



## Kirklees Local Plan Examination – Stage 1, Matter 1 Hearing Statement

For: Bradley Park Golf Club, Huddersfield  
SHF.1381.001. P.R.001



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## 1 MATTER 1 – LEGAL AND PROCEDURAL MATTERS

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

- 1.1.1 This Hearing Statement has been prepared by **Enzygo Environmental Planning Consultants** on the instructions of Bradley Park Golf Club. We have submitted representations on their behalf through the consultation process carried out by the Local Planning Authority and will be making site specific comments through the examination process.
- 1.1.2 For the purpose of this stage we focus on legal and procedural matters. As a starting point, the National Planning Policy Framework (NPPF) (DCLG, March 2012) sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and *consistent with national policy*. (Our emphasis).
- 1.1.3 Bradley Park Golf Course is an active golf course with a driving range, club shop, club house, 18-hole golf course and a 9-hole golf course that is also used for ‘Footgolf’. The site currently lies within designated Green Belt in the Kirklees Unitary Development Plan (1999).
- 1.1.4 The emerging Kirklees Local Plan identifies Bradley Park Golf Club as part of a wider housing allocation (Sites H1747, H757 and H351). The main thrust of our case in respect of this first matter is that the Plan is not consistent with national policy, in particular, paragraph 74 of the NPPF. This is set out in full below.

***74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:***

- ***an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or***

- ***the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or***
- ***the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.***

1.1.5 It should be noted that Sport England have objected to this proposed housing allocation and share our concern on this point. They have objected that the proposed allocation is not compliant with paragraph 74 of the NPPF in that the Council have failed to demonstrate that the facility is clearly surplus to requirements.

1.1.6 In our opinion, the tests in paragraph 74 are disjunctive. Only one of the bullet points needs to be satisfied to be compliant. It is clear from the first bullet point that any decision maker needs to be satisfied that the facility is *clearly* surplus to requirements (Our emphasis).

1.1.7 Bradley Park Golf Course is the only 'pay and play' (Municipal) golf course in Kirklees. It is well-used, profitable and popular in the area. In promoting the site for housing, during preparation of the draft Local Plan, the Council have commissioned/prepared four reports to assess golf needs in the district and justify the loss of the existing facility (See Appendix 1), two being published after the last public consultation period on the draft Local Plan thus restricting the opportunity to comment. Our client would like to question the legal position where the Council appear to be relying on documents that have not been open to public scrutiny and consultation. Is this fair? The first assessment, whilst indicating that there may be an over- supply of golf courses in the district, stated that Bradley Park Golf Course was *unique* and that demand for its facilities "remains strong". The second assessment referred only to mitigation and remediation options that could be considered if the course were to be closed, whilst at the same time indicating that there probably was no over supply of golf provision in the area. The third assessment claims the course to be surplus to requirements. This report was provided by the

company who prepared the first report that identified Bradley Golf Course as unique with a strong demand for its services. The fourth report, published in April 2017 seeks to justify the allocation of the site for housing.

- 1.1.8 From the above it would appear that the Council have reviewed assessment reports on golfing need and demand in the district until it gives a conclusion they require to allow them to consider that Bradley Park Golf Club is surplus to requirements. With the greatest respect, we do not believe that the exercise undertaken by the Council thus far *clearly* demonstrates that the facilities at Bradley Golf Course are surplus to requirements. There are inconsistencies in the reports and the final reports (that have not been subject to public consultation) take an incorrect interpretation of paragraph 74 and a more broad-brush approach rather than picking up on the uniqueness of Bradley Park Golf Course and the particular clientele it caters for. Bradley Park remains a well-used and profitable facility in the district. It is clearly not surplus to requirements.
- 1.1.9 Returning to the matter of compliance with NPPF paragraph 74, when having regard to the respective studies undertaken for the Council, that all use different approaches to the issue, our view is that none of these reports clearly demonstrate that the facility at Bradley Park is surplus to requirements. The first bullet point of paragraph 74 has not been met. This is a view that is also shared by Sport England in their objection to the proposed housing allocation.
- 1.1.10 Bradley Park Golf Club and course provide quality facilities for the nomadic golfer who, for whatever reason, does not want a traditional 18-hole experience on offer at traditional golf clubs in the district with all the associated restrictions. It is for this reason that Bradley Park Golf Club is popular and in demand. It is clearly not surplus to the requirements of the nomadic golfer.
- 1.1.11 Given the above, the requirements of the first bullet point of paragraph 74 have not been met. The second bullet point also fails as there is no replacement of an equivalent or better provision and the third bullet point fails as the proposal

is for housing development and not alternative sports and recreational provision whose need clearly outweighs the loss of Bradley Park Golf Course. Give this we consider that the emerging Local Plan is not consistent with national policy and therefore unsound.

- 1.1.12 The main modification necessary to overcome this matter is the deletion of proposed housing allocation 1747 from the draft Local Plan.



## **APPENDIX A**

### **List of reports commissioned by the Council**

- 1. KPP – Built Leisure & Sport Facilities Strategic Framework  
Appendix C – Golf Needs Assessment – October 2015**
- 2. Smith Leisure – Independent Golf Options Report for Kirklees Council  
April 2016**
- 3. KPP – Comparison of Existing and Future Sports Provision: Bradley Park  
  
March 2017**
- 4. Strategic Planning Research Unit - Report on Bradley Park Housing Allocation  
April 2017**



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