justify a severe assessment. The severe environmental constraints consist of both protected trees and Lepton Great Wood. This scoring of the edge would have resulted in the sites (H2684a and H2730a) being rejected. The green belt review methodology should be widened to include a realistic sustainable scale of development.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Amend the scoring of test 1a to moderate, 1b to severe and 1c to severe and reject H2684a and H2730a.

Council Response

No change. Test 1a of the Green Belt Review considers topography which in accordance with the methodology set out in paragraphs 3.3 and 3.4 is assessed as severe if the degree of slope is greater than 20% (1:5). The degree of slope adjacent to edge AL13 and in the land beyond the edge is in the main less than 15% which equates to a "green" assessment. There is no evidence to suggest therefore that the land adjacent to edge AL13 should be assessed as red or "severe" for the purposes of test 1a. There are a number of individually protected trees close to the green belt edge but no listed buildings or other heritage assets within the green belt adjacent to edge AL13. There is nothing to suggest therefore that the land adjacent to the edge of the settlement in this location is so constrained that it should not progress through to an assessment against green belt purposes in accordance with the green belt review methodology. In any case, all development options (even those which fail test 1) are subject to a full technical assessment on a site-specific basis including consideration of the green belt impacts. The Green Belt Review is used to inform the assessment of development options and does not attempt to establish any acceptable scale of development or where new boundaries could be found. The scale of development and whether an option presents a reasonable settlement extension is a matter for the Local Plan strategy for growth in accordance with the site allocation methodology.

Representations received at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1049857

Agent ID 1049852

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The green belt edge in this location is incorrectly assessed as having an important role in preventing merger (test 2a) as new development would be a modest extension of existing development south of Shillbank Lane and would not impact on the extent of the gap between Mirfield and Ravensthorpe any more than the existing development at Spring Place Court. It is also incorrectly assessed as having an important role in preventing sprawl (test 2b) as there are landscape features that could present new long term defensible boundaries. It also does not warrant a red assessment for encroachment (test 2c) as this area is not part of the wider countryside. It is an area of urban fringe which is not of high landscape quality. Topography and land use features also restrict views into the area.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Re-assess the green belt edge in this location.Â

Council Response

No change. The reason for the assessment of DW3 as an edge with a score of 5 is set out in the Green Belt Review document and is based on a comprehensive assessment of green belt purposes compatible with the Green Belt Review methodology. This area is considered to be a restricted gap separating Mirfield from Ravensthorpe but where some limited settlement extension could be achieved without fundamentally undermining that role. This is evidenced by the 'amber' assessment at Test 2a in terms of its role in preventing the merger of settlements. The green belt is then assessed as playing an important role in terms of checking sprawl and safeguarding the countryside from encroachment as the existing boundary is not a strong feature on the ground and that there is limited opportunity to contain new development. It is not accepted that this is an area of urban fringe as there is a clear distinction between land that is residential and land that is green belt and the treed areas and watercourse give the area a general countryside character. In accordance with the Assessment Matrix the green belt in this location is deemed to be performing strongly against green belt purposes and has been scored as 5. The assessment of the potential impact of the removal of site H594 from the green belt was carried out in line with the Council's Local Plan Site Allocation Methodology (November 2016). The red assessment for 'green belt edge' reinforced the green belt review and reflected the sprawl of the site to the west. The red assessment for the green belt overall reflected the extent and configuration of the site relative to the area of green belt in which it is located. Both the assessment of edge ref DW3 and the assessment of site H594 properly reflect the role and function of the green belt and the impact that the removal of site H594 would have on the green belt in this location. Â

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1049857

Agent ID 1049852

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The green belt review is unsupported by critical evidence. There is little clarity of evidence to underpin the application of test 1, such as how a slope would make a site undevelopable or how mitigation may apply to a site. There is no clear evidence to underpin the categorisation of sites based on physical or environmental constraints. The Council should have taken into consideration detailed site specific evidence of how any such constraints could be overcome.

Soundness - Effective

Soundness - Consistent with National Policy

The Council's approach to the green belt review appears not to align with advice in NPPF. There is no justification for the three tests or for the gateway approach of ruling out further consideration in any national policy or legal requirements. Test 2a is a gateway test as only if this test is passed are the other purposes of the green belt assessed. Merger however only appears second in the list of green belt purposes in NPPF and it is sprawl, not merger that is the fundamental aim of green belt policy. This makes test 2a inconsistent with the NPPF. Kirklees does not have any historic towns so test 2d is also inconsistent with national guidance. The origin of test 3 is the fifth purpose of the green belt as defined by NPPF which is a strategic matter concerned with encouraging urban regeneration by channelling development towards urban areas. It should not be applied on a site by site basis for brownfield sites in the green belt. The Council's approach to the green belt review rules out further consideration of a site's ability to meet development needs in a sustainable manner and an overall judgement against all green belt purposes if a single severe constraint is identified in test 1 or if it fails test 2a. There has been no assessment of a site's ability to meet paragraph 84 and 85 of the NPPF or section 39 of the Act in terms of promoting sustainable patterns of development. These are factors relevant to the choices about where development should be accommodated alongside green belt purposes in a green belt review. The approach the Council is taking in assessing options to add land to the green belt, remove land from the green belt and in relation to small sites is arguably unlawful as it asks whether the original boundaries were incorrectly drawn. This has been shown by case law not to amount to exceptional circumstances.

