

## **Kirklees Local Plan Examination**

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### **By email via the Programme Officer**

Dear Mr Hollinson,

### **Examination of the Kirklees Local Plan – Post Hearings**

1. Thank you for the Council's contributions at the hearing sessions, and the subsequent provision of further information. Following the completion of the Stage 4 hearing sessions, I am writing to set out my thoughts on the Plan at this stage, and the way forward for the examination.
2. My comments in this letter are based on the submitted written evidence and representations, and all that has been heard at the hearing sessions. However, the examination has not yet concluded, and consultation on main modifications has yet to take place. Consequently these findings are without prejudice to the Inspectors' final conclusions on the Plan.
3. Overall I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. A number of main modifications were discussed at the hearing sessions and in subsequent correspondence with the Council. Following the close of the hearing sessions, I also consider that a number of further main modifications are necessary for reasons of soundness. Information on main modifications is set out in Appendix A to this letter.
4. The Council is now invited to prepare a comprehensive set of proposed main modifications for the Inspectors' consideration prior to publication. The modifications will need to be subject to Sustainability Appraisal and Habitats Regulation Assessment, and published for consultation. The documents should also be accompanied by a schedule of any necessary changes to the

policies map. The final Inspectors report will set out conclusions on all of the main issues discussed at the hearing sessions, taking account of consultation responses on the main modifications.

5. It would be appreciated if you could confirm if the Council is content to proceed on the basis outlined in this letter. Please note that I am not expecting to receive or accept comments from any other parties on the contents of this letter.
6. In producing the Schedule of Proposed Main Modifications, the Council is requested to liaise with the Programme Officer regarding projected timescales. A copy of this letter should be placed on the Council's website and made available on request.

*Katie Child*

INSPECTOR

## **Appendix A**

### **Main modifications**

The Council is invited to produce a Schedule of Proposed Main Modifications, based on the discussions that were held at the Stage 1, 3 and 4 hearing sessions and reflected in subsequent documents. Main modifications relating to Stage 2 (minerals and waste) should also be incorporated.

For Stages 1, 3 and 4, main modifications and changes in the following key documents should be used to frame the schedule:

- Council's 'Summary of Actions and Modifications Lists' relating to hearing Stages 1, 3 and 4 (EX96, EX98 and EX99)
- Council's updated phasing table (in the revised Phasing and Delivery Options Paper EX45.1 - June 2018) – including capacity changes and site deletions and additions (with consequential changes to housing supply and phasing tables in Part 1 of the Plan, policy boxes in Part 2 of the Plan and the policies map where necessary)
- Council's 'Schedule of proposed site allocation modifications in relation to heritage impact matters' (May 2018) (EX73) – Council's proposed changes/final proposed changes (unless specifically varied by the further changes listed in this appendix)
- Council's Note on Proposed Safeguarded Land Changes (May 2018) (EX67)

Following the close of the hearing sessions, I also consider that a number of further main modifications are necessary for reasons of soundness. These are in addition to the modifications proposed in the aforementioned documents (albeit in some cases they supersede them). These further changes are listed in the following sections and should be incorporated into the Council's draft schedule. My full reasoning and conclusions relating to these matters will be set out in my final report.

### **Housing and mixed use allocations**

The tables below include changes to site phasing rates, further to those the Council has already put forward in the updated housing tables in EX45.1. In summary, in these cases I consider that the Council's estimated phasing rates are optimistic, and on this basis main modifications are necessary to the phasing table. However, as the phasing table is indicative my changes should also be seen in this vein, albeit there are consequential amendments for overall housing supply and the calculation of five year supply. Full reasons for the proposed changes will be set out in my final report.

The tables also include sites where I have recommended capacity changes, wholesale site deletion or text changes, further to amendments outlined in EX45.1, EX73 and other documents. A brief overview is provided, with full reasoning to follow in my final report.

Any implications in terms of five year supply and overall housing supply over the Plan period are highlighted in brackets in the tables, based on comparison with the Council's updated housing tables in EX45.1 (June 2018).

