

Kirklees Local Plan Examination

Stage 4 hearings Other Site Allocations

DEWSBURY AND MIRFIELD SUB-AREA (Matter 34)

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 34 – Dewsbury and Mirfield¹ housing and mixed use allocations: Green Belt releases

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 34. All the documents referred to in this statement are referenced within the main body of the statement.
- 1.2 The modifications proposed in this document have been provided to assist with the discussions at the hearings for this matter and have not been subject to sustainability appraisal testing or public consultation. Should it be necessary to make any of the modifications these will be added to the full schedule of modifications to the Local Plan which will be made available for comment and subject to sustainability appraisal at a later stage of the Examination in Public, subject to the delegated powers agreed by the council's Cabinet.

Issue - Are the proposed Green Belt release housing and mixed-use allocations in the Dewsbury and Mirfield Sub-Area justified, effective, developable/deliverable and in line with national policy?

H307 – land to the east of Long Lane, Earlsheaton (15 dwellings)

a) Does the proposal provide appropriate mitigation against flood risk?

- 1.3 The site includes appropriate mitigation against flood risk. Chickenley Beck along the eastern part of the site is in flood zone 3 which has been netted off from the developable area. 14% of the site is in flood zone 2. The site constraints/mitigation measures are outlined in the Allocations and Designations document (SD2), page 58/59 and include submission of a flood risk assessment at the planning application stage.

b) Does the proposal provide sufficient clarity on how biodiversity constraints will be effectively mitigated?

- 1.4 The site provides sufficient clarity on biodiversity constraints. Chickenley Beck which runs down the east side of the site is a UK BAP priority habitat therefore 0.08 ha has been removed from the developable area. Reference to the UK BAP priority habitat is made in the site constraints in SD2. Policy PLP30 (SD1, page 132), provides the appropriate mechanism for biodiversity to be further mitigated if necessary at the planning application stage.

¹ Dewsbury and Mirfield Sub-Area, but including site MX1905 which is located in the Batley and Spen Sub-Area, and excluding site H2576 which is incorporated in the Kirklees Rural section of the MIQs.

c) Is the site available and deliverable in the timescale set out in the Council's housing trajectory²?

1.5 The site is available and has a willing landowner identified through the Call for Sites process. As highlighted in paragraph 1.4 of PDLP_AD2240, the site is available and considered deliverable in the short term. The site is deliverable as set out in EX30.2 (scheduled to start in 2020/21).

d) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

1.6 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.

1.7 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 56)

H559 – land to the east of Leeds Road, Chidswell (279 dwellings)

a) How will access to site MX1905 be facilitated? What effect will this have on scheme phasing? Is proposed modification ADMM23 necessary for soundness reasons?

1.8 In summary, to accommodate the combined impacts of the proposed residential (H559) and mixed-use allocation (MX1905) it is proposed that the spine road will be extended to connect the two sites. A junction on the spine road will provide a link to Chidswell Lane. The site promoter has provided evidence confirming that a new roundabout junction would be provided with Owl Lane to accommodate the traffic generated. It is understood that this is within the control of the site promoter. With regards to the provision/phasing of the access road, an agreement has been reached between all of the relevant landowners that enables the provision of the link between the two sites as soon as it is required. Barratt Homes will commence with the delivery of the proposed new roundabout on Owl Lane and the length of the access road which is included in H559 within the first year of the development of the site.

1.9 In the site promoter's original submissions to the Council of the 18th January 2016 a comprehensive development of the site in isolation was promoted. However, in the intervening period discussions have been undertaken with the landowner and promoters of the draft mixed use allocation MX1905.

1.10 The site promoter has confirmed that discussions with the adjacent landowners have continued. The nature of the discussions with the adjacent landowners and promoters are associated with the delivery of a new vehicular access to site MX1905 through the Windsor Farm site (H559) in order to enhance the accessibility of the mixed-use allocation.

1.11 On account of these discussions the developer proposes one potential development option for the site as follows:

- The development of the site with the inclusion of an access road connecting site MX1905 to Owl Lane (B6128) alongside the delivery of circa 280 homes and associated open space.

² As set out in the Council's updated Housing Supply Topic Paper (December 2017) (EX30.2).

