

KIRKLEES LOCAL PLAN EXAMINATION

STAGE 3 HEARINGS

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?

GAIL's Comments on Air Quality and Contaminated Land:

1. It is clear from objective data (ie. census returns), that the increase in the number of vehicles likely to result from proposed developments in the Lepton and surrounding area has been under-estimated within the Local Plan. This must, in turn, beg the question as to how many other localities may have been affected by the under-estimation of increased vehicle usage as a result of the Local Plan and what impact this may have on air quality?
2. The proposed modal shift to cycling, walking or the use of public transport is idealistic given that many of the proposed housing developments are not near to proposed employment sites which is likely to lead to increased vehicle usage/traffic.
3. The existing Policies PLP 51, 52 and 53, along with the policies' justifications, do not provide a clear explanation of delivery and implementation: delivery of PLP's 51, 52 and 53 is unclear under justifications 18.12, 18.23 and 18.30 which state that *'the policy will be delivered through the development management process with the assistance of Kirklees Environmental Health'* (Pollution & Noise Control). Where can the *'development management process'* which will deliver the policies be found within the Local Plan documentation? What is the *'development management process'*?
4. Additionally, GAIL is particularly concerned about how the *'development management process'* will assess the cumulative impact of phased developments extending over a period of years.
5. Turning to contaminated land, clause 18.30 of Submission Document SD1 states *'In most cases it will be the responsibility of the current land owner or occupier for remediation of contaminated land using information from a relevant and up to date Contamination Assessment'*.

6. However, where responsibility for policy implementation lies outside the Council's remit, GAIL suggests that the Council needs to state clearly what measures and/or penalties would be available in the event of any non-compliance with the Policy, Without this, the Policy may be viewed as being somewhat meaningless.

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17th November 2017