

Kirklees Local Plan and CIL Examination

Response from Kirklees Council to Initial note from the Inspector to the Council (Part 1)

2 June 2017

Thank you for providing the opportunity for the Council to provide clarification on a number of your initial questions. In preparing this response the Council has tried to provide clarification in relation to each of the points as requested, rather than a full justification which we might be expected to provide when responding to the MIQ's in due course. Should the Inspector require any further information on any of the points raised at this point we would of course be happy to assist.

This note (Part 1) is the Council's initial response to the most straightforward matters. The Council intends to provide its response to the remaining matters by Friday 16th June 2017 (Part 2). The table below indicates how the Council have split up the requests for information, a general overview of what we intend to produce and which part of our response it will be included in:

| Issue | Action(s) | |
|---------------------------------------|---|---|
| Potential timescales for the hearings | Written response | Part 1 |
| Scope of the plan | Written response | Part 1 |
| Policies Map | 2 x A1 map showing all the detail of the Local Plan for whole district 2 x A1 map showing housing, employment, mixed use, safeguarded land and green belt, together with green belt release sites marked | Part 2 <i>(these will be provided in hard copy and sent in post)</i> |
| Document Updates | Written response | Part 1 |
| Housing and employment land delivery | Update of housing figures to 2015/16 and commentary on what it means for the housing supply figures | Part 2 |
| | Update of employment figures to 2015/16 and commentary on what it means for the employment supply figures | Part 2 |
| | Breakdown of housing windfall by site size | Part 2 |
| | Planning application progress on housing site phasing and revision to Appendix 3 | Part 2 |
| | Progress schedule for sites phased to commence 2016/17 and 2017/18 | Part 2 |
| | 4 x tables showing housing and mixed use allocations by sub-areas | Part 2 |
| Spatial Development Strategy | Written response on sub-area visions | Part 1 |
| | Breakdown of housing supply by sub-area including source of supply | Part 2 |
| | Breakdown of employment supply by sub-area/settlement including source of supply | Part 2 |
| | Approach to B1 uses in PEA study | Part 2 |

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| Site allocation process and Green Belt releases | Confirm sources of non-green belt housing land supply | Part 1 |
| | Site pro-forma for each green belt release showing accepted site information, outputs from SA and site maps | Part 2 |
| Safeguarded Land | Clarification of Kirklees approach to urban area safeguarded land | Part 1 |
| | Schedule of safeguarded land sites showing their constraints and assessment of future delivery | Part 2 |
| Urban Green Space | Clarify our definition and approach to agricultural land | Part 1 |

Confirming council's view on hearing sessions and timings

The Council can confirm the hearing sessions commencing in October 2017 is realistic from its perspective. It would be preferable however if the first hearing sessions could commence w/c 9th October 2017 and w/c 16th October 2017. A number of staff in the Planning Policy Group is on leave w/c 2nd October and it appears that it already may clash with another event being planned which may mean venue hire will be more difficult. It would also be preferable to avoid w/c 23rd October 2017 as this the local schools half-term week.

The half-term week and the week after that would provide sufficient time for a short gap, as suggested, with hearings starting again in early-to mid-November (perhaps commencing w/c 13th November 2017). The Council also accepts further tranches will be necessary but the Council is also be keen to ensure the Examination in Public timescale overall does not become extended if at all possible given the need to have an up-to-date development plan in place for Kirklees as soon as possible, particularly as the Council is currently unable to demonstrate a 5 year housing supply.

With regard to any further tranches it may be useful to agree over what time period they may be needed as we will need to secure venues and advertise the hearing sessions in accordance with regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which should include the date, time and place at which the hearing is to be held at least 6 weeks before it commences. I appreciate this can be interpreted to mean the date of the first of any hearings but the Council would be keen to avoid any risks about the ambiguity of dates, times and venues of other hearing sessions.

With regard to responses to the MIQs, the Council appreciates the offer of an extended response period and this will be very helpful in overcoming issues regarding the timings.

Scope of the plan

The only additional documents currently listed for preparation in the Council's current Local Development Scheme – August 2016 (SD16) are the Local Plan and the Community Infrastructure Levy. It is however the Councils intention to produce town centre based Area Action Plans for Huddersfield and Dewsbury as further development plan documents. Supplementary Planning Documents, particularly in relation to design, will also be considered. Such documents are not listed explicitly in the Local Development Scheme due to resource implications at present. Depending on progress of the Local Plan examination the Council intends to update the Local Development Scheme later in 2017/early 2018.