Proposed Change Requested

The Council should define clearly what exceptional circumstances are being relied upon to justify amendments to the position of the green belt boundary.

Council Response

No change. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as red at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the assessment is red need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1049857

Agent ID 1049852

not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1050041

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Green belt edge AL13 adjacent to sites H2684a and H2730a should have been assessed as moderate at test 1a and severe at test 1b and 1c. The inclines within the sites have not been tested and are therefore not known. A listed building to the north and Beldon Brook to the south both form physical constraints to development that should justify a severe assessment. The severe environmental constraints consist of both protected trees and Lepton Great Wood. This scoring of the edge would have resulted in the sites (H2684a and H2730a) being rejected. The green belt review methodology should be widened to include a realistic sustainable scale of development.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Â Amend the scoring of test 1a to moderate, 1b to severe and 1c to severe and reject H2684a and H2730a.

Council Response

No change. Test 1a of the Green Belt Review considers topography which in accordance with the methodology set out in paragraphs 3.3 and 3.4 is assessed as severe if the degree of slope is greater than 20% (1:5). The degree of slope adjacent to edge AL13 and in the land beyond the edge is in the main less than 15% which equates to a "green" assessment. There is no evidence to suggest therefore that the land adjacent to edge AL13 should be assessed as red or "severe" for the purposes of test 1a. There are a number of individually protected trees close to the green belt edge but no listed buildings or other heritage assets within the green belt adjacent to edge AL13. There is nothing to suggest therefore that the land adjacent to the edge of the settlement in this location is so constrained that it should not progress through to an assessment against green belt purposes in accordance with the green belt review methodology. In any case, all development options (even those which fail test 1) are subject to a full technical assessment on a site-specific basis including consideration of the green belt impacts. Â The Green Belt Review is used to inform the assessment of development options and does not attempt to establish any acceptable scale of development or where new boundaries could be found. The scale of development and whether an option presents a reasonable settlement extension is a matter for the Local Plan strategy for growth in accordance with the site allocation methodology.

Representations recieved at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1053492

Agent ID 998185

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

No overall test score was afforded to CWS11 within the Green Belt Review. No assessment was therefore undertaken by the Council in respect of the 5 Green Belt purposes. Edge CWS11 is deemed to have severe physical constraints, but a moderate score would be more appropriate. The environmental constraints were afforded a severe score, due to the site's proximity to Flood Zone 3b. This would not represent a significantly constraining factor to development of the site and with appropriate mitigation and design development of the site is able to cone forward. A moderate score would be more appropriate.

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1059536

Agent ID 942076

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Red constraints are identified in relation to Green Belt although Green Belt Edge SCL5 is assessed as amber for the Whitechapel Road site. In relation to Green Belt it is suggested that there is an existing strong linear edge providing an immediate transition from urban area to open agricultural landscape.

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

None given (they state their gb assessment is given at page 28 but that page contains only SA comments). Â

Council Response

No change. The Green Belt Review is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees. In this case the assessment has resulted in an "amber" (score 3) at edge SCL5 as the existing settlement pattern and land use features would allow for some limited infilling without fundamentally harming green belt purposes. This assessment is translated into a "RAG" rating for the purposes of the site allocation methodology and how this is achieved is set out in paragraphs 4.50 to 4.54 of the "Kirklees Local Plan Methodology Part 2: Site Allocation Methodology" document. Each site abutting the settlement edge had a two part green belt assessment, resulting in an edge assessment RAG rating with the reason for the assessment set out, and an overall site assessment RAG rating with the reason set out. The edge assessment looked at the conclusion from the green belt review. In this case the "amber" RAG rating for the green belt edge for site H115 reinforced the conclusion of the green belt review. The overall site assessment looked at the site's configuration and location relative to the settlement and the impact release of the site would have on the role and function of the green belt. It is clearly indicated in the site allocation methodology that a red RAG rating could apply to a site deemed to be poorly located in relation to the settlement edge. Site H115 is deemed to be very poorly configured in relation to the existing settlement pattern and its removal from the green belt would significantly impact on the role and function of the green belt in this location. Â

Representations received at Publication Draft Local Plan on PDL - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1059536

Agent ID 942076

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Whether a site serves green belt purposes and provides sustainable development in line with the Local Plan strategy has not been the key driver in decision making, which has been whether it is possible or desirable to access land through any particular green belt edge.

Soundness - Justified The green belt review is unsupported by critical evidence. Test 1 is not supported by critical evidence on environmental constraints, how a slope would make a site undevelopable or how the presence of a listed building would preclude development of an entire site. There is no explanation of the weighting used in the Green Belt Review Assessment Matrix, such as how different combinations of colours lead to the final outcome. The approach taken to justify adding land to the green belt, removing land from the green belt and in the assessment of small sites is arguably unlawful as assessing whether past boundaries were incorrectly drawn is not an exceptional circumstance that justifies a change to the boundary and this is confirmed in case law.

