

## **Hearing Statement**

**20-23 February 2018**

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

**Stage 4**

**Matter 29 Urban Green Spaces and Other Open Spaces**

### **STATEMENT OF CASE ADDRESSING**

#### **General/Huddersfield Sub Area Inspector Questions**

**Site: UGS 1219 Ballroyd Clough and Cliff(e) Road, Quarmby**

1.1 Policy PLP61 as it applies to the above allocation on the draft Local Plan policy map is not supported by a robust evidence base, because an open space assessment has not been undertaken in accordance with NPPF guidance. The UGS area, shown as an open space allocation on the policy map, as it relates to the Ballroyd Clough site cannot be justified.

1.2 Some of the existing UDP UGS allocations identified as suitable for retention as UGS in the Council's Open Space Study have not been translated into allocations in the draft local plan. It appears that the Council has not used its evidence base effectively or systematically to support the plan. As such the credibility of the UGS allocations as shown on the policy map is put into question.

1.3 Population projections have been revised downwards since the UGS draft Local Plan proposals were initially identified on a policy map. The extent and quantity of such allocations as shown on the plan, which seek to address open space provision in supporting the spatial distribution of proposed housing development is not fully warranted, and could quite easily be reduced in size and number.

1.4 Site UGS 1219 is shown as an open space allocation representing a large area of natural and semi natural open space. However the overall amount of natural and semi-natural greenspace in the Huddersfield area is above the minimum benchmark standard with the high levels of provision in the Almondbury, Ashbrow, Dalton and Newsome wards largely accounted for by the amount of woodlands in these areas.( Source of comment Kirklees Open space Study)

1.5 The results of the consultation carried out as part of the Open Space Demand Assessment (2015) showed:- • the highest percentage of respondents (45.5%) indicated they were willing to travel over 30 minutes by transport to a nature area; • of those willing to walk, the highest proportion of respondents indicated a willingness to walk over 15 minutes to access a nature area. The fact that the Lindley ward, where site UGS 1219 is located, was listed as deficient in provision of natural and semi natural open space is not material, given peoples ability/preparedness to travel to nature areas in the urban areas where they live.(Source of comment Kirklees Open Space Study). However the Council has used ward based information as a unit of measure to assess open space areas and identify surplus/deficiency of open space to manage open space provision. This approach ignores the conclusions of the demand assessment, and peoples' preparedness to travel. Larger assessment units are required to reflect actual trends. The use of a ward based yardstick does not fully represent

a true measure of surpluses/deficiencies of open space. Inspector question on Matter 29 General Issue c (ii) - taking account of distances and proximity to other open spaces is very relevant, as it suggests other development options could have legitimately been considered as allocations within the urban area.

1.6 The Open Space study confirms there are no major gaps in accessibility to natural and semi natural spaces, indicating that release of part of a semi large “natural” site for development (open space sites below 20ha in size) would not significantly affect provision of such open space within this urban area.

1.7 In rejecting a housing option for the site, the Council refers to the UGS in this area as an “accepted” UGS option. The methodology and criteria used to include a site as UGS or exclude a site as UGS, are not robust enough, putting into question if all draft UGS allocations can be defended during the plan period. Appendix 7 of the Open Space Study sought to refine its assessment of the UGS by breaking down the 13 ha+ site into three distinct areas: class 705 of 10ha with “no commentary” ; class 700 1.04ha described as woodland; class 2260 2.06ha. This was possibly done in acknowledgment that the UGS assessment for the original 13ha + site at Ballroyd Clough was not sufficiently refined. However the proposed continued inclusion of a large 10ha UGS site in this location still appears to lack refinement as regards the boundaries applied and as such does not warranted the draft allocation.

1.8 Scope exists to remove part of this UGS allocation because when viewed on site it falls below the “high quality” threshold expected of such an allocation. In the alternative, it is suggested retention of this area as an open space designation on the plan may be warranted, if an added notation to the UGS 1219 allocation on the policy map made reference to a named specific community benefit as an exception to not accepting proposals for development.

