

## **KIRKLEES LOCAL PLAN EXAMINATION**

### **STAGE 4 HEARINGS**

#### **Matter 26 – General Approach in Part 2 of the Plan**

**Issue – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy?**

**a) Does the inclusion of site allocation wording in text boxes, rather than policies, have implications for the effectiveness and deliverability of Part 2 of the Local Plan?**

1. GAIL believes that a policy framework which delivers clarity, transparency and consistency in decision making would help to ensure that the Local Plan is objective, sound and reflects the views of the Council, developers and local communities.
2. This should also help to ensure that developments are monitored on a timely basis and appropriate action taken to ensure compliance with agreed plans.

**b) Are the infrastructure and open space requirements of each site clearly set out in Part 2 of the Plan? Is it clear what developers are expected to provide and when?**

3. Whilst the Part 2 Housing Allocations highlight individual site constraints and the reports required from developers, there is no reference to the need for any review of the cumulative impact of sites on infrastructure/open space.
4. Additionally, the Council's Technical Paper: Infrastructure (BP11) refers to the National Planning Practice Guidance (NPPG) and the requirement for details as to who would fund and provide new infrastructure, and how it relates to the anticipated rate and phasing of developments.
5. Given the lack of information currently provided by the Council, GAIL is concerned at the uncertain deliverability of new infrastructure and the Council's failure to address the need for possible contingency arrangements and alternative strategies.
6. As such, it is unclear what developers are expected to fund/provide and to what timescale.
7. The Council's response in M15.1 to the MIQs on Infrastructure Delivery emphasises the 'on-going iterative process of infrastructure planning for the Local Plan .... on-going discussions and evolution of the Plan .... (the Council) will continue to share information and assist delivery' (clauses 1.6 and 1.7).
8. Notwithstanding the provisions of paragraph 162 of the NPPF, GAIL is concerned at the lack of a detailed, comprehensive and rigorous assessment by the Council of the quality and capacity of infrastructure, and its apparent inability to meet forecast demand.

**c) Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted? In relation to this:**

- **Should further information be provided on access points and local highway improvements?**

9. Yes. This is particularly relevant where there are discrepancies between the Council's Housing Allocations and Indicative Masterplans which have already been submitted by developers (for example, H2730a and H2684a).

10. Similarly, mindful of the potential cumulative effect on the local road network of multiple developments in an area and, in particular, developments in close proximity to each other, the Council needs to identify what highway improvements would be needed, the potential cost, the availability and responsibility for funding, the phasing of improvements and the penalties for non-compliance.

- **Where non-developable areas and landscape/other buffer zones are cited, should further detail be provided to clarify their location and extent?**

11. Yes. Details will vary from site to site. GAIL believes it essential, though, that such areas/zones are as specific as possible to ensure maximum protection and that developments are closely monitored to avoid encroachment and that penalties are in place for non-compliance.

- **Where sewers or power lines cross a site, should potential mitigation be specified?**

12. Yes. This is particularly relevant where Green Belt sites are being considered for development and where there are no existing utilities in place for the disposal of grey water, sewage or surface water.

- **Should Part 2 of the Plan specify the protection and enhancement of Public Rights of Way (PROWs) on allocation sites, and the provision of links to adjoining PROWs and the Core Walking, Cycling and Riding Network where appropriate?**

13. Yes. Whilst GAIL believes that the Council's objective of achieving a modal shift away from the use of cars is unduly optimistic, the drive to develop PROWs and the Core Network should be supported as a means of improving health and well-being.

14. GAIL also believes that the Council should take advantage of the Local Plan to require developers of sites which include PROWs and/or parts of the Core Network to enter into agreements which would require the developers to take responsibility for the maintenance of the PROWs and those parts of the Core Network which form part of the sites.

- **Should Part 2 of the Plan specify mitigation measures relating to the historic environment, where relevant?**

15. Yes. GAIL will make more detailed comments about the need to protect heritage assets and the historic environment in its Matter 30 Statement.

16. For its part, the Council has detailed in Policy PLP 35 how it would address the protection of both designated and non-designated heritage assets.

17. GAIL believes it would be useful, however, for the Council to issue clear and objective guidance as to how 'the public benefits of (a) proposal', 'permitted only in exceptional circumstances' and 'permitted only where the public benefits of (a) development outweigh their harm' are defined.

18. The inclusion of such guidelines, the involvement of Historic England and/or other relevant bodies together with site specific mitigation measures would provide for consistency in decision making and a means of monitoring the actions of developers.

19. Additionally, GAIL believes it important to support the Council in its comment that 'Kirklees has a rich and diverse historic environment that, together with the character of the landscape, creates its local distinctiveness' (clause 14.3, Part 1 of the Local Plan).