Soundness - Effective

Soundness - Consistent with National Policy There is no direct justification for applying either three tests or for the "gateway" approach that rules out further consideration of the role and function of the green belt. Test 2 which rules out further consideration of green belt purposes if the site is deemed to be a strategic gap is inconsistent with the NPPF. This is not the fundamental purpose of the green belt and only appears second in the list of bullet points on green belt purposes in paragraph 80 of NPPF. The fundamental purpose of the green belt is to prevent sprawl which is given greater weighting than other green belt purposes in the assessment matrix. Test 2d has assessed green belt land for its ability to preserve the setting of historic assets. This is not consistent with the purposes of including land in the green belt set out in NPPF. Test 3 of the green belt review should not be applied to brownfield land in the green belt. Paragraph 80 of the NPPF identifies urban regeneration achieved through creating pressure to develop outside the green belt as the purpose green belt serves, not the purpose it may inhibit, which is the development of brownfield sites in the green belt. No additional test should therefore be applied. The review does not contain any assessment of a site's ability to meet the terms of paragraphs 84 and 85 of the NPPF or section 39 of the 2004 Planning and Compulsory Purchase Act. The NPPF requires authorities to promote sustainable patterns of development when reviewing green belt boundaries (paragraph 84) and ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85). Meeting objectively assessed need for housing and employment can constitute the exceptional circumstances required to amend the position of the green belt boundary. The Council should make it clear if this is not the circumstance being relied on to justify a review of the green belt. The green belt review methodology should not take as its starting point a consideration of how robust current boundaries are. This is not one of the purposes of the green belt, nor do physical changes to boundaries over time or forming a view over a position for a better boundary amount to the exceptional circumstances required to amend them. The Consequential Changes identified in the Green Belt Boundary Changes document are not sound as they have been identified based on an unsound green belt review methodology.

Proposed Change Requested The Council should specifically set out what exceptional circumstances exist that justify the review of the green belt.

Council Response No change. The Green Belt Review in Kirklees does not, in itself, identify parcels of land for removal from the green belt. It is a method of assessing the relative strength of the green belt role and function of land around settlements in Kirklees and supports the overall assessment of specific development options in accordance with the site allocation methodology. It is through this comprehensive process that decisions on the acceptability or otherwise of sites is made, in accordance with the Kirklees Local Plan strategy for growth. The first part of the green belt review was to check for the presence of constraints along the green belt boundary or in land adjacent to the edge of the settlement that may inhibit the possibility of settlement extension. In terms of the topographical constraint, to be assessed as red (severe) the degree of slope must be >20% (1:5) and be on or very close to the edge of the settlement so that development impact would be immediate. Physical constraints to development can be either a physical constraint on the boundary, such as the M62 motorway, a railway line or river, or a physical constraint on land beyond the boundary, such as areas at high risk of flooding, sewage works, cemeteries etc. The presence of a listed building is a physical constraint to development and is correctly noted at test 1b but there are no green belt edges assessed as "red" at test 1b solely for the presence of listed buildings or conservation areas. Environmental constraints can include for example areas of ancient woodland, a significant number of protected trees or buffer zones for example alongside high pressure gas pipelines. Land affected by these constraints to the extent that the

Representations received at Publication Draft Local Plan on PDLP - Strategies and Policies

