

# Kirklees Local Plan Examination

## Stage 3 hearings Other policies in Part 1 of the Plan

### MATTERS, ISSUES AND QUESTIONS (MIQs)

25 October 2017

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The Stage 3 hearing sessions are due to commence on **Tuesday 5<sup>th</sup> December 2017**. The matters, issues and questions (MIQs) in this document will form the core of the discussion at the Stage 3 sessions.

The examination of the Local Plan will take place in a number of stages. The Stage 1 sessions in October 2017 focused on legal/procedural and a number of key strategic matters. Stage 2 will cover minerals and waste policies and allocations. Stage 3 will focus on other policies in Part 1 of the Local Plan. Stage 4 in early 2018 will look at other site allocations in Part 2 of the Plan.

The Stage 3 MIQs should be read alongside the *Hearings Programme* and the *Examination Guidance Note* which contain information on the hearings process and the format of hearing statements. When preparing hearing statements, representors may also wish to have regard to the range of documents on the Council's examination website at <http://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx>.

**Hearing statements for Stage 3 must be received by 17 November 2017 (midday).** If you wish to appear at the hearing session you should **also confirm your attendance** with the Programme Officer as soon as possible but no later than this date. However, please note that only those who have previously made representations relevant to the matters being discussed and are seeking to change the Plan have a right to participate at the hearing sessions. However, the sessions are open for anyone to observe.

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#### **Matter 15 – Infrastructure delivery**

***Issue – Does the Plan set out a robust framework for infrastructure delivery which is justified, effective and consistent with national policy?***

**[Policies PLP 4 and 19  
Sites TS 1 – TS 11]**

- a) Does the Council's Infrastructure Delivery Plan (IDP) (2015) and Addendum (2016) provide a thorough assessment of needs and costs, and reflect the levels of growth proposed in the Local Plan?

- b) What transport modelling work has been undertaken, and has it taken account of: i) the potential impact on the local highway infrastructure outside Kirklees, and ii) cumulative effects arising from growth in other nearby local authorities?
- c) How will the necessary highway capacity improvement schemes in the IDP be funded? (beyond those identified in Highways England's Road Investment Strategy)
- d) Do Parts 1 and 2 of the Plan clearly identify essential infrastructure needed to deliver development? Are the transport improvement schemes listed in section 10.1 in Part 1 of the Plan and chapter 7 in Part 2 of the Plan justified by the Council's evidence base and internally consistent? Are the Council's proposed modifications SPMM18 – SPMM21 necessary to ensure that the Plan is sound?
- e) Is the approach of seeking infrastructure delivery alongside development, as established in Policy PLP 4, justified and effective? What effect will this have on the phasing of development proposals?
- f) Is there evidence that the scale of developer contributions, policy burdens and CIL rates will not render development unviable?

### **Matter 16 – Delivering growth policies**

***Issue – Does the Plan set out positively prepared policies for delivering growth and sustainable development, which are justified, effective and consistent with national policy?***

#### **[Policies PLP 1, 5, 7]**

- a) Are the criteria in Policy PLP 5, including the requirement to submit phasing and implementation and management plans, justified, effective and in line with national policy and guidance? Will Masterplans be sought in connection with small-scale schemes? Are the Council's proposed modifications SPMM4 and SPMM5 necessary to ensure that the policy is sound?
- b) Why does criterion a in Policy PLP 7, relating to the efficient use of previously developed land, apply only in sustainable locations?
- c) How will criterion c in Policy PLP 7 (section 1) and the 'brownfield first' approach outlined in paragraph 6.36 be achieved? Is the Council's proposed modification SPMM6 necessary to ensure that the Plan is sound?
- d) Is the requirement to achieve a density of at least 35 dwellings per hectare, as set out in Policy PLP 7, justified and based on local evidence? What average densities have been delivered in recent years?

## **Matter 17 – Economy policies**

***Issue – Does the Plan set out positively prepared policies for supporting a strong and thriving economy, which are justified, effective and consistent with national policy?***

### **[Policies PLP 9, 10]**

- a) Does Policy PLP 9 provide a clear framework for applicants on when/how measures to support a skilled and flexible workforce will be sought by the Council? Is the approach appropriate and justified by the evidence?
- b) Is the approach to new buildings in the Green Belt, as established in section 2 in Policy PLP 10, clearly expressed and justified?
- c) Does section 3 in Policy PLP 10 give sufficient recognition to the desirability of protecting the character and appearance of the countryside, and the existence of permitted development rights?
- d) Is the approach to farm shops outlined in section 4 of Policy PLP 10 and paragraph 7.31 justified and in line with national policy?