*General*

<b>No.</b>	<b>Site/policy</b>	<b>Further change</b>
FC1	Council-owned housing and mixed use allocations (excluding H1747 and H2069, sites where non-RP route is indicated, and sites with full planning permission)	Amend the phasing tables for these sites to allow a minimum 2 year period between disposal of a site and commencement of house building. Sites where there are implications for five year supply and/or overall housing supply within the Plan period are individually highlighted in the tables below.

*Huddersfield Sub-Area*

<b>No.</b>	<b>Site/policy</b>	<b>Further change</b>
FC2	H2684a/H2730a – Pensitone Road/Hermitage Park, Lepton (Matter 30)	<p>Insert new policy wording relating to ecology, as detailed in the Council's post hearing note EX90, in order for the policy to be justified and effective.</p> <p>Amend the phasing table to show delivery commencing a year later, with 25 dwellings on each site in 2021/22. The trajectory for site H2684a should be rolled forward accordingly.</p> <p>[Five year supply on H2684a = loss of 50 units]</p>
FC3	H351/H1747 – land north of Bradley Road, Bradley (Matter 30)	<p>Insert new policy text on the listed barn at Shepherds Thorn Farm which specifies retention and reuse of the building, and provides additional clarity on the wider setting, including Shepherds Thorn Lane and field boundaries (with reference to Historic England's comments in EX73 and areas of high and considerable significance in the Council's Heritage Impact Assessment (HIA)).</p> <p>Amend the phasing table for H1747 to reflect initial delivery of units in zones 2, 3, 4, 6a and 6b a year later than Table 2 in EX70 (with zone 2 starting in 2023/24, zones 3 and 4 in 2024/25 and zones 6a/6b in 2029/30), and the trajectory for these zones rolled forward by a year. Loss of 40 units from five year supply and 150 units from overall supply.</p> <p>Amend the phasing table for H351 (zone 5) to show delivery commencing two years later than Table 2 in EX70 (in 2023/24), and roll forward the trajectory by two years. Loss of 80 units</p>

		<p>from five year supply and 61 units from overall supply.</p> <p>Amend site capacity as follows:  H1747 - 1,140 units within the Plan period and 437 units beyond  H351 - 320 units within the Plan period and 61 units beyond  Joint capacity – 1,460 units within the Plan period and 498 units beyond.</p> <p>[Five year supply = loss of 120 units]  Overall housing supply = loss of 211 units]</p>
FC4	H1679 – land north of Fenay Lane, Almondbury (Matter 31) (Council land)	<p>Amend phasing table to show initial delivery of 25 units in 2022/23 and 50 in subsequent years.</p> <p>[Five year supply = loss of 25 units]</p>
FC5	H1657 – land north of Deighton Road (Matter 31) (Council land)	<p>Amend phasing table to show initial delivery of 15 units in 2020/21 and roll forward the trajectory.</p> <p>[Five year supply = loss of 13 units]</p>
FC6	H101 – land north of Jackroyd Lane, Newsome (Matter 31) (Council land)	<p>Reduce the allocation site to comprise the developable area identified in Appendix A of Historic England’s Hearing Statement (M31.04).</p> <p>Reduce the site capacity/area to 37 units on 1.06 hectares, as outlined in EX89.1. Consequential changes to the phasing table.</p> <p>[Overall housing supply = loss of 67 units]</p>
FC7	MX1906 – land north of Trinity Street (Matter 32)	<p>Insert new policy text on heritage assets as proposed by Historic England in EX73.</p>

*Dewsbury and Mirfield Sub-Area*

<b>No.</b>	<b>Site/policy</b>	<b>Further change</b>
FC8	H559 – land east of Leeds Road, Chidswell (Matter 34)	<p>Amend the phasing table to show initial delivery of 20 dwellings a year later, in 2020/21, with 35 completed in subsequent years.</p> <p>[Five year supply = loss of 35 units]</p>
FC9	H95 – land east of The Combs, Hall Lane, Thornhill Lees, Dewsbury (Matter 35)	<p>Delete the allocation from the Plan for reasons of soundness. My full reasons will be set out in my final report, linked to the impact of development on heritage assets.</p> <p>[Five year supply = loss of 18 units]  [Overall housing supply = loss of 18 units]</p>

