



Kirklees Local Plan Examination

Stage 4 – Other Site Allocations

Hearing Statement

**Submitted on behalf of Chidswell
Action Group**

**Matter 26 – General approach in
Part 2 of the Plan**

January 2018

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 protections of designated sites, which is robust and in line with national policy?

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.
2. The Chidswell Action Group are wholly against the allocation of Site MX1905 for the reasons set out in their previous submissions and as set in the hearing statement relating to Matter 34. However, if sites are to be allocated the Chidswell Action Group have the following comments to make in relation to the specific Questions raised by the Inspector
3. The Chidswell Action Group also wish to speak at the hearing in relation to Matter 26.

Question (a)

- 4.1 It is our position that in order to be effective wording needs to be included within policies rather than supporting text in order to ensure that the Local Plan is effective and deliverable.
- 4.2 It is development plan policies which are cited and given weight when making planning decisions and it is therefore imperative that anything of substance and importance is included within the policy itself.

Question (b)

- 5.1 The Chidswell Action Group do not believe that the infrastructure and open space requirements for each site are clearly set out within Part 2 of the Local Plan. In fact so little information appears to be provided that we are unclear what a developer would be required to provide and at what stage for the proposed allocation sites?

Question (c)

- 6.1 Part 2 of the Local Plan seek to list the constraints which are present on each Site. However, as we have set out previously we do not consider that these lists cover all constraints on each site and no mitigation appears to be suggested other than the production of reports.
- 6.2 As Chidswell Action Group have previously indicated we believe that there are more constraints than those identified, and we are not satisfied, and we do not believe that we have the information to demonstrate that all constraints can be

mitigated. Without this information we cannot see how the Council can be able to allocate these sites for development?

- 6.3 Concept masterplans have been submitted in relation to some strategic sites, such as MX1905. However, these are only indicative. The masterplan for site MX1905 shows “potential access point”. However, we believe that sufficient information needs to be provided regarding access sites and local highway improvements so that it is clear what is being proposed and what is expected from these sites.
- 6.4 As set out above indicative masterplans may have been produced. However, we believe that where there are non-developable areas and landscape/other buffer zones the location and extent of these need to be clarified clearly within the Plan. This will ensure that these zones are provided for.
- 6.5 Where sewers and power lines cross a site, such as MX1905 (see previous submissions from The Chidswell Action Group) potential mitigation and required separation distances need to be identified. The National Grid responded to the Local Plan consultation confirming that the re-location of overhead lines was only agreed for national significant purposes. Obviously, the proposed allocations do not fall within this category. The developable area of sites is therefore likely to need to be reduced. This could have a significant impact on whether a site continues to be viable and whether it would serve the “strategic” purpose which was used to justify the allocation. Therefore, the Chidswell Action Group considers that it is imperative that this is looked at prior to allocation of sites.
- 6.6 Although Part 2 of the Plan identifies where public rights of way cross an allocation site it goes no further than this. If sites which contain public rights of way are to be allocated then we would like to see specification of the protection and enhancement of the PROW’s and how the PROWs and Core Walking, Cycling and Riding Network link up. We believe that the loss of the PROWs which exist on proposed allocation sites would have a significant negative impact on the health and welfare of the local residents and this must be avoided or at best mitigated.
- 6.7 Many of the proposed allocations, such as MX1905, contain key habitats/mature trees/hedgerows/ boundary walls/other landscape features which are notable on those sites. If sites are to be allocated, then Part 2 of the Plan must specify how these are going to be protected otherwise they will be lost forever. As set out in previous submissions the Chidswell Action Group do not believe that sufficient work has been done to identify key habitats/mature trees/hedgerows/ boundary walls/other landscape features on proposed allocation sites and this must be done before any protection can be proposed.
- 6.8 The Chidswell Action Group considers that all constraints on or near any allocation should be specified by name within Part 2 of the Plan. However, as indicated previously we do not consider that all constraints have been identified for all the proposed allocations, so this exercise needs to be done

first. If this exercise is not done correctly then constraints would not be identified and this would have significant consequences.

Question (d)

- 7.1 Masterplans should be provided for all allocations. Local people must also be given the opportunity to comment and feedback on these Masterplans.

Question (f)

- 8.1 Some proposed allocations, such as MX1905, are located within a high risk coal area. This means that records show that there may have been past coal mining hazards or workings at shallow depths which may pose a risk to the stability of new development.
- 8.2 The Coal Authority have provided comments in relation to site MX1905 and confirmed that “in the Chidswell area this coal mining legacy takes the form of recorded mine entries and likely historical unrecorded underground coal mining at shallow depths...”
- 8.3 Given that it is identified that some allocations, such as MX1905, are in a high risk coal area we consider that issues of land stability need to be addressed before any development can be proposed. This will ensure that any proposed allocations are actually suitable for development. We maintain the view that inadequate investigations have been undertaken to date. In accordance with paragraph 121 of the National Planning Policy Framework development which would contribute to land instability should be prevented.