Paragraph/Site 19.5

Consultee ID 1059536

Agent ID 942076

assessment is "red" need not be assessed against green belt purposes as part of the Green Belt Review as these areas are unlikely to be able to accommodate settlement extension. In accordance with the site allocation methodology however, all sites undergo a site-specific green belt assessment, irrespective of the colour of the edge they abut, and may still be acceptable if it can be demonstrated that their release would not significantly harm any green belt purpose and that there would no other overriding constraint indicated by the technical site assessment. The Assessment Matrix (Appendix 1 of the Green Belt Review) is a tool that allows a combination of assessments to be translated into a single conclusion in a manner that is transparent and consistent. The matrix also allows weighting to be applied to land that is important in preventing the unrestricted sprawl of urban areas, recognising this as a fundamental purpose of the green belt. There is no prescribed method of undertaking a Green Belt Review set out in national planning policy or guidance. The method adopted by the council constitutes relevant and proportionate evidence consistent with its role in supporting the assessment of development options as part of the Local Plan site allocation methodology. The purpose of the Green Belt Review in Kirklees is to aid the assessment of development options. Where the needs for development cannot be accommodated in the non-green belt area new allocations will be considered firstly as an extension to an existing settlement. It is entirely consistent with this approach that an assessment should be made of the degree of constraint that may inhibit the extension of a settlement and where this is deemed to be severe that land need not progress through to be tested against green belt purposes. Land that progressed through at Test 1 was then tested firstly to determine whether it functioned as a strategic gap between settlements. The Council does not regard the bullet point list of purposes of the green belt in NPPF as a hierarchy of the importance of the issues and considers it reasonable to discount from further assessment land deemed to be serving an important green belt role such that any extension to the settlement could significantly undermine that role. It is accepted that Kirklees does not have any historic towns and this is stated in paragraph 3.20 of the Green Belt Review. Test 2d assesses the presence of historic assets and the degree to which development would be prejudicial to that asset or its setting. In terms of test 3, the Council states at paragraph 3.23 of the Green Belt Review that a purpose of the green belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land and it does this throughout its extent by channelling development into urban areas. The Council accepts that it cannot remove isolated brownfield sites from the green belt as this is contrary to the purposes of including land in the green belt, but could examine sites on the edges of the settlement to see if they are properly located within the green belt and this is the purpose of test 3. The Council accept that exceptional circumstances would still be required to adjust the green belt boundary to remove a site from the green belt, even if assessment demonstrated that the green belt was likely to inhibit its beneficial re-use. A sustainable pattern of development has been achieved through the Local Plan process as a whole. Each development option underwent a detailed sustainability appraisal against 19 sustainability appraisal objectives and the results of these have been published in the Sustainability Appraisal document. Exceptional circumstances are required to amend the position of the green belt boundary and in terms of the accepted development options it is the inability of the non-green belt areas to meet objectively assessed need for housing and employment land that conveys the exceptional circumstances necessary to remove sites from the green belt. The same exceptional circumstance applies to the removal of land that no longer performs a green belt role and function as a consequence of accepting development options (the "consequential changes"). As part of the preparation of the Local Plan the Council has carried out an exercise to transfer the existing green belt boundary (paper based at 1:10,000 scale) on to an up to date Ordnance Survey base so that the boundary is presented in electronic format. This is both necessary and appropriate. It is not an exercise to review the position of the boundary, nor does it consider how robust current boundaries are. For the vast majority of the extent of the boundary no change is proposed. As stated in the Green Belt Boundary Changes document it was not always possible to place the boundary on the modern map with a high degree of certainty, either because of the inadequacies of the original map base, in which case a "best fit" scenario was adopted, or because of changes that have occurred over time. The Council has been quite clear that exceptional circumstances are required to make a deliberate change to the position of the boundary and the Council has investigated in every case whether there is any material change in circumstances that would make it necessary to update the position of the boundary. All changes made to the position of the boundary have been published. The same is true of the small sites (sites of less than 0.4ha), the "add land to the green belt" options and the "remove land from the green belt" options that have been submitted to the Council for consideration. These sites are not required as development options therefore the need to meet OAN does not apply. In all cases the request to amend the boundary has been scrutinised to establish whether exceptional circumstances exist that justifies a change.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 0411_01

Consultee ID 1045907

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Statements by both Members and Officers requesting that objections are made to the Planning Inspectorate rather than at this stage removes opportunities for co-operation.

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy Having discussed part of the plan with the DCLG they stated that at least one section did not comply with NPPF guidelines. Thus it neither legally compliant, sound or enforceable.

Proposed Change Requested

Follow legal guidelines, for example when altering greenbelt boundaries ensure that there is a fixed, identifiable and permanent boundary - not a broken, wavy line of trees some distance from the proposed new boundary.

Council Response

No change The council's Statement of Community Involvement sets out when, how and with whom it consulted as part of the development of the Local Plan. The council considers that the approaches set out are compliant with regulatory and NPPF requirements. All comments were considered as part of the pre-submission process and published on the council's website. Exceptional circumstances are required to amend the position of an existing green belt boundary and the exercise to transfer the existing green belt boundary to an electronic format for the purposes of the Local Plan does not by itself confer any exceptional circumstances justifying a change. The Green Belt Boundary Changes document at paragraph 2.3 clearly states that there are instances where the existing boundary follows the back of houses leaving the gardens in the green belt. Moving the boundary simply to follow a garden boundary would result in a significant change for which there is no justification. As part of the process of preparing the Local Plan all requests to amend the position of the green belt boundary were scrutinised to determine whether any exceptional circumstances existed that would justify a change. A material change in circumstances since the position of the green belt boundary was adopted is capable of amounting to the exceptional circumstances required to amend the boundary. The requested amendment to the green belt boundary at no. 58 Mount Road (RSSGB122) has been rejected on the basis that no material change in circumstances has occurred since the position of the boundary was adopted and that the re-positioning of the boundary in the position requested would remove a significant amount of land from the green belt for which there is no justification.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612_01

Consultee ID 975861

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

There is an inconsistency in the approach to green belt boundaries in Farnley Tyas. Advertised change 1612/01 has been retained from the draft plan, but 1612/02, 1612/03, 1712/01 and 1712/02 have been rejected. How does this approach relate to the proposed extension into green belt land on site H120?

