

Kirklees Local Plan Examination

Stage 3 – Policy Hearings

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 22 – Health and supporting communities policies

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 22 – Health and supporting communities. All of the documents referred to in this statement are referenced within the statement.
- 1.2 The modifications proposed in this document have been provided to assist with the discussions at the hearings for this matter 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 the delegated powers agreed by the council's Cabinet."

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?
- 1.3 National Planning Policy Framework paragraph 70 (NE1) states:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 1.4 It is considered that parts a) – d) in the fourth paragraph provides a flexible policy framework to consider new uses by the inclusion of “or” after each criteria. Paragraphs 17.16 – 17.18 set out the requirement for supporting evidence to justify the loss of a facility.
- 1.5 Criterion a) of the fifth paragraph seeks to meet NPPF guidance set out in paragraph 1.2 of this statement by guarding against the unnecessary loss of valued facilities and services by seeking evidence that all options for the continuance of community uses has been explored. However, it is considered this criterion could be combined with criterion a in the fourth paragraph to make the policy clearer.
- 1.6 The reason for the proposed modification SPMM27 contained in SD 4, page 10 was for clarification. Sport England in its representation to the Kirklees Publication Local Plan (PDLP_SP795) was concerned that the Policy PLP48 could be interpreted to include sports venues which may leave them vulnerable to loss, rather than offering the protection afforded by Policy PLP50 Sports and physical activity and Policy PLP61 Urban Green Space.
- 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?
- 1.7 The requirements refer to the Localism Act 2011 and the Assets of Community Regulations 2012 which provide the legislative framework to give community groups the right to prepare and bid to buy community facilities and buildings if made available for sale. The council maintains a Community Asset Register. Under Part 5, Chapter 3 of the Localism Act, the owner of a listed Asset of Community Asset is required to notify the council when they want to dispose of it. The council has to notify the group which originally nominated the asset for inclusion on the list and publicise to the wider community that it has received notice of the intended disposal of the asset. A community interest group as defined by the Act then has 6 weeks to express an interest in making a bid. If such a request is received the owner must comply with a 6 month moratorium period to give the community interest group the time to submit a bid. The owner cannot dispose of the land other than to the community interest group that has expressed an interest during this 6 month moratorium period. At the end of the 6 month moratorium period the owner is able to dispose of the asset as they choose with no obligation to sell to the community interest group. Following the 6 month moratorium period the owner is then protected for an 18 month period (from the date of their notification to dispose) against any additional notifications from a community interest group to make a bid for the asset. Assets of Community value are a material consideration in considering proposals relating to Policy PLP48.
- 1.8 To clarify the requirements referred to criterion b it is proposed to re-number the criterion to e) so that it links to the criteria in paragraph four and to insert new text at paragraph 17.19 of the Kirklees Local Plan Strategy and Policies (SD1).

Proposed Modification:

Page	Relevant part of the Plan	Tracked change	Reason for change
		Amend the fourth paragraph of PLP48 to read: “Proposals which involve the loss of valued community facilities such as shops, public	

Page	Relevant part of the Plan	Tracked change	Reason for change
		<p>houses and other facilities of value to the local community (<u>except sports and leisure facilities</u>) ((SPMM27) will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> a) there is no longer a need for the facility and options <u>including the scope for alternative community uses has been considered</u>; or b) its current use is no longer viable; or c) there is adequate alternative provision in the locality to serve the local community which is an equally accessible location; or d) an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; e) <u>any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.</u> <p>In all instances, the following must be demonstrated that:</p> <ul style="list-style-type: none"> a) all options for their continuance have been explored, including any scope for alternative community uses; and b) any assets listed on a Community Asset Register have satisfied the requirements under this obligation. 	
Page		<p>Insert a new paragraph at paragraph 17.19 to read:</p> <p><u>“The Localism Act 2011 and the Assets of Community Regulations 2012 provide the legislative framework to give community groups the right to prepare and bid to buy community facilities and buildings if made available for sale. Any applications affecting a community asset will need to have regard to relevant legislation requirements.</u></p>	<p>Reason for change</p> <p>To clarify the requirements in relation to the consideration of Community Assets</p>