



Kirklees Local Plan Examination

Stage 1 – Initial Hearings

Hearing Statement

**Submitted on behalf of Chidswell
Action Group**

**Matter 1 – Legal and Procedural
Matters**

September 2017

Matter 1 – Legal and procedural matters

Issue - Has the plan been prepared in accordance with statutory procedures and Regulations?

1. The Chidswell Action Group have already submitted representations in relation to this issue and trust that the Inspector has these representations and will take them in to consideration. However, the Chidswell Action Group wish to make the following additional comments in relation to the specific Questions raised by the Inspector. The Chidswell Action Group may also wish to speak at the hearing in relation to Matter 1.
2. Matter 1 question (a)
 - 2.1 The Chidswell Action Group do not consider that the Council have met their duty to cooperate for the reasons set out within their previous representations. The steps of “co-operation” which have been undertaken appear to us to be insufficient to discharge the duty.
3. Matter 1 question (b)
 - 3.1 The Chidswell Action Group do not believe that the Council’s process of sustainability appraisal was a sound process. Many of the proposed allocations cannot possibly be considered sustainable, yet they continue to be promoted. For example, site MX1905 has been found by the Council within the Sustainability Appraisal to be not particularly sustainable in terms of location with part of the site being more than 60minutes from schools and 45 minutes from GPs and hospitals. How can the continued promotion of this site for 1, 535 dwellings and 122,500 sq. m of employment uses be considered sound when it is unsustainable even according to the Council’s own Sustainability Appraisal? This is unjustified and brings in to question the effectiveness of the Sustainability Appraisal.
 - 3.2 A number of proposed allocations are not located within the right location to support growth and innovation and there is insufficient infrastructure to support the proposed levels of development.
 - 3.3 The existing infrastructure across Kirklees is insufficient and there is no plan to provide sufficient infrastructure to support the proposed development of 5,000 homes within the Dewsbury and Mirfield sub-area alone (as well as the employment allocations).
 - 3.4 The proposed allocation of sites which have been found to be unsustainable is contrary to Paragraphs 14, 151 and 152 of the NPPF and cannot be supported.

- 3.5 The Sustainability Appraisal process is unsound. It cannot be appropriate for sites which have been identified as being unsustainable as part of the Council's process to be promoted for development within the Local Plan.
4. Matter 2 question (c)
- 4.1 Some sites which are being proposed as housing and employment allocations as part of this Local Plan, such as MX1905, are in fact within the Wildlife Habitat Network and contain UK BAP Priority Habitats. In fact, Site MX1905 also contains a Habitat of Principle Importance (see our previous representations for more detail).
- 4.2 West Yorkshire Ecology identified the Kirklees Wildlife Habitat Network by firstly mapping designated natural conservation sites of at least district level importance and linking these by identifying continuous stretches of permeable habitats that can be used by species moving between core area. The Wildlife Habitat Network is intended to enable species populations to be sustained by protecting and enhancing the ecology corridors and linkage within the wider environment. It is meant as a guidance tool for decision making relating to the placing of future development and enhance the functionality of the network. Therefore, how can it be appropriate to develop this Site when it would go against the principles put forward for the development of the Wildlife Habitat Network?
- 4.3 The Chidswell Action Group welcome Natural England's comments on the proposed loss of these important habitats if allocations such as MX1905 are taken forward.