There are currently four Neighbourhood Plans emerging in Kirklees. The plans, stages reached and a link to our website details are as follows:

| Neighbourhood Plan | Body | Stage Reached | Weblink |
|---------------------------|------------------------------|---|---|
| Newsome | Newsome Ward Community Forum | Plan area agreed and early engagement started | http://www.kirklees.gov.uk/beta/planning-policy/pdf/newsome-area-map.pdf |
| Holme Valley | Holme Valley Parish Council | Plan area agreed and early engagement started | http://www.kirklees.gov.uk/beta/planning-policy/pdf/holme-valley-area-map.pdf nb: plan area extends into adjoining Peak District National Park Authority |
| Kirkheaton | Kirkburton Parish Council | Plan area agreed and initial scoping underway | http://www.kirklees.gov.uk/beta/planning-policy/pdf/kirkheaton-neighbourhood-area-map.pdf |
| Mirfield | Mirfield Town Council | Plan area agreed | http://www.kirklees.gov.uk/beta/planning-policy/pdf/mirfield-neighbourhood-area-map.pdf |

For your information there are also a number of older but still current Supplementary Planning Guidance documents and advice notes for major development proposals in place. These can be viewed on the Council's website at <http://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>. We would of course be happy to provide copies if necessary.

Document Updates

Additional consultation is not planned on any of the new or updated documents. The Duty to Co-operate Statement (SD14) was updated following the publication stage consultation to provide any additional outcomes from DTC discussions and to provide information to those who responded to whether the DTC had been complied with as this is a question included in the PINS standard form. The Green Belt documents (April 2017) (SD19-21) were updated as a response to representations made on the them during the publication stage to pick up minor amendments, corrections and to clarify where exceptional circumstances were deemed to justify an amendment to the green belt boundary from previously made available documentation.

The Habitat Regulations Assessment (March 2017) (SD10) was updated to take into account comments made by Natural England at the publication stage. The revised version was made available for comment to Natural England and their response has been added as a core document – Correspondence received from Statutory Consultees after the Regulation 19 Publication Draft Local Plan Consultation (BP28 – Appendix B).

The revised WY Transport Strategy is expected to go to WYCA Transport Committee in July 2017 to get their endorsement to adopt the Strategy prior to adoption by the Combined Authority which is expected August 2017. Assuming the strategy is adopted we will be able to provide a copy of the final version shortly after this date.

Spatial Development Strategy (vision and spatial strategy for each sub-area)

The Council will provide the housing and employment land supply breakdown by sub-area and the extent to which the Priority Employment Areas study has considered B1 land and uses under the second part of the Council's response as requested.

With regards to a separate vision and spatial strategy for each sub-area the Council has not developed these. As part of the early engagement on the Local Plan the council considered different approaches for sub-areas. The council produced an early engagement document called "Kirklees the place to grow" for consultation from 10th November – 19th December 2014 (PC4). This set out a number of questions relating to vision and objectives and location of development, including whether places or character areas should have their own vision and objectives (question 6). The majority of responses considered that separate visions were not required for the following reasons:

- the vision should apply to the plan as a whole for the benefit of the whole district
- individual visions may promote exclusivity
- the effectiveness of the plan is best monitored against a single vision
- most issues had district wide importance such as: the preservation of open spaces and green belt, protection of historic and natural assets and improving the quality of life
- Neighbourhood Plans might be a more appropriate tool for developing localised visions and objectives and it was important that they were developed by the community.

The Council considers the most appropriate spatial development strategy for the district is one which reflects character and place shaping considerations but is not solely driven by them. Other matters such as the role and function of settlements, the role and function of the green belt and the green belt review outcomes, existing and planned levels of infrastructure, local need for development and the need to safeguard open spaces have also been important considerations, hence why the plan has not sought to set distinct targets for sub-area for example.

Site allocation process and Green Belt releases

The Council will provide a report setting out the results showing accepted site information, outputs from the Sustainability Appraisal and outcomes of the green belt review, together with site maps under the second part of the Council's response as requested.

In relation to the points raised on the Green Belt Review Supporting Document (BP25) the Council can confirm that this figure includes sites within the built up area of settlements plus sites on the edge of settlements that are not currently in the Green Belt.

The Council can confirm that the assessment of capacity within existing urban areas was comprehensive. The opportunity to submit sites to be considered for development or protection in the Local Plan has been available since the adoption of the Unitary Development Plan (UDP) in 1999. A formal 'Call for Sites' process has been available since 2008 with publicity at various stages of the plan preparation process. The Call for Sites process was also publicised during the early engagement period in 2014. The deadline for sites to be submitted for inclusion in the publication draft Local Plan was 12th August 2016. A number of further site options were received after this date and although no decisions have been made on their inclusion in the Local Plan or not they have have been provided for consideration during the Examination and these are contained in 'New Site Options Report – April 2017' (SD30).