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Council Response

No change Exceptional circumstances are required to amend the position of an existing green belt boundary and the exercise to transfer the existing green belt boundary to an electronic format for the purposes of the Local Plan does not by itself confer any exceptional circumstances justifying a change. A material change in circumstances since the original boundary position was established is capable of amounting to the exceptional circumstances required provided that the change is necessary. Following representations received on the Draft Plan the Council scrutinised all the advertised changes to ensure that exceptional circumstances justifying the change could be demonstrated. In the case of draft advertised change 1612_03 scrutiny revealed that no change was actually intended to the position of the boundary from the UDP to the Local Plan so the advertised change was deleted. In all other cases exceptional circumstances cannot be demonstrated because nothing has occurred subsequent to the establishment of the boundary that would make a change in the position of the boundary necessary.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 961870

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 961889

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 961904

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 962957

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 1059533

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1612-03

Consultee ID 1059549

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1712-02

Consultee ID 1044018

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

Exceptional circumstances exist that warrant a change to the position of the green belt boundary, as was proposed by draft Local Plan advertised change ref 1712-02. The green belt boundary no longer follows a feature on the ground following conditions imposed when the dwelling 'Ash Croft' was built. The green belt boundary should therefore be repositioned to follow the new curtilage boundary which is a recognisable and permanent feature. This would result in a position for the green belt boundary consistent with paragraph 85 of NPPF.

Proposed Change Requested

Move the position of the green belt boundary to that proposed by draft Local Plan advertised change 1712-02.

Council Response

No change Exceptional circumstances are required to amend the position of an existing green belt boundary and the exercise to transfer the existing green belt boundary to an electronic format for the purposes of the Local Plan does not by itself confer any exceptional circumstances justifying a change. A material change in circumstances since the original boundary position was established is capable of amounting to the exceptional circumstances required provided that the change is necessary. It is understood that certain earth mounding and landscaping works have taken place in order to safeguard the route of a sewer and a fence erected to protect the area from plough damage. However, the area of land involved was not included in the application site boundary when the dwelling was approved and such off site works are not deemed to constitute a material change of circumstances such that the original decision to place the land within the green belt has been permanently falsified. As such exceptional circumstances do not exist to amend the position of the boundary. In the case of advertised change 1612_01 at St Lucius's Close referred to in this representation the area of land to be removed from the green belt formed part of the application site where permission was granted for residential development. As such a material change in circumstances since the original position of the boundary was established has been demonstrated sufficient to amount to the exceptional circumstances necessary to amend the boundary.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 1809_01

Consultee ID 976851

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The site is within the built up area of Shepley on the Unitary Development Plan and is capable of development. Exceptional circumstances do not exist to amend the position of the green belt boundary and place this site within the green belt.

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Retain the green belt boundary in its existing position so this site remains unallocated.

Council Response

No change. The Council reviewed all the advertised changes to the position of the green belt boundary from the Draft Plan to the Publication Draft Plan. Advertised change reference 1809/01 was a change proposed at draft stage but which was deleted from the publication plan because following re-examination the Council consider that exceptional circumstances do not exist to warrant a change to the position of the green belt boundary in this location. The modification requested has therefore already been actioned.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 2026_01

Consultee ID 1033839

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 2027_01

Consultee ID 1033839

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site 2415_05

Consultee ID 1061758

Agent ID 941949

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site AGB2072

Consultee ID 1034329

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared This land should be returned to the green belt.

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested Return this land to the green belt.

Council Response No change. This area of land has been assessed for inclusion in the green belt and is rejected option AGB2072. There is no need to include this land within the green belt in order to strengthen the role and function of the green belt, nor is the purpose of including land in the green belt weakened by its exclusion. There has been no change in circumstances since the green belt boundary was established and no exceptional circumstances to justify a change to the green belt boundary in this location.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site AGB2074

Consultee ID 943910

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested

Council Response

No change. Support for AGB2074 noted.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site CCMX1905i

Consultee ID 1047427

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Proposed development not necessary given that retail and industrial units in nearby Batley, Dewsbury and at Shaw Cross Business Park are currently empty and there are other 'brown field sites' available.

Soundness - Justified Proposals will destroy the area which is the only designated Green Belt land left on the borders between Leeds, Wakefield and Kirklees. It will have a detrimental effect on plants and wildlife in the fields and around Dogloitch Wood, a favourite area with walkers. Proposal will bring much more traffic to the area, cause gridlock along the main Leeds Road, despite proposals to upgrade the road. There will be an increase in air and noise pollution and this will have a detrimental effect on the environment and on the health and well-being of local residents.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Council Response No change These comments have been responded to in PDLP_AD1068.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site H233

Consultee ID 1046287

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared The land has repeatedly been designated Green Belt and rightly so. It falls between two tracts of mature woodland and is thriving with wildlife. There are other brownfield sites within Denby Dale that have not been developed. Surely it would make sense to develop these first. The parcels of land under review are not "in-fill" land, they never have been and cannot be described as such.

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested Retain the site as green belt.

Council Response No change These comments have been reponded to in PDLP_AD197.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site H634

Consultee ID 1046287

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared The land has repeatedly been designated Green Belt and rightly so. It falls between two tracts of mature woodland and is thriving with wildlife. There are other brownfield sites within Denby Dale that have not been developed. Surely it would make sense to develop these first. The parcels of land under review are not "in-fill" land, they never have been and cannot be described as such.

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested Retain the site as green belt.

Council Response No change These comments have been reponded to in PDLP_AD285.

Representations received at Publication Draft Local Plan on PDL Green Belt Boundary Changes

Paragraph/Site RGB2137

Consultee ID 1061788

Agent ID 942058

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared Including this land in the Green Belt means that the Council are not supporting the rural economy.