- 1.12 This information can be found on page 2 of the document: “Kirklees Local Plan – Allocations and Designations – Land at Windsor Farm, Chidswell Lane, Dewsbury, WF12 7SW – David Wilson Homes – Support for Site Reference H559 and the accompanying Masterplan, both of which are under SS15 in the Local Plan Library.
- 1.13 Access through H559 is required to enable full build-out of site MX1905, but 500 units can be served from the proposed access along Leeds Road and a further 250 can served from the proposed access on Heybeck Lane.
- 1.14 Consultation with Wakefield Metropolitan Council resulted in a desire from their perspective not to see an intensification of use of Chidswell Lane, a route that they felt was inappropriate for traffic to use due to its rural nature and existing width. The Council agreed with this and to address this the text in the Allocations and Designations text box for MX1905 was amended from “Access to MX1905 to be provided as apart of this allocation” to “Access to MX1905 to be provided as part of this allocation including no right turn onto Chidswell Lane” and was recorded as a modification (SD4, ADMM23).

b) How were the site boundaries determined?

- 1.15 The site’s boundaries have been defined utilising land ownership boundaries, existing field patterns and the results of Landscape & Visual Assessment work undertaken by Barratt Homes (SS15). The council considers that the site boundaries are clearly defined, using physical features that readily recognisable and likely to be permanent in accordance with the NPPF (NE1, para 85).

c) The housing trajectory indicates that 150 dwellings will come forward within five years, with the first units delivered in 2020/21. What preparatory work has been undertaken and when is a planning application anticipated? Are the estimated delivery timescales reasonable and justified? Are there phasing implications arising from impacts on the Strategic Road Network?

- 1.16 A significant amount of evidence has already been submitted to the Council for this allocation by the site promoter, including:

- Indicative Masterplan
- Highways Technical Note
- Phase 2 Ground Investigation Report
- Flood Risk & Drainage Appraisal
- Ecological Appraisal
- Landscape & Visual Statement and Green Belt Review
- Landscape & Visual Statement and Green Belt Review – Addendum

The council also understands that a formal pre-application is being made to the council.

- 1.17 The site is available and has a willing landowner identified through the Call for Sites process. As set out in EX30.2, the site is deliverable with development anticipated to commence in 2020/21. With regard to the Strategic Road Network and specifically Site H559, the council and Highways England agree that there are Strategic Road Network constraints that require mitigation through Part 2 of the Plan. This is established by virtue of both parties agreeing Modification AD-MM24 within SD4 and the Statement of Common Ground between Kirklees Council and Highways England (SC006 and revised in the appendix of SC008). A Transport Assessment is to be carried out at application stage. The council will expect this to assess whether there are any strategic road network constraints at the time of application and to identify how these constraints (if present) could be suitably mitigated through a Travel Plan or other measures. Modification AD-MM24 enables development of H559 to be phased if a Transport Assessment identifies that this is

necessary due to impacts on the Strategic Road Network and funding availability. The site allocation box for H559 in Part 2 of the Plan also enables the Council to require measures that reduce and mitigate significant impacts on the M62/M1 and contributions to additional schemes identified by Highways England if a Transport Assessment demonstrates that committed schemes will not provide sufficient capacity to deal with the additional demand generated by H559. Any contributions will be sought in accordance with Paragraphs 204 and 173 of the NPPF.

d) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Dewsbury and Gawthorpe be affected? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

1.18 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.

1.19 The council considers that while the gap between Dewsbury (Chidswell) and Gawthorpe would be narrowed it will still continue to perform its key purpose to avoid the physical merger of settlements and the other purposes of including land in the green belt. The council has worked alongside the site promoter to fully understand this issue and agrees with the evidence set out in the Landscape & Visual Statement and Green Belt Review and the Landscape & Visual Statement and Green Belt Review – Addendum (SS15).

1.20 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.

H661a - land to the east of High Street, Batley (61 dwellings)

a) Has the impact of the proposal on the historic environment been adequately assessed and appropriate mitigation measures put in place?

1.21 The impact of the proposal on the heritage asset has been appropriately assessed and addressed in accordance with the NPPF (NE1, chapter 12). The site is within the settings of several listed buildings, however, no objections have been received from English Heritage. West Yorkshire Archaeology Advisory Service (WYAAS) have advised that there are 'no apparent significant archaeological implications' but to be aware of the potential impact on the adjacent listed structure. This has been recognised in the site constraints with a requirement to undertake a Heritage Impact Assessment (SD2, page 67).

b) Is the site available and deliverable in the timescale set out in the Council's housing trajectory?