1.9 Natural and semi natural open space is defined as including - wastelands and bare rock habitats, as well as unmanaged and unused sites in Table 4.1 Types of Open Space. It does not mean that such areas summarily fall into an UGS category. UGS site 1219 has hollows, and includes overgrown tipped material, with steeply sloping land and unrestored derelict land infested with Japanese knot weed, plus containers and commercial open storage- hardly a high value site or a site deserving a high score.

1.10 Public access through such a large allocation is restricted to public footpaths only, reducing the potential open land benefit such a large area of land could provide to public health and well being. As such draft designation UGS 1219 as shown cannot be justified. It is accepted that non accessible land and land with public access are both treated equally within the context of an open land study. However this completely ignores NPPF planning guidance and the importance of access to high quality open spaces (paragraph 73). The plan does not sufficiently differentiate between the two types of access nor give sufficient weight to the value of public access to such open spaces. In planning terms as opposed to simply an open space approach, there should be a differentiation in emphasis, with acknowledgment of the value of public access to be properly compliant with planning guidance. Were the boundaries to UGS 1219 still retained in the adopted plan, the suggestion as to how specifically improved public access could be achieved re this large open space, outlined in paragraph 1.8 above, should still be considered.

1.11 It is accepted the draft plan acknowledges links to the strategic objective of protecting and improving green infrastructure to give residents access to good quality green space through a development management process. Chapter 19 of the Strategy and Policies document does not highlight the importance of access to such allocations, merely as part of a strategic objective. If

enhancement and potentially improved public access over privately owned land can only be achieved through the development process, this should be done in a planned way, through positive planning guidance on the policy map, as opposed to relying on whether a planning application exception outlined in PLP policy 61 may come about.

1.12 It will be observed from an Inspector site visit, that some of the UGS land at Ballroyd Clough does not satisfy an UGS quality designation. Equally it is noted that some sites have failed to be included as an UGS allocation even after having been assessed as satisfying an UGS quality in open space assessments.

1.13 Paragraph 73 of NPPF advises open space proposals within local plans should be based on specific needs and quantitative and qualitative deficits and surpluses of open space. Kirklees does not have a locally developed quantitative standard for natural and semi natural greenspace. As such the standard of provision of natural and semi natural open space in Kirklees has therefore not been derived from a locally based assessment.

## **Changes Needed to Make the Plan Sound**

1.14 Regarding land at Ballroyd Clough it is recommended that one option could be to contract the extent of the UGS area to reduce planning constraint against future development proposals, based on the observations of the Inspector when visiting the site.

1.15 The sub area of Huddersfield does not require the inclusion of a 13ha +natural semi natural privately owned land area allocated as UGS. An alternative development plan allocation could be applied in part or in full, given the urban location of this land, and that open space deficiency within this overall sub area is not acute. This approach may be more beneficial than seeking to protect the whole of the 13ha from proposals. Local need for this type of open space remains unproven given how the assessment process has been undertaken.

1.16 Kirklees does not have a locally developed quantitative standard for natural and semi natural greenspace. The standard applied is artificial. Paragraph 73 of NPPF advises open space proposals within local plans should be based on specific needs and quantitative and qualitative deficits and surpluses of open space. The standard of provision of natural and semi natural open space in Kirklees has not been derived from a locally based assessment.

1.17 The extent of allocation UGS 1219 should be contracted and boundary line redrafted on the policy map to at least exclude the former mill site where there is commercial storage and where derelict land outcrops adjoin. This example has great similarity with Inspector's General Issue g question on how UGS boundaries were determined. Essentially evidence on the ground is a critical determiner.

1.18 In the alternative, the policy map for this UGS designation (& other similar privately owned sites) could always include a notation on the draft allocation, where necessary, that it be a requirement, were development proposals advanced as an exception to policy PLP 61, that improved public access to open space as part of a development package would be expected and weight added to this type of community benefit.. Such a complementary planned approach would achieve truly sustainable development within the urban area and would be in line with the advice of national planning policy guidance, as well as Inspector general issue question f (i) re: addressing open spaces that do not benefit from public access.

