

## **Hearing Statement 1. Answers to Inspectors' Questions**

**Consultee/ Agent ID: 951912 H Peterson on behalf of The Wilson Family**

### **Stage 3**

**Matter 24 programmed for Wednesday 13 December 2017**

Green Belt and - Open Space policy with particular reference to:

Policy PLP 61 Urban green spaces in the context of Draft Local Plan

-Strategy and Policies Chapter 19 Green Belt and Open Space &

-This policy Matter is also linked to: Allocations and Designations Chapter 14 Urban Greenspace, in particular site 1219: Ballroyd Clough and Cliff(e) Road, Quarmby

(To be dealt with at Stage 4 of the Examination in 2018)

### **Issue Raised by the Inspectors**

**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 as regards PLP 54- 63**

### ***Response to Open Space Matters re Urban green space policy PLP61 & Allocations & Designations in particular UGS 1219***

Not all UGS sites are of sufficient quality to be included within such a designation. A robust assessment has not been undertaken sufficient to establish a local need exists to protect all open space typologies in full, notwithstanding the application of a draft UGS designation. Moreover the quality assessment process of draft UGS designations is considered wanting when sites are visited on the ground. Combined, this means that not all such draft policy designations will be able to be fully protected from development over time. This is because of not all open areas within the urban areas) have been assessed consistent with national planning policy advice, nor do they all possess the quality expected of an UGS. There is therefore doubt whether all UGS designations in the draft plan are justified, effective and consistent with national planning policy because the policy that supports the designation is not always based on a proper assessment.

See. Hearing Statement 2.

## Inspector Question

### *Response to Sub Section g)*

#### ***Are the criteria in Policy PLP 61, relating to Urban green spaces: Justified and in line with paragraph 74 in the NPPF?***

The policy is broadly in line with NPPF but still does not fully accord with paragraph 74. The exception criteria within the policy are greater in number than what would be accepted under national policy guidance. For example the policy allows consideration of non open space sport and recreation facilities that provide a “community benefit” to be considered as an exception to proposed loss of a designation. This undermines the robustness of the policy / policy designation, making the plan unsound, there being no justification for this form of unrelated exception criterion. It is not consistent with national policy.

#### ***Is the requirement in policy PLP 61 criterion b relating to accessibility necessary?***

Accessibility (not to be confused with access) is one of the yardstick that can be used to measure by comparing and contrasting, usefulness of a replacement facility to that which is being lost. It can help establish whether a proposed replacement were equivalent or better. It does not however necessarily require to be embodied in the policy, as a deliberation process will use several criterion to establish if what is being proposed is acceptable or not. Therefore the reference to this is not necessary.

#### ***Does criterion e accord with national guidance?***

Criterion e allows non open space sport and recreation facilities, that provide a “community benefit” to be considered as an exception to proposed loss of an UGS designation. This undermines the robustness of the policy / policy designation, making the plan unsound, there being no justification for this form of unrelated exception criterion. The criterion does not accord with national policy, it being totally divorced from the open space issue.

#### ***Do the criteria provide an effective framework for assessing proposals on sites with no public access and public sporting/recreation function?***

The criteria seek to relate to paragraph 74 of NPPF but do not address the issue of access to such spaces, which represents a contributor to health and well being of communities. The availability of public access helps come to a judgement value on the overall value such open space can provide, without which you cannot properly assess proposed loss /replacement of such spaces / facilities. There is therefore an absence of an effective policy framework for assessing proposals. For example how can the proposed loss of an informal natural/ semi natural area with no public access, no sport and recreation function equate with an intensively publicly used resource. The assessment framework ought to be able to distinguish between public access areas and give greater weight to such areas. Were proposed replacement faculties to provide reference to public access as a positive in the assessment framework this would allow for greater flexibility in accepting substitute provision.

The weight given to loss of UGS with no public access, by implication, should be assessed when considering development proposals as having less value.

See Hearing Statement 2

## Inspector Question

### *Response to Sub Section h)*

### **By whom and at what stage will the open space assessments referred to in paragraph 19.43 of the Plan be executed?**

The “other open space assessments” will be done presumably in house, potentially after the plan has been adopted, and as such will not be subject to a development plan consultation exercise, and so be outside the development plan process. The status of small sites that meet an UGS quality standard, and Council intention to protect them from development will be tantamount to a pseudo presumption against development, based on an informal in house policy, contrary to development plan principles. The policy base within the Local Plan could always be changed. However as it stands, it is not acceptable to appear to seek to protect unallocated land in a Local Plan from development as a starting position for considering a planning proposal. As such reference to the above should be deleted.

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### **STATEMENT OF CASE**

Open space is claimed to have been "assessed" providing evidence that has informed the need to protect such sites, but the manner of the assessment process is not consistent with NPPF? The policy base is therefore unsound as the evidence base that supports the policy is weak.

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1. Kirklees Council confirms in paragraph 6.6 of its Open Space Study that it does not have a locally developed quantitative standard for natural and semi-natural greenspace for the Kirklees area. This example shows a failing in the robustness of the evidence base to support an open space policy, in particular UGS policy PLP61

2. Notwithstanding the Council seeking to maintain a minimum level of such open space using a Natural England national standard of 2 hectares per 1,000 population, is not a valid basis for supporting the draft Kirklees Local Plan, given this element of the evidence regarding this type of open space is not locally derived.

3. Paragraph 158 of NPPF states "Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area....". The plan however is based on an inadequate evidence base without a proper local assessment having been undertaken, making the plan unsound.

4. The application of a nominal benchmark as has been applied re natural and semi natural open space, to then measure adequacy/deficiency in supply should not be accepted either for Kirklees as a whole, for its individual analysis sub districts or for wards. It follows that the fact that the Lindley ward for example is presented in the Open Space Study as having inadequate provision of natural/semi natural open space and shown as deficient should be taken with some scepticism. If this premise is accepted, it would undermine the application of the open space policy PLP 61.

5. The approach applied by the Council cannot accurately measure adequacy/inadequacy of this type of open space to then substantiate the inclusion of policy PLP 61 UGS in the Local Plan at a local level.

6. The process of- establishing local need:

- for open space typologies and then

- applying an UGS policy

are both flawed in the manner the open space assessment was undertaken.(In particular in the context of the c. 13 ha + UGS designation at Ballroyd Clough known as site Local Plan site 1219/ or 715 in Appendix 7 of the Open Space Study , Huddersfield ). For example :-

\*The evidence base to support the above extensive designation – within the Sustainability Appraisal, Appendix 4 re meeting Sustainability objectives, claimed the proposed site designation would protect and enhances the character of Kirklees because –“ **the site is large**”, a very axiomatic stance. Not that it has the support of a robust assessment that is in line with NPPF. It also perhaps explains the absence of commentary by the Council in the study it had commissioned.

\*policy PLP 61 is designed to protect solely “valuable” open space for sport, recreation, amenity or wildlife from development. The example site at Ballroyd Clough cannot however, in its entirety be claimed to have such open space value. The land was identified as UGS in the UDP. Paragraph 19.45 of the draft Local Plan states “existing areas of valuable open space are retained and protected from development”. This suggests only tacit regard was done to undertaking a proper assessment, in line with NPPF advice, which thereby undermines the existence of policy PLP 61.

7. The draft Local Plan is therefore unsound