

**Kirklees Local Plan – Stage 1 Hearings  
10<sup>th</sup> to 18<sup>th</sup> October 2017**

**SUMMARY OF REQUESTED ACTIONS AND MODIFICATIONS**

The reference to modifications proposed in this document concern suggested modifications raised at discussions at the hearings and have not been subject to sustainability appraisal testing or public consultation. Should it be necessary to make any of the modifications these will be added to the full schedule of modifications to the Local Plan which will be made available for comment and subject to sustainability appraisal at a later stage of the Examination in Public, subject to delegated powers, agreed by the council.

**Matter 1 – Legal and Procedural Matters**

**Has the Plan been prepared in accordance with statutory procedures and Regulations?**

<b>Agenda Item</b>	<b>Title / issue</b>	<b>Summary of action requested by Inspector</b>	<b>Form of output</b>	<b>Actioned</b>
1 and 2	Inspector's opening remarks and opening by the council	1. Request: The council's opening statement to be put on the website	Action	Added to examination library (ID12)
		2. Request: A formal request from the council to the Inspector to recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. Section 20 (7) (c) Town and Country Planning Act 2004	Action	Added to examination library (ID11)
		3. Request: Modifications list to be prepared by the council (main and minor).	Modifications	Ongoing – SD1/SD2
		4. Request: Inspector's request for housing information to be placed on the web	Action	Added to examination library (ID2 and ID3)

3	Duty to Co-operate	No action		
4	Sustainability Appraisal <ul style="list-style-type: none"> <li>• Consultation on SA Addendum (April 2017)</li> </ul>	5. Request: Inspector asked council to consider consultation on SA addendum.	Action	This will be made available alongside the Modifications consultation
		6. Request: Council to consider revision to the monitoring indicator of SA Objective 19 (Table 13.1) to include reference to reducing greenhouse gas emissions	Modification to SA report if required	Action - Consider amendment to SA following adoption
5	Habitats Regulations Assessment (HRA) <ul style="list-style-type: none"> <li>• Natural England response and proposed modifications</li> <li>• In-combination effects and air quality</li> <li>• Consultation on updated HRA (March 2017)</li> </ul>	7. Request: Inspector asked council to consider consultation on HRA	Action	This will be made available alongside the Modifications consultation
		8. Main mod: Inclusion of SP-MM25 in the Local Plan (paragraph 13.10)	Modification	To be set out in the council's Local Plan modification schedules
		9. Main mod: Site allocations text box amendments AD-MM8 (E1866), AD-MM36 (H288a), AD-MM41 (H67), AD-MM42 (H200), MM43 (H356), AD-MM44	Modification	To be set out in the council's Local Plan

		(H343), AD-MM45 (H342), AD-MM46 (H626), AD-MM78 (ME1966)		modification schedules
6	Role of AAPs and whether Plan preparation is in line with the Local Development Scheme	See Matter 7 (retail)		
7	Other issues under Matter 1	No action		

## Matter 2 – Spatial Development Strategy

**Does the overall growth and spatial strategy for the Plan present a positive framework which is consistent with national policy and will contribute to the achievement of sustainable development?**

Agenda Item	Title	Summary of action requested by Inspector	Form of output	Actioned
8	Spatial development strategy and testing of alternative approaches <ul style="list-style-type: none"> <li>Spatial differences between approaches 2 and 3?</li> </ul>	No action		
9	Does the Councils proposed distribution of housing growth align with the spatial development strategy? <ul style="list-style-type: none"> <li>Is a Hudds/Dews focus achieved?</li> <li>Elsewhere, what factors were taken into account in determining site allocations and distribution of growth? Settlement size/function was taken account?</li> </ul>	10. Action: Further explanation required in relation to how the evidence/conclusions drawn in the Settlement Appraisal technical paper relate to distribution of growth in terms of sustainability.	Action	Added to examination library (BP17 revision)
10	Does the Councils proposed distribution of employment growth	No action		