1.22 The site is available and has a willing landowner identified through the call for sites process. The land has been identified as being available immediately. It has no significant constraints to being developed therefore it is considered deliverable within the timescale set out in EX30.2. (Scheduled to start in 2020/21).

c) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

- 1.23 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.
- 1.24 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 43)

H46 – land to the south-west of Dewsbury Rams RLFC, Owl Lane, Shaw Cross (206 dwellings)

a) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

- 1.25 Planning permission for 206 dwellings was granted on 27th November 2014 (2014/90780) and development commenced on site in 2015. The granting of permission for this development effectively means that the site cannot now perform a green belt role and function. Commencement on site renders the permission valid in perpetuity. National guidance states that the green belt should not include land that it is unnecessary to keep permanently open and there is therefore no further need to retain this site in the green belt.
- 1.26 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.
- 1.27 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 48)

H2089 – land south of Ravensthorpe Road / Lees Hall Road, Dewsbury (2,310 dwellings within the Plan period, 1,690 dwellings beyond the Plan period)

a) The Access Statement Technical Note (SS14) identifies a need for four access points into the site. What is the estimated dwelling capacity that could be served from each of these points? How is this capacity reflected in the phasing plan and housing trajectory? Has necessary third party land been secured?

- 1.28 The developer has produced evidence from their phasing to show the estimated dwelling capacity that could be served from each of the access points and the Council is satisfied at an allocation stage that this can be achieved with the current designs as set out in the developers Transport Strategy.
- 1.29 It is noted that the developer has supplied capacity calculations presumably based on the agreed distribution and assignment. This shows that the junctions are predicted to operate within capacity within the Plan period i.e. 2,310 dwellings. From the agreed distribution and assignment the following table has been collated to show trips utilising each proposed access point:

Table 1:

AM Trip Numbers						
	2030 DM + 2000 Dwells		2030 DM + 2000 Dwells + DRSR		2030 DM + 4000 Dwells + DRSR	
	Out	In	Out	In	Out	In
Sands Ln	28	12	28	12	28	12
Ravensthorpe Rd	135	57	158	66	338	137
Forge Ln	258	164	216	154	462	286
Lees Hall Rd	130	52	147	46	263	72
PM Trip Numbers						
	2030 DM + 2000 Dwells		2030 DM + 2000 Dwells + DRSR		2030 DM + 4000 Dwells + DRSR	
	Out	In	Out	In	Out	In
Sands Ln	15	25	15	25	15	25
Ravensthorpe Rd	56	97	70	130	145	265
Forge Ln	155	286	150	202	336	339
Lees Hall Rd	67	182	57	235	89	447

- 1.30 The capacity calculations provided by the developer for the end of Plan period (2,310 dwellings) is included in the following table:

Table 2:

Junction	Movement	AM Peak Hour		PM Peak Hour	
		Max RFC	Max Queue	Max RFC	Max Queue
Lees Hall Road Site Access	Lees Hall Road East	0.41	1	0.42	1
	Site Access	0.33	0	0.24	0
	Lees Hall Road West	0.09	0	0.10	0
Ravensthorpe Road Site Access	Ravensthorpe Road East	0.20	0	0.16	0
	Site Access	0.49	1	0.40	1
	DRSR	0.34	1	0.39	1
	Calder Road	0.22	0	0.39	1
Forge Lane Site Access	Lees Hall Road Ahead and Left Turn	0.29	0	0.17	0
	Lees Hall Road Right Turn	0.22	0	0.14	0
	Forge Lane	0.58	2	0.43	1
	Ravensthorpe Road Ahead and Left Turn	0.30	0	0.39	1
	Ravensthorpe Road Right Turn	0.00	0	0.00	0
	Site Access	0.15	0	0.20	0

- 1.31 The capacity calculations provided by the developer for the full development (4,000 dwellings) is included in the following table:

Table 3:

Junction	Movement	AM Peak Hour		PM Peak Hour	
		Max RFC	Max Queue	Max RFC	Max Queue
Lees Hall Road Site Access	Lees Hall Road East	0.33	1	0.70	2
	Site Access	0.41	1	0.22	0
	Lees Hall Road West	0.07	0	0.04	0
Ravensthorpe Road Site Access	Ravensthorpe Road East	0.14	0	0.31	0
	Site Access	0.54	1	0.35	1
	DRSR	0.38	1	0.41	1
	Calder Road	0.20	0	0.32	1
Forge Lane Site Access	Lees Hall Road Ahead and Left Turn	0.23	0	0.36	1
	Lees Hall Road Right Turn	0.07	0	0.13	0
	Forge Lane	0.27	0	0.50	1
	Ravensthorpe Road Ahead and Left Turn	0.28	0	0.37	1
	Ravensthorpe Road Right Turn	0.01	0	0.02	0
	Site Access	0.19	0	0.23	0

- 1.32 In addition to this the council notes that the developer states in paragraph 2.3.9 of their Transport Strategy:

“The phasing of the access points has included the consideration of the potential number of units that can be served by a single access (i.e. off a cul-de-sac) and the resultant need to provide roads through the site connecting the access points. If needed, additional secondary/emergency accesses are available to serve the initial phases of development in advance of the provision of a spine road through the site.”

- 1.33 The Council has been involved in the distribution and assignment work and is satisfied that this represents a robust methodology for these particular elements.
- 1.34 The council notes that the developer has provided a phasing schedule relating to the number of dwellings served by each access point in different scenarios, the table is provided below:

Table 4

Scenario	Total units	No. of Units Served By				
		Lees Hall Road	Forge Lane	Ravensthorpe Road	Choice of Accesses	Sands Lane
1. Maximum levels of development before connection between Lees Hall Road and Ravensthorpe Road	890	505	-	335	-	50
2. Maximum level of development before Forge Lane Access is delivered	1,475	460	-	350	615	50
3. Maximum level of development before DRSR delivered	1,890	345	300	325	870	50
4. End of Plan period	2,310	345	300	395	1,220	50

1.35 The Council will use this table at application stages for each of the phases as they come forward and will actively monitor their implementation to get evidence on the trip rates and impact on the highway associated with the development in this location. This in turn will act as a check to the developer's capacity assumptions.

1.36 The Transport Strategy notes the following with respect to the access points and third party land:

Table 5:

Lees Hall Road	No third party land is required to deliver this access proposal
Forge Lane	All of the options require third party land and liaison is underway with the relevant parties to secure this.
Ravensthorpe Road	No third party land is needed
Sands Lane	No third party land is needed for this.

b) The Technical Note and Delivery Framework identify the need for strategic highway intervention at about the 2000th dwelling, with one solution being the provision of a new bridge and strategic highway through the site.

i. How would the new strategic road link into the scheme, and has a potential route been incorporated into the masterplanning work?

1.37 The Dewsbury Riverside Delivery Framework, dated September 2017 (SS14) states: "Jointly commissioned traffic modelling indicates that 2,000 dwellings can be occupied at Dewsbury Riverside before significant additional off-site highways capacity is needed. The additional off-site highways capacity in the A644 corridor is referenced as a new strategic intervention.

1.38 **One option** for this is a new road connection running from A644 at Low Mill Lane, crossing the river Calder and railway line, then connecting with and running through the site and onwards to Dewsbury town centre via Forge Lane and Savile Road. This scheme is known as the Dewsbury Riverside Strategic Route (DRSR). Given the likely delivery rates for the development and the consultant's trip rates (as they are different to the Council's), the strategic intervention could be required at circa 2,000 units, which is towards the end of the plan period in 13 to 14 years. "

1.39 The Masterplan (SS14) shows how a potential road link has been incorporated into the work.

ii. How would the strategic road link be funded, and what effect would it have on the viability of the development scheme?

1.40 If the road link is the preferred option then there are a number of different options for funding depending in particular on the mitigation it provides to the impact of the generated traffic from the development:

- 1) Private sector funding
- 2) Public-Private partnership
- 3) Public funding such as the West Yorkshire Transport Fund

1.41 Options 2 and 3 would be based on a determination of the level of impact the development has on the road network with and without the road link. One possible option if these were taken forward would be to seek funding contributions proportionate to that impact, or benefit accrued as a result of the scheme in place.

iii. Are other potential options being investigated?