Soundness - Justified The site forms an existing commercial / industrial business park which differs in nature to countryside surrounding it. Site has no role to play in the functioning of Green Belt and should be removed from the Green Belt.

Soundness - Effective

Soundness - Consistent with National Policy The site does not fulfil the role and function of including land within the Green Belt as set out in NPPF

Proposed Change Requested Remove from Green Belt and allocate as Priority Employment Area

Council Response No change Support for the rural economy forms part of the vision for Kirklees and this is reinforced by Publication Draft Local Plan policy PLP10 which sets out ways in which the economic performance of the rural economy will be improved. For development in the green belt to be considered acceptable it must be in line with green belt policy and this is entirely consistent with national planning policy. The site is stated to be wholly different in character to the surrounding countryside and it does not perform a green belt role. It is accepted that this is a brownfield site which is already heavily developed and therefore is not "open"™. However, national planning guidance now provides for the redevelopment of existing brownfield sites in the green belt, subject to consideration of openness. As this site is already covered by buildings it should be possible to design a successful scheme for redevelopment without impacting on openness. National policy also allows for extension and replacement of buildings subject to certain controls. It is not considered that in this case the green belt constitutes a constraint to the successful functioning of the business park. Removing this site on its own could harm green belt purposes as it would create a small pocket of non- green belt land surrounded by green belt which is contrary to the purposes of including land in the green belt.

Representations received at Publication Draft Local Plan on PDL Green Belt Boundary Changes

Paragraph/Site RGB2613

Consultee ID 973991

Agent ID 1060797

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

The plan's approach in respect to the green belt boundary in this location is not consistent with national policy. Test 1b (environmental constraint) and 1c (physical constraint) of the green belt review identified the constraint to development in this location as being severe (red) and therefore no further assessment of the green belt was undertaken. The Almondbury Conservation Area and its listed buildings are at such a distance from the site that the assessment should have been none/minor (green). Impact on protected trees could be managed through the application process so the assessment should have been moderate (amber). This assessment would have resulted in the site being carried forward into test 2. This would show that the site was not necessary to prevent towns merging, the site is not important in checking sprawl, it is not countryside and there are no historic towns within Kirklees. Infill development would however respect the adjacent Conservation Area. There is a defensible boundary formed by Dark Lane. An assessment of the site against green belt purposes should therefore have resulted in a score of 2. This parcel of land has an urban land use and should therefore also have been assessed against test 3. Amending the boundary to allow infill development is compliant with test 3 as it is re-using land. All existing development south of Fenay Lane, along St Helen's Gate and Arkenley Lane and King James' School are in the green belt which means that the green belt in this location is not fulfilling its role because it has failed to check the unrestricted sprawl of Almondbury. It should be amended to take account of infill development that has occurred over time.

Proposed Change Requested

Remove site RGB2613 from the green belt and amend the boundary in this location to take account of infill development that has occurred over time.

Council Response

No change Exceptional circumstances are required to amend the position of the green belt boundary and it is the inability of non-green belt areas to meet the objectively assessed need (OAN) for development that constitute the exceptional circumstances required to remove sites from the green belt and allocate them for development purposes. As it is clearly stated in support of site RGB2613 that removal from the green belt is being sought in order to facilitate small scale infill housing, the site is not being considered as a housing allocation and therefore exceptional circumstances based on meeting OAN cannot be shown. In order to justify an amendment to the green belt boundary therefore other exceptional circumstances must be demonstrated. These could be either that there was a clear error in the placing of the original position of the boundary, or that something has occurred subsequent to the establishment of the boundary that permanently falsifies the original decision to include this land in the green belt. Neither of these is considered to apply to site RGB2613. In terms of the assessment of the site in the green belt review, the tests applied at test 1 indicate the presence of constraints where new settlement extensions would be unlikely to be found. The 'red' assessment against 1b and 1c does not mean that no further assessment of the site was undertaken as along with all other green belt sites and consistent with the Kirklees Local Plan Site Allocation Methodology it underwent a green belt assessment which was published in the Rejected Site Options report. This concluded that the constraints noted in test 1b; the Almondbury conservation area, listed buildings and existing residential development also applied to site RGB2163. The site is not at a distance from the conservation area. It both borders it at its western extent and includes a small part within it. It is also in very close proximity to numerous listed buildings. This would not by itself justify a 'red' assessment at test 1b but the presence of the existing residential development which fronts the length of Fenay Lane would. There are a significant number of protected trees bordering and within the site. This site sits within an area overwashed by green belt with an existing strong boundary along Fenay Lane and whose role is to prevent the intensification of developed form that could harm the setting of the Conservation Area. The site is an integral part of that landscape. In terms of test 3 which considered whether brownfield sites on the edges of the urban area were properly located within the green belt, the Green Belt Review states at paragraph 3.25 that sporadic residential development on the edges of settlements are not included in the test. In any case a substantial part of site RGB2613 is garden and is therefore considered to be greenfield. The built form in the green belt in this location, including King James' School was already present when the green belt boundary was established. Any development that has occurred in the area subsequently must have been either in conformity with green

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site RGB2613

Consultee ID 973991

Agent ID 1060797

belt policy or where very special circumstances could be shown to justify the development.