- **Should Part 2 of the Plan specify the protection of key habitats/mature trees/hedgerows/ boundary walls/other landscape features which are notable on a particular site?**

20. Yes. Mindful of the requirements of Section 11 (Conserving and enhancing the natural environment ) of the NPPF and the Council's own Natural Environment policies (see Section 13, Part 1 of the Local Plan), GAIL believes it essential that the Council is as specific as possible in identifying areas which need protection. This is particularly relevant not just for Green Belt sites but also where sites are noted for their contribution to the landscape and the well-being of the local community.

21. To leave responsibility for these issues with a developer may otherwise lead to 'actions first, apologies second' where building activity is carried out without consideration of the consequences for the natural environment.

- **Should constraints on/near allocations, including heritage assets, environmental designations, noise sources and hazardous installations, be specifically named?**

22. Yes. As with the previous question, the Council must take responsibility for highlighting such constraints and not leave it to the judgement of developers to decide what decisions/actions may be appropriate to deal with such issues.

23. Additionally, GAIL believes that any penalties which the Council develops in respect of the areas covered in question c) should include the power to halt developments if there is a clear breach of conditions by a developer.

**d) Should Part 2 of the Plan specify when Masterplans are required in association with an allocation site? Which sites would this apply to?**

24. GAIL believes that it may be appropriate to develop Masterplans for sites which are adjacent to each other (such as H2730a and H2684a, see Matter 30) and/or are in close proximity to each other (such as the other proposed Sites for Lepton/Fenay Bridge i.e. H31, H616, H684 and H638) plus H1679, given the potential cumulative impact of the developments on local infrastructure.

**e) Should the Plan specify where planning permission has already been granted, for reasons of effectiveness?**

25. Yes, for completeness and to ensure that the full implications of proposed developments are considered.

**f) What are the implications of a site being located within a High Risk Coal Referral Area?**

26. The Coal Authority has confirmed that Lepton and Fenay Bridge lie within a Development High Risk Area given the extent of former mine entries, the probable shallow mine workings (ie. where the depth of the workings is less than 30 metres from the surface) and coal outcrops.

27. However, GAIL believes that the Council has under-stated the full extent of the former coal mining activity in Lepton/Fenay Bridge: fifteen former mines in the area plus a further five open-cast sites together with a further twenty two mines in the Kirkburton area where the underground workings may well have extended across and into Lepton and Fenay Bridge.

**i) Where proposals state that a site 'would benefit from a drainage masterplan', is this a requirement or an option?**

28. GAIL believes that this should be a requirement. Moreover, GAIL believes that a drainage masterplan should be mandatory where adjacent sites (for example, H2730a and H2684a) are of a size where the cumulative impact of the number of proposed dwellings (i.e. c. 600) may well place pressure on drainage systems.

**q) Are there any implications for the site selection process, arising from the Council's re-assessment of RAG Green Belt edge ratings relating to Test 2d, as set out in Examination Document ID17?**

29. Whilst ID17 shows a very small number of revised RAG ratings from the original Green Belt Review (SD19), GAIL is still concerned that the reservations expressed by many of the participants at the Matter 8 Hearing still exist in terms of the lack of objectivity and consistency in weighting the various factors involved in the Review and, secondly, the Council's apparent disregard of the importance of the Green Belt edge in preventing urban sprawl.

**r) Are the environmental and historic designations listed in Chapters 8 and 9 of Part 2 of the Plan up to date and accurate? Are any modifications necessary?**

30. GAIL is unclear as to the detail of the Chapter 9 references to archaeological sites in the Almondbury Ward. It seems prudent, therefore, to highlight the West Yorkshire Archaeology Advisory Service's Primary Record Numbers 4266, 10690 and 14864, relating to sites which may be adversely affected by the development of H2684a and/or H2730a. This is in addition to the Grade II listed building which is the subject of the Heritage Impact Assessment (LE98) on H2730a.
31. Additionally, the Housing Allocations for H2684a, H2730a and H31 each state 'Site close to (or contains) area of archaeological interest': GAIL believes that more specific/detailed information is required here to avoid any doubt as to what needs to be investigated.
32. GAIL's original Draft Plan submission also provides more information on the historic background of the fields contained in the Sites (see Section 8.0 Historic Environment) .... development of the Sites would clearly result in the complete and unrecoverable destruction of the historic environment/setting which would be contrary to the objectives of the NPPF.

**John Davies**

**Chair of GAIL (Green Alert In Lepton)**

**20<sup>th</sup> January 2018**