## **Matter 18 – Retailing and town centre policies**

***Issue – Does the Plan set out positively prepared policies for protecting and enhancing town centres and supporting retail growth, which are justified, effective and consistent with national policy?***

### **[Policies PLP 13 (sections B and C), 14, 15, 16]**

- a) Paragraph 4.2.15 in the Council's Retailing and Town Centres Technical Paper (BP15) indicates that the boundaries of the Local Centres are not mapped. Does this have implications for the application of the sequential test and impact test as set out in Policy PLP 13?
- b) Are the requirements relating to development proposals in out of centre locations, as set out in the bullet points in section B of Policy PLP 13, justified and in line with national policy and guidance?
- c) Is the threshold and approach to small-scale proposals in non-urban areas, as set out in section B in Policy PLP 13, clearly defined, justified and in line with paragraph 25 in the National Planning Policy Framework (NPPF)?
- d) Are the Impact Assessment thresholds in Policy PLP 13 (section C) justified and based on local evidence?
- e) Policy PLP 13 states that proposals which fail to pass the sequential test or would have a significant adverse impact on surrounding centres will not be supported. Is this approach in line with national policy and guidance?

- f) Policy PLP 14 establishes the approach to retail development in core areas of town and district centres. What is Council's approach to retail development and proposals for change of use from retail in Local Centres?
- g) Does 'retail' development/use, as defined in Policy PLP 14, relate to units in Use Class A1 to A5 and AA, or just A1?
- h) Does Policy PLP 14 provide sufficient clarity for applicants regarding the extent of non-retail uses that may be permitted in Primary Shopping Frontages and Secondary Frontages?
- i) Is the requirement that residential proposals should only be permitted on upper floors, as set out in criterion a in Policy PLP 15, justified and effective?
- j) Where food and drink and licensed entertainment uses are proposed, how will harm to the character, function and vitality and viability of a centre will be assessed (as set out in Policy PLP 16)?
- k) What form of anti-social behaviour does criterion b in Policy PLP 16 seek to address, and how would it be mitigated?
- l) Does Policy PLP 16 provide a clear framework for assessing proposals for food and drink uses and licensed entertainment uses outside defined centres?

### **Matter 19 – Transport policies**

***Issue - Does the Plan set out positively prepared policies for supporting sustainable travel and safe access, which are justified, effective and consistent with national policy?***

#### **[Policies PLP 20, 21, 22, 23]**

- a) What is the scheme size threshold above which Travel Plans will be required, as set out in Policy PLP 20?
- b) Is section 2 in Policy PLP 21 justified and sufficiently flexible to allow for mitigation or improvements in the highway network? Is the Council's proposed modification SPMM23 necessary to ensure that the policy is sound?
- c) In what circumstances would be Transport Assessments or Transport Statements be sought, as referred to in Policy PLP 21?
- d) Is criterion g in Policy PLP 21, relating to the provision of on-site electric charging points, justified and deliverable?
- e) What car parking standards will apply in new development schemes?

## **Matter 20 – Design and climate change policies**

***Issue - Does the Plan set out positively prepared policies for securing high quality design and dealing with climate change, which are justified, effective and consistent with national policy?***

### **[Policies PLP 24, 25, 26, 27, 28, 29]**

- a) Does the Plan make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 in the NPPF?
- b) Are the sustainability requirements under criteria d iii and iv in Policy PLP 24 justified and deliverable?
- c) Should Policy PLP 26 refer to cumulative landscape and visual impacts as referenced in paragraph 97 of the NPPF?
- d) Is the approach to wind turbine development in Kirklees clearly expressed in Policy PLP 26 and in line with the Written Ministerial Statement dated 18<sup>th</sup> June 2015 which sets out considerations to be applied to wind energy proposals?
- e) Is the sequential approach to flood risk, as set out in Policy PLP 27, justified and in line with national guidance in the National Planning Policy Guidance (PPG)?
- f) Is the target of 30% reduction in surface water run-off, as set out in criterion c in Policy PLP 28, justified and deliverable?