- 1.42 The occupation of the 2,000th house is likely to occur in 12 to 13 years towards the end of the plan period. At around this time it is recognised that additional works will be needed to increase the highway capacity of the A644 to facilitate delivery of the remainder of the site.
- 1.43 One option that is being investigated is the creation of a new access (the Dewsbury Riverside Strategic Route or DRSR), details of which are included within the Dewsbury Riverside Delivery Framework.
- 1.44 The Council is confident that long before the 2000th house is occupied in 12-13 years, there will have been agreement, assessment and that the final agreed scheme will be constructed. This will be based on assessment of as-built phases of the site as they progressed to take account of any variations in trip generations from modelled scenarios in the Transport Strategy to ensure the final scheme mitigates what if any extra delay there will be on the local highway network as a result of the development.

c) **At what stage would improvements to Ravensthorpe station be required? What would these improvements involve and how would they be delivered/funded?**

- 1.45 Work undertaken by the Combined Authority in partnership with Kirklees Council based on MOIRA³ modelled service improvements *and* the trip rates for the additional housing at South Dewsbury shows a relatively modest increase to 3,413 extra trips per year by the end of the plan period. This could reasonably be expected to show a projected increase of almost 6000 trips by the time the full site is built out.
- 1.46 Whilst on the face of it, this may seem like a strong increase, it will only be about 15% to 20% of the total growth, the vast majority of which is made up of background exogenous growth. It is postulated that this will not result in any fundamental need for any infrastructure improvements, but to enhance the attractiveness of the station and the option of rail as a mode of transport, cosmetic improvements could be implemented.
- 1.47 For this reason the South Dewsbury development is not considered to provide the critical mass required to trigger improvements. Nonetheless the Ravensthorpe station development plan has been produced in order that a coherent plan for the station is in place in the event that bidding opportunities for grants from either central government or the Franchisee arise, or the West Yorkshire Transport Fund has some capacity to fund improvements.

d) **Should the proposal clearly specify the number/location of access points required and highways/transport infrastructure requirements?**

- 1.48 The Council considers the information already provided in the plan is congruent with guidance provided by the DCLG and that providing any further information about access points and local highway improvements is too prescriptive and that these issues should be discussed at planning application stage where a greater understanding of the traffic flows at that time and what committed developments and schemes might be in place will be available.
- 1.49 The Council considers that Policy TS9 in the plan provides enough information to alert potential developers that a site might be subject to certain constraints as a result of proximity to a strategic transport scheme. The following provides further detail around the strategic scheme in TS9 and what information has been provided in the site allocation boxes in Allocations and Designations Document.

³ Model of Inter-Regional Activity, model that allows users to factor in the impact of train service changes moving forward in time

1.50 TS1, TS2, TS3, TS4, TS5, TS8, TS9, TS10 and TS11 show in strategic terms what transport infrastructure is required to ensure that the district can accommodate the cumulative impact of the development traffic from the Plan's site allocations. From the perspective of viability it cannot be expected that individual sites could fund the level of infrastructure provided, so policy PLP4 in the Strategy and Policies Document exists to ensure that at application stage, due regard is taken of the infrastructure required under the TS designations and that developments should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability. This may be achieved on-site or off-site through planning conditions or legal agreements and/or through contributions to the Community Infrastructure Levy (CIL).

e) Does the Plan provide sufficient detail on other infrastructure requirements, including education, open space, allotments and provision of a Local Centre? Should the Plan specify the amount of land required for the provision of such facilities, along with details of timing/phasing? How and at what stage will provision be made for early years/childcare and secondary education facilities? What size/form of Local Centre was factored into the Viability Assessment?

1.51 The local plan provides sufficient detail on infrastructure requirements and phasing through policy PLP4 and PLP5. The masterplan is the appropriate mechanism to define the quantum and location of infrastructure provision. The masterplan has been developed by Miller Homes and their consultants Spawforth Associates, in consultation with the Council and supported by the HCA Atlas team. It responds effectively to these policy requirements and provides a framework for the future determination of planning applications (SS14).

1.52 Early learning & childcare places may need to be provided for as part of the new primary school development. There may also be a commercial and/or voluntary sector opportunity through the provision of appropriate facilities as part of the proposed community hub.

1.53 Financial contributions to meet demand for secondary school places during the plan period will be secured by S106 obligation, in accordance with the Council's policy 'Providing for education needs generated by new housing' as housing development comes forward. The masterplan safeguards the provision of land for a new secondary school post plan should such a need be identified.