	<p>align with the spatial development strategy?</p> <ul style="list-style-type: none"> <li>• Is a Hudds/Dewsbury focus achieved?</li> <li>• What factors were taken into account in determining site allocation and the distribution of growth? To what degree was locational sustainability taken into account?</li> </ul>			
11	<p>Clarity of the spatial development strategy as expressed in the Plan:</p> <ul style="list-style-type: none"> <li>• Urban focus - clarity of wording in 6.1</li> <li>• Is there sufficient detail in the plan regarding other parts of Kirklees?</li> <li>• Role of targets or predicted distribution</li> </ul>	11. Main mod: Cross-reference to be added to the settlement / sub-area information	Modification	To be set out in the council's Local Plan modification schedule
12	Is Policy PLP3 effective, justified and consistent with paragraph 154 in the NPPF?	No action		
13	<p>What effect will the Plans growth and spatial strategy have on air quality and carbon emissions?</p> <ul style="list-style-type: none"> <li>• Air quality – mitigation measures in the Plan and in-combination effects</li> <li>• Carbon emissions – mitigation measures in the plan</li> </ul>	No action		
14	Other issues under Matter 2	No actions	No action	

### Matter 3 – Overall Housing Need

Is the identified objectively assessed need (OAN) of 31, 140 dwellings soundly based and supported by robust and credible evidence?

Agenda Item	Title	Summary of action requested by Inspector	Form of output	Actioned
1	Does the Councils SHMA take sufficient account of alternative migration trends?	12. Request: Table D4 from SHMA (currently missing) to be included on the examination library	Action	Added to examination library (ID4)
2	Are the headship rates in the SHMA justified and based on appropriate sensitivity testing?	No action		
3	Is the applied jobs growth uplift rate soundly based and justified?	13. Request: Kirklees to provide a note presenting jobs growth in the district between 2013-2016.	Action	Added to examination library (EX36)
		14. Request: Note requested by Inspector to confirm status of KES and the process it has been through.	Action	Added to examination library (ID9, page 1-11)
		15. Request: ONS unemployment trends to be provided to the Inspector	Action	Added to examination library (ID9, page 12)

		16. Request: Council to provide a brief note showing OBR forecasts and their outcomes in relation to the Kirklees housing requirement as discussed at the hearing sessions	Action	Added to examination library (ID13)
		17. Request: “How much help is Help to Buy” and “Evaluation of Help to Buy” notes to be added to the examination library	Action	Added to examination library (ID5 and ID6)
4	Other issues under Matter 3 (Matters 3a, 3e, 3f, 3g)	18. Request: Council to provide a note on OAN and affordable housing need	Action	Added to examination library (ID8)

#### **Matter 4 – Housing Land Supply and Delivery**

**Is the identified overall housing requirement in the Plan (31, 140 dwellings) justified, deliverable and consistent with national policy?**

<b>Agenda Item</b>	<b>Title</b>	<b>Summary of action requested by Inspector</b>	<b>Form of output</b>	<b>Actioned</b>
1	Overall housing requirement and its expression in the Plan	19. Main Mod: Reference to the housing requirement as “minimum” in the Spatial Development Strategy (section 6.1) and paragraph 8.6 of SD1	Modification	To be set out in the council's Local Plan modification schedule
		20. Mod: Table 5 of SD1; difference between housing capacity in the plan and gross housing requirement updated to include 2016/17 information.	Modification	To be set out in the council's Local Plan modification schedule