## **Matter 21 – Natural and historic environment policies**

***Issue - Does the Plan set out positively prepared policies for conserving and enhancing the natural and historic environment, which are justified, effective and consistent with national policy?***

### **[Policies PLP 30, 31, 32, 33, 34, 35]**

- a) Are the criteria in Policy PLP 34 requirements, or are they measures that the Council will seek to encourage?
- b) Does the absence of Conservation Area Appraisals in some parts of Kirklees have implications for the delivery of criterion 3c in Policy PLP 35 and the Plan's strategy for the conservation and enjoyment of the historic environment?
- c) Does the Plan provide sufficient protection for the historic canal network in Kirklees?
- d) Is the approach to designated heritage assets, as set out in section 1 of Policy PLP 35, consistent with paragraphs 132, 133 and 134 in the NPPF?
- e) Is the approach to non-designated heritage assets, as set out in section 2 of Policy PLP 35, consistent with paragraph 135 in the NPPF?
- f) Does Policy PLP 35 provide a clear framework for conserving archaeological sites which is consistent with the NPPF?

## **Matter 22 – Health and supporting communities policies**

***Issue - Does the Plan set out positively prepared policies for promoting health and supporting communities, which are justified, effective and consistent with national policy?***

**[Policies PLP 47, 48, 49, 50]**

- a) Do criteria a and b in Policy PLP 48 provide a sound basis for assessing proposals for the loss of non-commercial community facilities, such as meeting places, cultural buildings, emergency services and sports venues? Is the Council's proposed modification SPMM27 necessary in order to make Policy PLP 48 sound?
- b) What requirements must be satisfied in relation to facilities listed on a Community Asset Register, as referred to in the last criterion in Policy PLP 48?

## **Matter 23 - Environmental protection policies**

***Issue - Does the Plan set out positively prepared policies for environmental protection, which are justified, effective and consistent with national policy?***

**[Policies PLP 51 – 53]**

- a) Do sections 1 and 2 in Policy PLP 51 provide a clear and effective framework for addressing air quality issues arising from new development schemes? How will 'unacceptable effects' and 'nuisance' be measured? When and from what types of scheme will air quality assessments be sought?
- b) What are the implications arising from the Air Quality Directive? Should the Directive be referenced in Policy PLP 51 and/or the supporting text?

## **Matter 24 - Green Belt and open space policies**

***Issue - Does the Plan set out positively prepared policies for protecting the Green Belt and open spaces which are justified, effective and consistent with national policy?***

**[Policies PLP 54 – 63]**

- a) Is criterion d in Policy PLP 54 clearly defined and effective? What standard of design and materials would be required?
- b) Is Policy PLP 56 consistent with the exception outlined in paragraph 89 of the NPPF relating to the provision of facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt?
- c) Does Policy PLP 57 provide a clear and effective definition of a 'disproportionate addition' in relation to extensions?
- d) What is the definition of 'original dwelling', as referred to in criterion a in Policy PLP 57?

- e) Are the criteria in Policy PLP 59 relating to impact on the openness of the Green Belt justified and consistent with paragraph 89 in the NPPF?
- f) Does the Plan make appropriate provision for infill development within settlements that are washed over by the Green Belt, in line with paragraph 89 in the NPPF?
- g) Are the criteria in Policy PLP 61, relating to Urban Green Spaces, justified and in line with paragraph 74 in the NPPF?
  - Is the requirement in criterion b relating to accessibility necessary?
  - Does criterion e accord with national guidance?
  - Do the criteria provide an effective framework for assessing proposals on sites with no public access and public sporting/recreation function?
- h) By whom and at what stage will the open space assessments referred to in paragraph 19.43 of the Plan be executed?
- i) Do criteria b and c in Policy PLP 62 provide a clear and effective framework for assessing proposals, which is in line with the Council's approach to extensions and new buildings in the Green Belt as established in Policy PLP 57?
- j) Does Policy PLP 63 provide sufficient clarity regarding the scale and type of open space that will be sought in relation to development proposals?

## **Matter 25 - Monitoring**

### ***Issue – Does the Plan set out a robust monitoring framework?***

#### **[Appendix 2]**

- a) Should the monitoring indicator relating to housing completions include a spatial element, relating to delivery by sub-areas/settlements?
- b) Should the Plan include a monitoring indicator which identifies the loss of heritage assets, in addition to archaeological remains/Scheduled Ancient Monuments?
- c) Should the Plan include a monitoring indicator which identifies total additional comparison and convenience retail floorspace and leisure floorspace in the borough (regardless of location)?
- d) How will the indicator relating to 'low carbon trips' (page 221 of the Plan) be assessed?
- e) How will the indicator relating to design criteria (page 221 of the Plan) be assessed?