FC10	H2089 – land south of Ravensthorpe Road, Dewsbury (Matter 34)	<p>Amend the phasing table based on:</p> <ul style="list-style-type: none"> <li>• Initial delivery of units in phases 1 and 2 a year later than in EX65, in 2019/20, with the trajectory for these phases rolled forward by a year.</li> <li>• For phases 3+, initial delivery of units outside the five year supply period, and adjustments to the trajectory so that an additional 476 units are delivered beyond the Plan period.</li> </ul> <p>Amend site capacity to show delivery of 1,868 units in the Plan period and 2,132 units beyond.</p> <p>[Five year supply = loss of 476 units] [Overall housing supply = loss of 476 units]</p>
FC11	MX1905 – land east of Leeds Road, Dewsbury (Matter 34)	<p>Amend the phasing table to reflect:</p> <ul style="list-style-type: none"> <li>• Programme 1 (RO1/RO2) - initial delivery of 37 dwellings a year later than shown in Hearing Statement M34.4, in 2021/22, and roll forward the trajectory for RO1/RO2 by a year. Loss of 74 units from five year supply.</li> <li>• Programme 2 - initial delivery of 20 units a year later, in 2022/23, and roll forward the trajectory for RO8 and RO4 by one year. Loss of 85 units from five year supply. Other adjustments may be required for later phases, with dwellings delivered within the Plan period.</li> </ul> <p>[Five year supply = loss of 159 units]</p>

### *Batley and Spennings Sub-Area*

<b>No.</b>	<b>Site/policy</b>	<b>Further change</b>
FC12	H138 – land south of Mill Street, Birstall, Batley (Matter 38)	<p>Amend the phasing table to show initial delivery of 50 units in 2021/22 and roll forward the trajectory by one year.</p> <p>[Five year supply = loss of 50 units]</p>
FC13	H761 – land adjacent Raikes Lane, Birstall (Matter 38) (Council land)	<p>Amend the policy text proposed on page 28 of EX73 to clarify that, with the exception of an access road, the area of moderate significance to the east of the Old Hall, as identified in the Council’s HIA, should remain as open land.</p> <p>Reduce the site capacity to 55 units and amend the net area to exclude the area of moderate significance referred to above.</p> <p>Amend phasing table to show delivery of 15 units in 2020/21, 30 in 2021/22 and 10 in 2022/23.</p>

		[Five year supply = loss of 20 units] [Overall supply = loss of 20 units]
FC14	H508 – land to the west of Whitechapel Middle School, Whitechapel Road, Cleckheaton (Matter 37)	Amend the policy to specify that the whole area of moderate significance identified in the Council’s HIA (LE73) should not be developed but retained as open land.
FC15	H198 – land to the south of Second Avenue, Hightown, Liversedge (Matter 38) (Council land)	Amend phasing table to show initial delivery of 15 units in 2020/21 and roll forward the trajectory.  [Five year supply = loss of 15 units]
FC16	H442 – land between Richmond Park Avenue and Sunnyside Avenue, Roberttown (Matter 37)	Delete the allocation for soundness reasons and retain the land as Green Belt. My reasons, relating to Green Belt purposes, will be set out in my final report.  [Five year supply = loss of 125 units] [Overall housing supply = loss of 220 units]

*Kirklees Rural Sub-Area*

<b>No.</b>	<b>Site/policy</b>	<b>Further change</b>
FC17	H1709 – land to the east of Upper Clough, Linthwaite (Matter 40) (Council land)	Amend the phasing table to show initial delivery of 15 units in 2021/22, 30 in 2022/23 and 8 in 2023/24.  [Five year supply = loss of 8 units]
FC18	H2649 – land south-west of Victoria Terrace, Marsden (Matter 40)	Insert policy text to refer to retention and enhancement of Public Right of Way (PROW) through the centre of the site, as outlined in the Council’s HIA.  Further to the Council’s proposal in EX73, insert policy text to clarify that the south/south-east section of the site should not be developed and kept as open land - or link to the map in EX73.
FC19	H3325a – Park Mill, Manor Road, Clayton West (Matter 41)	Insert policy text to clarify that the section of the site to the north of the river should not be developed but retained as open land.  Amend the phasing table to show initial delivery of 15 dwellings a year later, in 2021/22, and roll forward the trajectory by a year.  [Five year supply = loss of 30 dwellings]

