

Kirklees Local Plan Examination

Note to the Council following Stage 3 Hearings

18 December 2017

1. Thank you for your contributions and assistance at the Stage 3 hearing sessions. As discussed, I am writing to outline my position on a number of matters that were covered at the hearing sessions.
2. Please note that the views and comments set out below are interim, and that my final conclusions regarding soundness and legal compliance will be established in my final report. Other actions and potential modifications were discussed at the Stage 3 hearing sessions and have been noted by the Council.

M62/M606 Chain Bar highways scheme

3. Highways England has confirmed that Road Investment Strategy (RIS) funding for the Chain Bar Strategic Road Network improvement scheme has been delayed. At the hearing session it was established that there will be an opportunity to bid for funding in the next RIS round (2020-25). However, Highways England is currently investigating potential interim measures, and has indicated that although other funding sources will be investigated, development schemes nearby which have 'significant impacts' will need to provide mitigation towards interim solutions.
4. The Council is requested to meet with Highways England, as a matter of urgency, to establish the implications for the Local Plan arising from the loss of funding, and what the solutions are. This should address implications/solutions in terms of specific sites and overall growth delivery. A note establishing a joint position should be published by **19 January 2018**. This will help to facilitate further discussion at the site-specific hearing sessions in February/March 2018.

Policy PLP 26 - Wind turbine development

5. At the Day 2 hearing session I raised a number of concerns regarding the Council's approach to wind turbine development, as set out in Policy PLP 26. At the hearing I indicated that, in order to ensure the approach aligns with the Written Ministerial Statement (WMS) dated 18th June 2015, I consider there are a number of options open to the Council. These options, as summarised at the hearing, are:
 - a. Re-visit the Council's evidence base to clarify which areas are suitable for wind turbine development. Amend the policy accordingly to refer to areas which are suitable, and confirm that the criteria-based policy will apply in these areas; or
 - b. Amend the criteria-based policy to clarify that it does not relate to wind turbine development, and that future decisions will rely on the WMS; or
 - c. Amend the criteria-based policy to say that wind turbines must be in areas identified as suitable for wind energy development – thereby supporting future parts of the development plan/Neighbourhood Plans that identify suitable areas.

6. It would be appreciated if you could confirm the Council's position on this matter as soon as possible.

Policy PLP 57 criterion c

7. My interim view is that the impact of outdoor areas on openness would be assessed as an integral part of the decision-making process on an application for the extension/alteration of a building in the Green Belt. Accordingly, although criterion c goes beyond paragraph 89 in the NPPF, I consider that its inclusion does not render the policy unsound.

Policy PLP 59 criteria c and e

8. Criterion c seeks to limit the height of new buildings to that of existing structures on previously developed sites. My interim view is that this is an additional requirement which goes beyond paragraph 89 in the NPPF, and does not provide sufficient flexibility to allow the effect of schemes on openness to be considered on a case by case basis. Accordingly, I consider that it should be deleted for reasons of soundness.
9. Criterion e seeks to prevent any detrimental cumulative impact on the openness of the Green Belt. However, I am unclear as to how this assessment would be achieved, and what area/timeframe it would cover. I am also mindful that national policy seeks to avoid harm to openness arising from individual schemes, and on this basis cumulative effects should be less of an issue. Accordingly, I have concerns regarding the effectiveness of this criterion, and am of the view that it should be removed for reasons of soundness.
10. In light of this I would suggest that the policy itself may need to be re-drafted to cover the approach in paragraph 89 of the NPPF, namely that infilling and redevelopment of previously developed sites may be acceptable where it does not have a greater impact on the openness of the Green Belt and the purpose of including land within it. It would be appreciated if these matters could be addressed in the Council's working draft Schedule of Proposed Main Modifications.

General

11. Thank you for your assistance. If you have any questions please do not hesitate to contact me via the Programme Officer.

Katie Child

INSPECTOR