2	Clarity of information on housing supply as expressed in the Local Plan	21. Mod: Add the total sources of supply per year to the housing trajectory in Figure 7 of SD1 as set out in Figure 1 of EX30.2 (page 20) and update to include 2016/17 information	Modification	To be set out in the council's Local Plan modification schedules
3	Is the windfall allowance justified and supported by local evidence?	22. Request: Information request - Historic provision of windfall completions in recent years by site size (large and small), land type and whether these were from Provisional Open Land.	Action	Added to examination library (EX30.2)
4	Are the estimated delivery and phasing rates for site allocations/outstanding permissions robustly based and justified?	22a. The Stage 1 letter from the Inspector raised concerns in relation to delivery	Action	Added to examination library (EX30.2)
5	Overview of housing delivery and is there sufficient flexibility to ensure the overall housing requirement and five year housing are met?	23. Mod: Add the difference between the need and supply in the final row of Table 8 of EX30.1 and add the table to SD1	Modification	To be set out in the council's Local Plan modification schedules
		23a. The Stage 1 letter from the Inspector raised concerns in relation to the flexibility to meet the housing requirement and five year supply - to be explored further in the Stage 4 hearings.	Action	Discussions held at re-convened Matter 4 hearings (April 2018)
6	Other issues under matter 4 (matters 4g and 4i)	24. Request: Information request - Dewsbury Riverside (H2089) – short note on the phasing programme.	Action	Added to examination library (M34.19)

		25. Request: Lindley (MX1911) – short note on the phasing programme.	Action	Added to examination library (Council's Matter 32 response appendix.)
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### Matter 5 – Other housing requirements

**Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?**

Agenda Item	Title	Summary of action requested by Inspector	Form of output	Actioned
1	Affordable housing need over the Plan period [Matters 5a and 5b]	26. Request: Tables in SHMA to be re-produced showing the calculations in reaching 1,049 (5 years), 397 (10 years), 108 (18 years)	Action	Added to examination library (EX30.2)
2	Affordable housing delivery [Matters 5c, 5d and 5e]: <ul style="list-style-type: none"> <li>Is the proposed rate of 20% affordable housing in Policy PLP 11 justified and deliverable?</li> <li>Affordable housing trajectory</li> </ul>	27. Request: A revised affordable housing trajectory to be provided with numbers added and aligned with the overall housing trajectory to represent anticipated delivery. This is to be published in a revised Housing Supply Topic Paper (EX30.2).	Modification	To be set out in the council's Local Plan modification schedules  Added to examination library (EX30.2)



		28. The council's affordable housing note (ID8) will need to be updated to incorporate the results of the Council's updated affordable housing trajectory. Following this the council may wish to amalgamate the two affordable housing notes (ID8 and the note showing calculations dealing with backlog) into one document.	Action	Added to examination library (EX30.2)
		29. Request: Provide planning application numbers for those referred to which have achieved 20% affordable housing	Action	Added to examination library (EX30.2)
		30. Mod: Council to consider whether the 20% affordable housing requirement is just for traditional forms of housing and whether flexibility would allow for other types including housing for the elderly.	Modification	To be set out in the council's Local Plan modification schedules
3	Future proofing the definition of affordable housing [Matter 5f]	31. Main Mod: SP-MM28 (SD1 glossary) relating to definition of affordable housing.	Modification	To be set out in the council's Local Plan modification schedules
		32. Main mod: The wording in relation to affordable homes should also be reconsidered to reflect the definition in national policy and the annex to the current government consultation.	Modification	To be set out in the council's Local Plan modification schedules
4	Rural exception housing [Matter 5g]	33. Main Mod: Amend PLP 11 and justification text (SP-MM15, SP-MM17) to remove the term "in small free-	Modification	To be set out in the council's Local Plan

		standing settlements” and add “where appropriate” in relation to homes remaining affordable in perpetuity.		modification schedules
5	Identifying traveller accommodation needs [Matters 5h, 5i, 5j and 5m]: <ul style="list-style-type: none"> <li>• Total need requirements over the Plan period</li> <li>• New definition of gypsies and travellers</li> </ul>	No action		
6	Traveller accommodation requirements as expressed in Policy PLP 12 [Matter 5j]	34. Mod: Remove the reference to “(0 excluding B&M) from Table 6 (SD1, page 73)	Modification	To be set out in the council's Local Plan modification schedules
		35. Mod: Add a totals row to Table 6 (SD1, page 73)	Modification	To be set out in the council's Local Plan modification schedules
		36. Mod: The requirement for Gypsy and Traveller pitches and Travelling Showperson plots to be added to the policy PLP 12	Modification	To be set out in the council's Local Plan modification schedules
7	Traveller site delivery projections as expressed in Policy PLP 12 [Matter 5k]	No action		
8	Traveller site allocation methodology [Matter 5l]	No action		
9	Housing mix in terms of size, type and tenure (Policy PLP11) [Matters 5n and 5o]	37. Mod: Add the ageing population as an issue facing Kirklees in Chapter 3 of SD1	Modification	To be set out in the council's Local Plan