Question (i)

- 9.1 As set out previously the Chidswell Action Group do not consider that proposed allocations and Flood Zones have been fully assessed. For example site MX1905 is identified by the Council as being outside of Flood Zones 2 & 3. However, the east of the Site is located in close proximity to Flood Zone 3. The Site is therefore in extremely close proximity to an active floodplain and photographs of this are attached at appendix 1. Although the site may not itself be located within Flood Zone 3 it feeds in to streams which lead directly in to the nearby Flood Zone 3. Therefore, it is common sense that further run off from the Site would have a significant detrimental impact on the nearby Flood zone 3 and this requires far more detailed work in order to understand the implication of this. We consider that this may be the case for a number of allocations and Wakefield Council did raise a concern specifically in relation to the Chidswell site when they stated:

“...Development proposals would need to take into account the watercourses on site and avoid encroaching into the watercourse floodplains and areas susceptible to flooding, fully mitigating any impact by providing compensatory floodplain works.”

- 9.2 Therefore, Chidswell Action Group do not consider that the allocations are consistent with paragraph 100 of the NPPF and more needs to be done to consider sites such as MX1905.

Question (k)

- 10.1 For the reasons set out above we do not consider that sufficient thought has been provided to flood risk and the impact on site capacity.

Question (l)

- 11.1 We have seen no confirmation regarding what would be deemed to be “employment uses” for specific allocations nor evidence that any approach the Council has taken is justified.

Question (m)

- 12.1 We have seen no explanation as to how and why floorspace capacity figures have been arrived at for employment and mixed use allocation sites. Nor have we seen any breakdown of the indicative capacity in to use classes.

Question (n)

- 13.1 The Chidswell Action Group cannot see why the proposed modifications would need for reasons of soundness. We consider that these are simply watering down what developers will need to provide in terms of improvements to the local road network. Such improvements were critical and we can see no justification for the proposed amendments.

- 13.2 The proposed amendment for site is MX1905 is:

“Additional mitigation on the wider highway network will be required. Development of this site has the potential for a significant impact on the Strategic Road Network. Measures will be required to reduce and mitigate that impact. The transport assessment will need to demonstrate that any committed schemes are sufficient to deal with the additional demand generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes. If development is dependent upon construction of a committed scheme, then development will need to be phased to take place following scheme opening”

- 13.3 This too wishy washy. What does it mean “**may need to contribute**”. These issues need to be bottomed out now before there is any release of sites from the Green Belt. It is common knowledge that major highway infrastructure improvements are required as a result of the proposed allocation. Therefore, why are the Council seeking to water down the obligations on the developer? The infrastructure must be identified and secured within the Plan not at a later

date once the site has already been removed from the Green Belt. Why wouldn't the developer need to contribute to these works if they are required as a result of their development?

14. Question (g)

- 14.1 The Chidswell Action Group have identified that all along Leeds Road the greenbelt edge rating should be pink because this is significant for stopping the coalescence of major conurbations. We are unclear why a dotted line is shown in this location?
- 14.2 The use of a dotted line along the edge of proposed allocation MX1905 does not give a correct impression that this is taking from significant greenbelt. The impression given is that only a small section (DE5) is significant, this is not the case.
- 14.3 It is important to note that the border with Wakefield is not shown as part of this exercise at all and proposed allocation MX1905 goes right up to the Wakefield boundary. There will therefore be no greenbelt buffer left at all on the Kirklees side, this is not highlighted at all.
- 14.4 Paragraph 80 of the NPPF sets out that Green Belt land serves the following five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 14.5 The area of Green Belt around MX1905 keeps in check the unrestricted sprawl of Kirklees, Leeds and Wakefield. If this area of greenbelt were eroded it would mean that this very important area of green belt between Birstall, Batley, Dewsbury, Wakefield and Morley would be very fragile. This is already a narrow but vital strategic gap which prevents the massive coalescence of Leeds, Kirklees and Wakefield. Site MX1905 acts as a buffer of green land between Kirklees, Leeds and Wakefield. It is imperative that this land is maintained as such. The RAG Green Belt edge ratings fail to acknowledge this and therefore we question the reliability of these ratings.



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Our ref: Chidswell

25th January 2018

Dear Ms Parker,

RE: Kirklees Local Plan Examination – Stage 4 – Matter 26

I am instructed by Chidswell Action Group in relation to their objections to the Kirklees Local Plan.

I hereby attach three copies of the hearing statements in relation to Stage 4 matters 26. An electronic copy has also been sent.

I trust that this provides you with the information you require. However, if you require anything further or have any questions please do not hesitate to contact me.

Yours sincerely

C.J. McKay

Charlotte McKay LLB (Hons) FCILEx

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Charlotte McKay is a Fellow and Member of the Chartered Institute of Legal Executives, whose members are independently regulated by CILEx Regulation.



Photo 1 MX 1905 run off after heavy rain from land at Windsor Farm Chidswell.



Photo 2 Looking towards Fenton Dam run off from land at Windsor Farm Gawthorpe and Heybeck after heavy rain.



Photo 3 Fenton Dam flood plain run off from land at Windsor Farm, Gawthorpe and Heybeck after heavy rain.