1.54 The local plan and CIL viability study addendum (CIL2) tests the overall viability of H2089, it made assumptions (including abnormals) to cover infrastructure costs relating to the development without identifying specific projects or schemes. Therefore viability evidence did not explicitly define size/form of the local centre.

1.55 The masterplan and Delivery Framework in SS14 outlines the spatial extent of the local centre, whilst through partnership working with the site promoter and local community the composition of the local centre will be defined. Spawforth Associates have been appointed to progress a formal pre application proposal for the local centre with submission in February 2018.

f) Should the proposal provide clearer detail on mitigation required in association with biodiversity, including the retention of existing habitats? Has ecological and arboricultural survey work been completed?

1.56 The impact on biodiversity has been assessed with conclusions presented in the Accepted Site Options Technical Appraisal (BP29.1, page 46), the site gross site area 161.37ha has been reduced to a net site area of 142.9ha to account for UK BAP Priority Habitat.

1.57 Dewsbury Riverside Delivery Framework (SS14) considers ecological constraints (page 36) summarised from detailed ecological surveys undertaken on the site. The framework responds with the opportunities and constraints being set out on page 49/50 and positively

responded through the development of the layout of the land use (page 53-56) and the masterplan.

- 1.58 The planning applications for the first phase of development, land outside of the green belt, included detailed information on the ecological issues for the sites but also for the wider site area. The following supporting information was submitted with planning applications Lees Hall Road (2016/60/94117) and Ravensthorpe Road (2016/60/94118), consultation was undertaken with the relevant bodies and they were granted outline planning permission on 12 April 2017.
- Preliminary Geoenvironmental Investigation (full extent of H2089)
 - Tree/Arboricultural survey (PP boundaries)
 - Ecological Survey Report (PP boundaries)
- g) Why does the Masterplan show residential development in southern sections of the site which are identified in the Landscape Framework Plan as 'areas of development stand-off' which are important for visual reasons?**
- 1.59 The Landscape Framework Plan on page 47 of the Dewsbury Riverside Delivery Framework (SS14) indicates that there are areas of development stand-off to steep slopes and highest ground to provide a positive interface with adjacent farmland and to reduce visual impacts upon the valley ridge line
- 1.60 Whilst it is important to highlight this constraint it does not preclude development from taking place. Development can respond positively through the sensitive design and layout in the southern sections of the site. The masterplan maintains existing woodland belts in the immediate vicinity of the constraint and provides opportunity for landscaping to connect areas of woodland and define development plots.
- h) Have constraints relating to air quality, noise, contamination and land stability been satisfactorily investigated and addressed? Are related mitigation measures and requirements clearly expressed in the Plan? How have these constraints and measures impacted on the viability of the scheme?**
- 1.61 The impact on air quality, noise, contamination and land stability have been assessed with conclusions presented in the Accepted Site Options Technical Appraisal (BP29.1, page 46), no significant constraints were highlighted that would prevent the site from being considered deliverable.
- 1.62 The Kirklees Council Air Quality Assessment document (LE118) provides a technical assessment of the impact of the growth proposed in the local plan upon air quality and carbon emissions. The assessment concludes that the overall effect of the Local Plan on local air quality is considered to be not significant (LE118, chapter 6, page 21).
- 1.63 Dewsbury Riverside Delivery Framework (SS14) considers ground constraints, topography and remediation and development platforms (page 37-42) summarised from detailed surveys undertaken on the site. The framework responds with the opportunities and constraints being set out on page 49/50 and positively responded through the development of the layout of the land use (page 53-56) and the masterplan.
- 1.64 The planning applications for the first phase of development, land outside of the green belt, included detailed information on the air quality, noise, contamination and land stability issues for the sites but also for the wider site area. The following supporting information was submitted with planning applications Lees Hall Road (2016/60/94117) and Ravensthorpe Road (2016/60/94118), consultation was undertaken with the relevant bodies and they were granted outline planning permission on 12 April 2017.
- Preliminary Geoenvironmental Investigation (full extent of H2089)
 - Design and Access Statement

- Transport Assessment

1.65 The local plan and CIL viability study addendum (CIL2) tests the overall viability of H2089, it made assumptions (including abnormals) to cover infrastructure costs relating to the development without identifying specific projects or schemes.

i) Is the indicative site capacity justified, having regard to landscape, environmental and other constraints and the provision of necessary infrastructure? How many dwellings are likely to be accommodated on land that is currently not within the Green Belt, both within the Plan period and over the whole development period? How many hectares will be required for development up to 2031 (2,310 houses)?