<ul style="list-style-type: none"> <li>• How would the approach differ between large and small schemes?</li> <li>• Deliverability on smaller schemes</li> <li>• Source of latest evidence</li> </ul>			modification schedules
	38. Mod: To action SP-MM14, SP-MM16 re removal of the word “specifically” reflecting proportions	Modification	To be set out in the council's Local Plan modification schedules
	39. Main mod: Council to consider the wording of PLP 11 in relation to mix where there is a differentiation in the requirements for smaller and larger sites to ensure greater clarity. This includes whether it is reasonable to expect smaller sites to deliver a broad mix of housing.	Modification	To be set out in the council's Local Plan modification schedules
	40. Mod: Council to clarify that the reference to “mix” relates to size and tenure.	Modification	To be set out in the council's Local Plan modification schedules
	41. Mod: Policy PLP11 and justification text (paragraph 8.30) to be amended to refer to the latest evidence of local need also including information submitted through the planning applications process as well as referring to SHMA.	Modification	To be set out in the council's Local Plan modification schedules
	42. Request: A new version of the Housing Supply Topic Paper (to be EX30.2) is required to include the changes requested by the Inspector.	Action	Added to examination library (EX30.2)

10	Design and adaptation of homes (Policy PLP11) [Matter 5p] <ul style="list-style-type: none"> <li>• Requiring or encouraging?</li> <li>• Details of measures in the Plan</li> </ul>	43. Mod: Policy PLP11 second paragraph sentence to be amended as it is currently unclear whether the policy “encourages” or “requires” design elements which ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation at present and into later life. This will also require a change to the text in Paragraph 8.31.	Modification	To be set out in the council's Local Plan modification schedules
		44. Main mod: Council to re-consider paragraph 2 of PLP 11 to ensure clarity in relation to the fact this policy encourages appropriate design elements to ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation.	Modification	To be set out in the council's Local Plan modification schedules
		45. Mod: Amend last sentence of paragraph 8.31 to refer to any prevailing design guidance at the time of a planning application.	Modification	To be set out in the council's Local Plan modification schedules
11	Other issues under Matter 5 [including Matter 5q]	No actions		

## Matter 6 – Employment Needs and Delivery

**Does the Plan set out a positively prepared strategy for the delivery of employment development and jobs, which is justified, effective and consistent with national policy?**

Agenda Item	Title	Summary of action requested by Inspector	Form of output	Actioned
1	<p>Employment land supply and requirements [Matters 6a, 6b, 6c and 6g]</p> <ul style="list-style-type: none"> <li>• Justification for delivery of 264 hectares</li> <li>• Exceptional circumstances for Green Belt releases</li> <li>• Links between employment land and housing requirements</li> <li>• Approach to calculating employment land requirements</li> </ul>	46. Mod: Updated Table 3, as in MIQ response, needs to be included in the plan including a row showing the totals.	Modification	To be set out in the council's Local Plan modification schedules
		47. Request: An update to include 2016/17 information once available (prior to the adoption of Local Plan)	Modification	To be set out in the council's Local Plan modification schedules
		48. Request: Roger Tym vs HCA figures - run HCA job density ratios against land requirement.	Action	Added to examination library (EX36)
		49. Request: Evidence for the need to provide for 114 hectares in the green belt. Links to the supply led approach and why this is the best strategy. Exceptional circumstances for the release of land and possible sensitivity testing.	Action	Added to examination library (EX36)
		50. Request: NOMIS graph from Keep Holmfirth Special to form part of the examination library.	Action	Added to examination library (ID16)