FC20	H814 – land north of Grove Street, Longwood (Matter 42)	Delete the allocation from the Plan. Full reasons will be set out in my report, relating to biodiversity and amenity issues. [Five year supply = loss of 12 units] [Overall housing supply = loss of 12 units]
FC21	H738 – land west of Heathwood Drive, Golcar (Matter 42)	Delete the allocation from the Plan for reasons of soundness. Full reasons will be set out in my report, relating to heritage matters.  [Overall housing supply = loss of 22 units]
FC22	H178 – land south of Southwood Avenue, Honley (Matter 43)	Insert policy text to refer to potential access road into the site potentially extending beyond the site allocation boundary if required to achieve safe access.  Amend site capacity to 17 units, based on discussion at the hearing session. Consequential changes to phasing table.  [Five year supply = loss of 6 units] [Overall housing supply = loss of 6 units]
FC23	H584 – land south of Gynn Lane, Honley (Matter 43)	Insert policy text to refer to the need to retain the woodland and stream along the northern boundary (identified as area of considerable significance in the Council's HIA), excepting an access into the site.  Insert policy text to refer to the importance of the tree belt to the north-west of the site (identified as significant tree belt in the HIA) and the need to set development back from this boundary and keep the north-west corner open, in order to protect the setting of the heritage asset (as identified in the HIA).
FC24	H664 – land north of Scotgate Road, Honley (Matter 43)	Amend policy text to clarify that the non-developable part of the site comprises the areas of 'high' and 'considerable' significance as identified in the Council's HIA. [The proposed modification on page 44 in EX73 only refers to land west of the farmhouse.]
FC25	H729 – land at Tenter Hill Road, New Mill, Holmfirth (Matter 44) (Council land)	Insert policy text to refer to the provision of access to the playing fields to the north, as set out in Council Note EX57.
FC26	H597 – land south of Sandy Gate, Scholes (Matter 44)	Reduce the allocation site to comprise only the field immediately adjacent to Moorlands (the southernmost part of the area of slight significance in the Council's HIA). Full reasons for this will be set out in my final report, relating to heritage and character and appearance.



		<p>Insert new policy text to specify that access to the site should be provided via Moorlands, and that the boundary walls to the site shall be retained as part of any development proposals.</p> <p>Reduce the site capacity/area to 28 units on 0.8 hectares, as identified in EX94. Consequential changes to the phasing table.</p> <p>[Five year supply = loss of 62 units] [Overall housing supply = loss of 78 units]</p>
FC27	H1774 – land east of Manor House Farm, The Village, Thurstonland (Matter 45)	<p>Reduce the allocation site to comprise only Area 1 in the Council’s HIA, and retain the current Green Belt boundary. Full reasons will be set out in my final report, relating to heritage and issues of character and appearance.</p> <p>Reduce the site capacity/area to 14 units on 0.41 hectares, as identified in EX93. Consequential changes to the phasing table.</p> <p>Insert policy text referring to retention and reinstatement of boundary wall.</p> <p>[Five year supply = loss of 17 units] [Overall housing supply = loss of 17 units]</p>

## Housing supply

Taking account of the above further changes, the Council appears to have a slight shortfall in the amount of housing likely to be delivered within the Plan period, against the housing requirement of 31,140 dwellings. This matter will be dealt with in my final report, although I am satisfied that, nonetheless, the Plan is likely to be capable of being found sound.

As indicated in EX45.1, the Council is unable to demonstrate a five year supply of housing using the Sedgefield approach to dealing with shortfall. The changes in this appendix would reduce this further. However, I consider that it would be sound for the assessment of housing supply to be based on the Liverpool approach (Option A Liverpool, as referenced in EX45.1). My reasons for this will be set out in my final report. On this basis, and taking account of the changes in this appendix, it appears that the Council is able to demonstrate five year supply.

The following main modifications will be necessary, relating to housing supply:

FC28 Amend the housing supply table in Chapter 8 in Part 1 of the Plan to reflect changes in supply from site allocations and other sources outlined in EX45.1 and this appendix. Make consequential changes to the supporting text in Chapter 8 and the spatial development strategy in Chapter 6.