1.66 The site capacity has been derived taking into account the constraints summarised in the accepted options report (BP29.1, page 46), including the reduction in the net site area to 142.9ha for UK BAP Priority Habitat. In addition the supporting evidence provided by the site promoter in SS14, Dewsbury Riverside Delivery Framework, Part 2, summarised on page 49, have informed the land use plan and land schedule for the site, set out on pages 53 and 54.

1.67 The number of dwellings accommodated on land currently not within the green belt is circa 420 (excluding the proposed extra care unit within the local centre).

j) The housing trajectory indicates that 710 dwellings will come forward within five years, with the first units delivered in 2018/19. Are the estimated delivery timescales reasonable and justified?

[the Council is requested to provide a detailed delivery programme which sets out phasing information relating to different parts of the sites and timings of key stages, including preparatory work, marketing/appointment of housebuilders/development companies, EIA work if necessary, Section 106 work, other legal and contract work, preparation of outline/full/other applications, planning application determination, discharge of conditions, site preparation, commencement of development. Anticipated timings of key infrastructure delivery should be provided as part of this programme.]

1.68 The council would like the opportunity to refer to a recent Court of Appeal decision (St Modwen v SSCLG [2017] EWCA Civ 1643) regarding the interpretation of paragraph 47 of the National Planning Policy Framework, with regard to the level of proportionate evidence required to demonstrate sites are deliverable and/or developable.

1.69 The Dewsbury Riverside High Level Delivery Statement (April 2017) was an initial high level assessment of the potential delivery of H2089, with the subsequent Dewsbury Riverside Delivery Framework providing a summary of the substantial evidence base with regard to the delivery of H2089 (SS14). Alongside the Statement of Common Ground prepared jointly between the council and the site promoter (SC004) provided for the examination to confirm the site promoter's evidence on the delivery programme in January 2018.

1.70 Further work has since been undertaken in relation to the phasing of delivery on this site, with the site promoter preparing a Phasing Storybook for the proposed scheme, which builds on the information in the Delivery Framework. In summary this demonstrates how by the end of the first five years of the local plan 710 units will have been built with an additional 290 units having detailed planning permission, and 405 outline planning permission, alongside the necessary infrastructure required.

- k) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Dewsbury and Thornhill be affected? Are there exceptional circumstances that justify altering the Green Belt? Is there evidence to demonstrate that the section of the site likely to come forward beyond 2031 would be justified and needed to meet housing requirements in the longer term?**
- 1.71 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.
- 1.72 NPPF paragraph 80 states that one of the purposes of the Green Belt is to prevent neighbouring towns merging into one another. The Kirklees Green Belt Review (SD19) examined the Green Belt around each settlement for the degree to which it performed a Green Belt role and function. Test 2a of the review methodology considered to what degree Green Belt land played a role in preventing neighbouring towns merging. At paragraph 3.13 the Green Belt Review states “The relative importance of an area’s contribution to this purpose depends on the extent of the current separation of built-up areas and the degree to which an extension of development into Green Belt could be accommodated without significantly reducing separation from neighbouring built-up areas. The extent to which features such as slopes, tree cover or roads and railways would screen it so that there would be no significant appearance of merging was also considered.”
- 1.73 Accepted option H2089 adjoins Green Belt edges DS13 and DS14 where the Green Belt Review has concluded that settlement extension could be accommodated without significantly undermining the role of the Green Belt provided that separation between Dewsbury and Thornhill is retained. The size of the option does narrow the gap between the southern extent of Dewsbury and the northern edge of Thornhill to a large degree, but significant undeveloped areas remain which will prevent physical merger. In addition, the perception of merger is largely eliminated by the local topography. Thornhill is at a significantly higher level than H2089 meaning that views to the south and east across the site towards Thornhill will be to a wooded and undeveloped backdrop. The plateau north of Foxroyd Lane in Thornhill and the existing trees at Foxroyd Wood prevents the site from being seen from public vantage points in Thornhill. There is therefore little or no visual link between Thornhill and H2089 as an extension to Dewsbury and therefore the role of the Green Belt is not compromised.
- 1.74 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 46)
- 1.75 The site boundary including the component to be delivered beyond the plan period delivers a sustainable urban extension to be developed in accordance with a comprehensive masterplan, as demonstrated through the Phasing Storybook (SS14). It is important for a scheme of this scale where significant infrastructure decisions will need to be made early in the life of the project for there to be certainty about overall scale of development and the associated scale of infrastructure required for the entire site. It is therefore justified to allocate the extent of the site including that to be delivered beyond 2031.