2	Is the Council's approach to the retention/loss of employment sites robust and justified? [Matters 6i, 6j, 6k and 6l] <ul style="list-style-type: none"> <li>• Priority Employment Area (PEA) Study</li> <li>• Strategy for loss/retention</li> </ul>	51. Mod: Include definition of 'employment generating uses' in PLP8	Modification – SD1 glossary	To be set out in the council's Local Plan modification schedules and in (EX52)
		52. Mod: Add text to Policy PLP8 as per MIQ's para. 1.57 and 1.58. Need to provide clear guidance as to what tests will be applied in determining applications especially how applicants could satisfy criteria 2a.	Modification (justification text new paras. 7.17 and 7.18)	To be set out in the council's Local Plan modification schedules
3	Other employment issues [including Matters 6d, 6e and 6f]	No actions		

### Matter 7: Retail Needs and Delivery

**Does the Plan set out a positively prepared strategy for the delivery of retail development, which is justified, effective and consistent with national policy?**

Agenda Item	Title	Summary of action requested by Inspector	Form of output	Actioned
1	Strategy for delivering retail growth and floorspace requirements (Matters 7a, 7b, 7c and 7f)	53. Request: Hard copy of the Kirklees Retail Capacity Study Update 2016 revised September 2017	Action	Hard copy sent to Inspector
		54. Request: Note on link between retail schemes coming forward and retail zones.	Action	Added to examination library (EX35)

		55. Request: Retail floorspace requirement in the short and medium term	Action	Added to examination library (EX35)
		56. Request - WYG and Council to prepare joint statement on local centres. Modification to H2069, MX1905 and H1747 and para. 9.11 in SD1	Modification	Approach to be set out in the council's Local Plan modification schedules
2	Other retail issues	57. Request: The council to keep the Inspector informed of progress of the Local Development Scheme in relation to the production of Area Action Plans.	Action	Ongoing
		58. Request: The Inspector will clarify the scope of the AAPs in her letter to the council.	Action	Added to examination library (EX32)

#### **Matter 8: - Approach to Site Allocations and Green Belt Release**

**Is the Plan's approach to identifying site allocations (housing, employment and mixed use), safeguarded land and Green Belt releases soundly based and in line with national policy?**

<b>Agenda Item</b>	<b>Title</b>	<b>Summary of action requested by Inspector</b>	<b>Form of output</b>	<b>Actioned</b>
1	Do exceptional circumstances exist which justify the release of Green Belt land to accommodate the proposed scale of housing and employment	59. Request: Appeal decisions from New Lane and White Lee urban green space to be added to the examination library	Action	Added to examination library (ID14/ID15)

	<p>development? [Matters 8a, 8b, 8c, 8f and 8g]</p> <ul style="list-style-type: none"> <li>• Overview of non-Green Belt capacity work (including the Council's assessment of Urban Green Spaces and Provisional Open Land1 , and the approach to safeguarded land)</li> <li>• Scale of housing and employment growth that cannot be accommodated in urban/non-Green Belt areas</li> <li>• Extent of safeguarded land</li> </ul>	<p>59a. Confirmation about the council's approach to protecting natural / semi-natural green spaces as urban green space.</p>	Action	See stage 3 and 4 actions
		60. Request: Revised information from green belt Test 2d to be added to the examination library	Action	Added to examination library (ID17)
		61. The Stage 1 letter confirms concerns that it is not clear how site constraints for accepted safeguarded land options have been considered.	Action	Actioned (see Councils Stage 4 MIQ responses)
		62. The Stage 1 letter confirms concerns that the approach to safeguarded land within built-up areas does not appear to be effective or in line with national policy on Green Belts.		
2	Approach to assessing potential sites in the Green Belt [Matter 8d]	No actions		
3	Other changes to Green Belt boundaries [Matter 8e]	No actions		
4	Evidence on site availability	No actions		
5	Other issues under Matter 8	No actions		