Sources of land supply have included:

- those identified through multiple calls for sites
- a review of Council owned land
- land identified in the Council's housing and employment land supply records
- a review of current UDP allocations
- potential supply from the Council's Priority Employment Areas study
- review of potential supply from Huddersfield and Dewsbury town centre locations was also considered, the results of which are set out in the Kirklees Town Centre Delivery Study Huddersfield 2016 (LE34) and in Kirklees Town Centre Delivery Study Dewsbury 2016 (LE35)
- unimplemented planning permissions or sites partially under construction have in many cases been included as part of commitments or accepted Local Plan allocations.
- the council also contacted individual landowners to determine whether other key stalled sites or expired permissions were deliverable/developable
- a number of site options within the urban areas were put forward by public sector bodies through call for sites or through direct liaison with these bodies and the Register of Public Sector Land has been interrogated with no land identified in Kirklees
- site options put forward to the council by members of the public through public consultation (i.e. not necessarily landowner/site promoters). The council carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable.
- empty homes and Kirklees Neighbourhood Housing (KNH) assets have been considered but have not contributed significantly to supply due to extensive housing renewal programmes in the past.
- the council proactively identified a number of large brownfield sites within the urban area during 2015 (pre-draft Local Plan) and 2016 (pre-publication draft Local Plan) and carried out a Land Registry search and contacted individual landowners to determine whether their land was deliverable/developable.
- where the council have received enquiries in relation to the re-development of sites or business relocation, the council have actively encouraged the landowner/site promoter to submit a call for sites form
- allowances made in the figures for windfall, commitments, completions

Safeguarded Land

The Council will provide a report setting out the safeguarded land sites showing their constraints and assessment of future delivery as requested under the second part of the Council's response as requested.

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

Land was identified on the edge of settlements and within the urban areas in a series of Local Plans adopted 1985, 1986 and 1988 covering different parts of the Kirklees district under the umbrella of the West Yorkshire Structure Plan Policy N14 (July 1980). All of these individual allocations were fully reviewed in a single plan as part of the Kirklees Unitary Development Plan (adopted 1999) (LE1) and although some were re-allocated many of the original 'safeguarded land' options were carried through into the Kirklees UDP. In doing so,

heavy reliance was placed on the advice in PPG2 – Green Belts (1995) and its advice set out in Annex B, in particular that safeguarded land should be located where future development would be an efficient use of land, well integrated with existing development, and well related to public transport and other existing and planned infrastructure, so promoting sustainable development.

The Council accepts that much of this previous guidance has now been replaced by a single bullet point in paragraph 85 of the National Planning Policy Framework, but considerations of efficient use of land, well integrated future development, access to public transport and other infrastructure and the promotion of sustainable development are still principles set out in the National Planning Policy Framework which the Council has given weight to in reaching its decisions.

In assessing land in the preparation of the Local Plan, the Council has reviewed all the UDP safeguard land sites, to determine whether they are deliverable/developable for housing purposes. Proposed new safeguarded land options were also received through the site allocation process. These were assessed in the same way and consideration of all the safeguarded land options relative sustainability was carried out through the Sustainability Appraisal. Consideration was given to whether those in the urban areas should be retained as safeguarded land or left unallocated.

The majority of the safeguarded land sites allocated fully meet the description set out in paragraph 85 and are allocated between the urban area and the green belt, in some cases meaning that land is being removed from the existing green belt as a result. The Council set out its approach to identifying safeguarded land in the 'Local Plan Methodology Statement Part 2' (BP23 – section 5, page 22).

For those safeguarded land sites within the urban areas the Council considers that they still perform an important role in helping to meet longer-term development needs stretching well beyond the plan period as required by the National Planning Policy Framework. The Council did not feel it could justify rejecting such options on the basis that they were not necessarily urban fringe sites, particularly as to do so would have meant trying to justify further exceptional circumstances for further green belt release.

Full consideration has been given to whether the exceptional circumstances exist or not to justify further green belt release for safeguarded land, when balanced against the degree to which land subject to such proposals performs a green belt role and function through the Green Belt Review and the site selection process. As such the green belt boundary has been drawn taking this into account.

Urban Green Space

The definition of urban green space is provided in the council's Urban Green Space and Local Green Space Technical Paper April 2017 (BP13 - paragraph 1.4). This includes areas of open land identified as being particularly valuable for open space, sport or recreation, including land important for its visual amenity and not necessarily in sport or recreational use. Open space can have value in providing variety in urban townscapes and for its contribution to the landscape. This is consistent with the NPPF Glossary definition of open space which includes all open space of public value, including that which can act as a visual amenity, and the broader definition of open space in PPG (Paragraph: 001 Reference ID: 37-001-20140306) which recognises that open space can take many forms. As such, agricultural fields, with no public access have been included in some cases, but only where they have an identifiable open space value and/or where they are large tracts of open land within the built up area which play an important role in separating distinct communities and provide valuable open land for local amenity.

Urban green space allocations are identified in the Local Plan irrespective of whether the land is in public or private ownership, and are not dependent on public access being available. The NPPF does not require open space to be in public ownership or publicly accessible.