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site RGB2702

Consultee ID 1049896

Agent ID 1049890

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

Soundness - Effective

Soundness - Consistent with National Policy

The site (RGB2702) should be removed from the green belt as it does not perform a green belt role. The green belt boundary should be moved to follow the garden boundaries and the edge of Kittle Point Wood, thereby including residential properties within the built up area. The woodland could represent a strong new defensible green belt boundary.

Proposed Change Requested

Council Response

No change These four properties front Whitehall Road East as do the properties they abut to the west, which are within the settlement. While there is little to differentiate the character of nos. 137 to 141 from properties in the settlement, 143 is detached and set back from the road and retains a significant treed frontage. This appears contiguous with the tree cover alongside Kittle Point beck and has a very close relationship with the continuation of the narrow wooded valley to the south of the road. Nothing has occurred subsequent to the establishment of the green belt boundary in this location that would constitute a material change in circumstances and therefore exceptional circumstances do not exist to amend its position. In addition, the removal of the site from the green belt would result in pressure for development which could result in the loss of the trees. This would have a significant impact on the character of this part of the green belt and result in the encroachment of urban land uses into this wooded valley setting.

Representations received at Publication Draft Local Plan on PDL Green Belt Boundary Changes

Paragraph/Site RSSGB102

Consultee ID 1047995

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The property boundary was created in 1974 when the garden was separated from an adjacent piece of land. The garden boundary is shown on the OS map. There is no boundary feature on the ground where the Local Plan proposes the green belt boundary to be so the existing green belt boundary is less defensible than the proposed new boundary.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Amend the position of the green belt boundary to remove the garden from the green belt.

Council Response

No change Exceptional circumstances are required to amend the position of the green belt boundary. The act of transferring the existing green belt boundary on to an up to date ordnance survey base is necessary and appropriate but does not by itself confer the exceptional circumstances required to alter its position. In order to be exceptional in this case something must have occurred subsequent to the establishment of the boundary that has permanently falsified the reasons for originally including the land in the green belt. The statutory green belt boundary in this location was established in 1999 and included the garden area of no. 10 in the green belt. This is not unusual and there are many such examples in the district. While it is accepted that there is a garden boundary feature where the amended position is proposed, the position of the existing boundary should be readily identifiable as it follows the gable end of the property. As such it complies with national guidance in that it is following a physical feature that is readily recognisable and likely to be permanent. The establishment of the garden pre-dates the establishment of the green belt boundary and therefore there does not appear to be any change subsequent to the establishment of the boundary that would justify a change. Exceptional circumstances do not exist to amend the position of the green belt boundary in this location.

Representations received at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site RSSGB28

Consultee ID 960560

Agent ID 1058070

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The site lies on the settlement boundary and was previously occupied by a terrace of housing. A defensible green belt boundary would remain. The rejection of H1752 does not preclude considering release of this site.

Soundness - Effective

Soundness - Consistent with

National Policy

Proposed Change Requested

Remove RSSGB28 from the green belt.

Council Response

No change. Exceptional circumstances are required to amend the position of the green belt boundary. There is nothing to suggest that the original decision on the placing of the boundary was incorrect or that anything has happened on the site subsequent to that decision that constitutes a material change in circumstances. As such exceptional circumstances do not exist to amend the position of the green belt boundary. The site has been correctly assessed on its own merits as RSSGB28. The fact that the site abuts rejected housing option H1752 plays no part in its assessment but is given for information, consistent with other instances where small sites abut development options. This is so that the relationship between abutting sites can be assessed if necessary and also so that RSSGB28 could be reconsidered should the decision on the adjoining option be reversed.

Representations received at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site RSSGB39

Consultee ID 951517

Agent ID 942058

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

The document states that the reason the site is not removed from the Green Belt is that it is an isolated site. This is wholly erroneous. The site constitutes a small gap in the frontage along Shillbank Lane, however despite this in reality the land does not stop the merging Mirfield with Ravensthorpe. There is already no discernible gap.

Soundness - Effective

Soundness - Consistent with National Policy

Proposed Change Requested

Council Response

No change RSSGB39 is detached from the settlement edge by the access road that runs along the back garden boundaries of properties south of Shillbank View. It is therefore an isolated site for the purposes of the consideration of such sites in the Green Belt Boundary Changes document. The site extends over the frontage part of an undeveloped field south of Shillbank Lane and as the only undeveloped open frontage it plays an important role in maintaining at least an appearance of separation between Mirfield and Ravensthorpe in this location. It is properly considered as a small site of 0.15ha because it was submitted to the Council for consideration independent of any other development option. Exceptional circumstances do not exist to amend the boundary to remove RSSGB39 from the green belt. Â

Representations recieved at Publication Draft Local Plan on PDLP Green Belt Boundary Changes

Paragraph/Site RSSGB46

Consultee ID 1075132

Agent ID

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified The land should be allocated as it could meet local housing needs and is within the settlement.

Soundness - Effective

**Soundness - Consistent with
National Policy**

Proposed Change Requested Allocate the site.