FC29 Insert details of the five year supply calculations in Chapter 8, which reflect the revised supply figures and are based on the Liverpool approach.

## Employment allocations

### General further changes

Council Note EX52 (paragraph 2.3) indicates that office development (except ancillary) would not be appropriate on employment allocations, and that any such proposals would need to undergo a sequential test and in some cases an Impact Assessment. In this context I consider that amendments to the Plan are necessary to clarify this position, further to the proposed changes in EX52. This should be in the form of either A or B below.

FC30 A. Amend the introduction to chapter 2 in Part 2 of the Plan to clarify that employment sites are allocated for B1(b)(c), B2 and B8 uses (not the full range of B use class 'employment uses'), and set out the Council's position in relation to office proposals (along the lines of paragraph 2.3 in document EX52). Alter the 'proposed allocation' row in each allocation text box. OR

B. Further to the proposed supporting text in EX52, insert a new policy which clarifies that employment sites are allocated for the full range of 'employment uses', but that office uses will only be acceptable where certain criteria are satisfied (the criteria should be referenced). This could form part of a policy discussed under Action 2 in EX99.

### Employment sites

No.	Site/policy	Further changes
FC31	E1832c – land north and west of the Three Nuns Pub and the former Cooper Bridge Waste Water Treatment Works, Leeds Road, Mirfield (Matter 27)	Delete the part of the allocation which lies to the north of Leeds Road for reasons of soundness, and retain it as Green Belt land (with the section south of Leeds Road remaining as employment allocation E1832c). Full reasons will be set out in my final report, but include the effect of development on heritage assets, and landscape character and setting.  Consequential changes will be necessary to the allocation title, policies map, site area/capacity and other parts of the text box in Part 2 of the Plan.
FC32	E2333a – land east of Park Mill, Wakefield Road, Clayton West (Matter 27)	Delete the allocation from the Plan and retain as Green Belt land, for reasons of soundness. Full reasons will be set out in my final report, but include the effect of development on the character and setting of the countryside and the village.  Land to the west of the allocation, south of the A636 and north of the river, should consequentially remain within the Green Belt (part of this land lies within housing allocation site H3325a).

## **Employment supply**

On the basis of the evidence before me, I consider that a number of amendments are required to the employment supply table in Chapter 7. These differ to the modifications proposed by the Council in EX36, produced after the Stage 1 hearing sessions. My reasons for the changes listed below will be set out in my final report. Taking account of the following alterations, I consider that sufficient employment land is likely to be delivered over the Plan period to meet identified needs.

FC33 Main modification to amend the employment supply table in Chapter 7 in Part 1 of the Plan as follows:

- Completions, commitments, and supply from previous permissions – amended to reflect updated figures on page 2 of the Council’s Matter 6 Hearing Statement (M6.1).
- Flexibility allowance – increase from 10% to 20%.
- Amount of land allocated – amended to reflect changes outlined in this appendix, and taking account of Action 18 in EX99 which identifies an error in the area of employment site E1831 and other minor alterations.
- Insert rows which specify the total amount of land required over the Plan period (including the flexibility allowance), and total supply projected to come forward over the Plan period.
- [To clarify - the windfall allowance of 48 hectares from PEA sites should be retained as set out in the Plan - therefore no main modification is required in this regard.]

FC34 Main modifications to make consequential changes to supporting text relating to employment supply in Chapter 7 and to the spatial development strategy in Chapter 6.

## **Other further changes**

FC35 Policy PLP 9 (Supporting skilled and flexible communities and workforce) – having regard to the Council’s recent evidence in EX83, I consider that a main modification is necessary to the second section of the policy to remove the requirement for development proposals to contribute towards employment and training opportunities for local residents. The section should either be deleted, or substantially amended to set out general/broad encouragement for employers to provide local apprenticeships and training opportunities in the district. My full reasons will be set out in my final report.

FC36 Policy PLP 23 (Core walking and cycling network) – as set out in Action 4 in EX99 and discussed at the Stage 4 hearing, I consider that additional text should be included in the policy which specifies that PROWs will be protected and enhanced.

FC37 GTTS1957 (Traveller Accommodation, Ridings Road, Dewsbury) – a main modification should be made to the policy text to clarify the existing and proposed site areas, as set out in Council Note EX87.