Council Response

Representations received at Publication Draft Local Plan on PDL Green Belt Boundary Changes

Paragraph/Site RSSGB64

Consultee ID 945266

Agent ID 961268

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared The plan has not been prepared having regard to meeting objectively assessed development needs as there is no reason why the land should not be removed from the green belt. The plan should encourage the effective use of land by re-using land which has been previously developed where it is not of high environmental value.

Soundness - Justified The site does not currently have a green belt use and has no prospect of having a green belt use in the future. It is effectively landlocked from the wider green belt by a steeply sloping bank which creates a topographical physical boundary and the presence of the cricket ground would prevent encroachment. The land is not visible from the wider green belt. The site is urban fringe and should be considered to be brownfield as it contains 3 detached domestic garages and is therefore partly previously developed. As such the green belt could be considered to be preventing its beneficial re-use. The site is bordered on three sides by existing residential development, would have no impact on openness and should be regarded as an infill site. The green belt boundary to the rear of 1 Lower Common Lane does not follow any feature on the ground and projects unallocated land further into the green belt than the subject site. There is an area of land that has been removed from the green belt as an advertised change (ref 2510/01) as part of the exercise to create the digitised green belt boundary for the Local Plan and the reason for the amendment is to reflect land lines around properties on Lower Common Lane.

Soundness - Effective

Soundness - Consistent with National Policy The plan does not appear consistent with the presumption in favour of sustainable development as it should meet objectively assessed needs with sufficient flexibility to adapt to rapid change unless any adverse effects of doing would significantly and demonstrably outweigh the benefits when assessed against the policies. The Local Plan should follow the approach of presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay.

Proposed Change Requested Amend the position of the green belt boundary to remove site RSSGB64 from the green belt.

Council Response The Local Plan has a site size threshold for new allocations of 0.4ha and this site falls below that threshold. In accordance with the Site Allocation Methodology it cannot therefore be considered as a new housing allocation in the Local Plan. An allowance has been made for windfall sites to come forward over the plan period and this is included at Table 5 of the Strategy and Policies document. For the Kirklees Local Plan, meeting objectively assessed need for new development land constitutes the exceptional circumstances necessary to justify removing land from the green belt but as this site cannot be considered as a new allocation that exceptional circumstance cannot apply. It is agreed that the proposed new boundary would in this location follow a landline and this has been included in the revised assessment of site RSSGB64 in the Publication Draft Local Plan Green Belt Boundary Changes document (November 2016). It is also agreed that the existing boundary to the south west no longer follows a physical feature. However, exceptional circumstances are required to make an amendment to the position of the green belt boundary and there is nothing to suggest that any exist for site RSSGB64. There does not appear to have been an error in the placing of the original boundary, nor has anything occurred subsequent to that decision that would make a change necessary. The Council reviewed all the proposed advertised changes in the Draft Local Plan and advertised change 2510/01 was deleted as the exceptional circumstances required to justify an amendment to the boundary in that location could not be shown, even though the green belt boundary does not appear to be following anything on the ground. This site is considered to be predominantly greenfield, despite the presence of the three detached garages. Sustainable economic growth is delivered in Kirklees through the provision of new employment and housing land to meet objectively assessed needs. Applications for development will continue to be considered against the relevant policies, including green belt policy.

Representations received at Publication Draft Local Plan on PDL Green Belt Boundary Changes

Paragraph/Site RSSGB91

Consultee ID 968438

Agent ID 942058

Legal Compliance

Duty to Co-operate

Soundness - Positively Prepared

Soundness - Justified

- It is clear that the site is better related to the settlement than the green belt and is considered to reinforce the current green belt boundary. The Council's decision not to remove the land from the green belt just because the site was previously in t

Soundness - Effective

The site performs no green belt function.

Soundness - Consistent with National Policy

- It is considered that the current green belt as show in the Local Plan and the UDP's policies map, conflict with the purposes of including land in the green belt as set out in the NPPF and the Councils own published documents.

Proposed Change Requested

Redrawing of the green belt boundary to exclude the site would strengthen the defined green belt boundary in this location (as previously recognised by the Council) which will endure beyond the timescale of the plan (following physical features).

Council Response

No change The Council initially proposed to remove RSSGB91 from the green belt as part of the Draft Local Plan. However, subsequent scrutiny has indicated that exceptional circumstances do not exist to remove the site from the green belt. There does not appear to have been an error in the placing of the original boundary, nor has anything occurred subsequent to that decision that would make a change necessary. Â There are very many examples of dwellings on the edge of settlements being placed within the green belt and the mere fact that they are there does not undermine the overall role and function of the wider green belt. Whether any particular site is considered to be an anomaly in the green belt does not amount to the exceptional circumstances required to amend a boundary. Â The exercise to transfer the existing green belt boundary to an electronic format for the purposes of the Local Plan does not by itself confer any exceptional circumstances justifying a change. The NPPF states at paragraph 85 that local planning authorities should define green belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. The existing boundary in this location is therefore properly placed under the terms of NPPF as it follows readily identifiable features, in this case the southern garden boundary and the edge of the disused railway. Whether the boundary would be better placed elsewhere is not a matter capable of amounting to exceptional circumstances.