**H40 – land south-west of Sheep Ings Farm, Granny Lane, Mirfield
(74 dwellings)**

a) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE67) be specified in the Plan?

1.76 The impact of the proposal on the heritage asset has been appropriately assessed and addressed in accordance with the NPPF (NE1, chapter 12). This approach is set out in the HIA for H40 (LE67). Section 6 of the HIA, as set out below demonstrates that identified impacts can be mitigated, however it is considered appropriate to allow a range of mitigation measures to be considered at the design stage of the planning application and not be specified in the local plan. As such Policy PLP35 is considered the appropriate mechanism to secure mitigation measures, with document LE67 a reference document at the time of the determination of the planning application.

“6.1 The advice below has been given in order to provide guidance on how the harm to the heritage assets may be mitigated. Each one of these options needs to be explored further as part of the design process for the site but this list is not exhaustive and alternative options should also be considered. Any mitigation / enhancement options need to be discussed and agreed with Kirklees Planning and Development. All development in any area of the site which is deemed to have any significance to the asset, however slight, should be treated as being within the setting of a heritage asset and should be in accordance with policy PLP35 of the Kirklees Local Plan.

6.2 The areas of the site that have been identified as having high significance are very important to the significance of the asset and careful consideration is required to assess if the harm is substantial or less than substantial and whether the harm can be mitigated. In this case it is the opinion of this report that the loss of this area of open land would result in substantial harm and should be retained as open land.

6.3 The areas of the site that have been identified as having moderate significance are important to the significance of the asset and require assessment with the assumption that any harm will be less than substantial and can be mitigated. This area of open land has been identified as having moderate significance due to the unusual field boundary and as such this boundary should be retained in order to mitigate the harm to the asset.

6.4 Areas of the site which have been identified as having slight significance have been assessed as providing some contribution to the asset. It is the opinion of this report that despite the slight significance of the area, it is still considered to be within the setting of a heritage asset and as such any proposals for this area should be in keeping with policy PLP35 of the Kirklees Local Plan, as stated above, in order for there to be no harm to the heritage asset.”

b) Is the site available and deliverable in the timescale set out in the Council’s housing trajectory?

1.77 The site is available and has a willing landowner identified through the call for sites process. The land has been identified as being available immediately. The site is deliverable as set out in EX30.2 (scheduled to start in 2020/21).

c) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

1.78 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.

1.79 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, 51)

H205 – land to the east of Slipper Lane, Mirfield (21 dwellings)

a) What is the relationship between site H205 and MX1929 (see section below)? Should they be combined in a single text box/policy and a joint Masterplan required?

1.80 MX1929 has an extant planning permission that comprehensively plans for the site 2014/90688 (BP29.1, page 146), whilst H205 is a self-contained site (BP29.1, page 54), as such they would not benefit from combined text box or masterplan.

b) Is the site available and deliverable in the timescale set out in the Council's housing trajectory?

1.81 The site is available and has a willing landowner identified through the call for sites process. The land has been identified as being available immediately. The site is deliverable as set out in EX30.2 (scheduled to start in 2020/21).

c) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

1.82 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.

1.83 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 54)

H333 – land to the east of Northorpe Lane, Mirfield (48 dwellings)

a) Is the site available and deliverable in the timescale set out in the Council's housing trajectory?

1.84 The site is available and has a willing landowner identified through the call for sites process. The land has been identified as being available immediately. The site is deliverable as set out in EX30.2 (scheduled to start in 2020/21).

b) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

- 1.85 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.
- 1.86 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt. (BP29.1, page 49)

MX1905 – land east of 932-1110 Leeds Road, Shaw Cross/Woodkirk, Dewsbury (1,535 dwellings and 122,500 m2 employment)

MX3394 – Lees House Farm, Leeds Road, Dewsbury (38 dwellings and 3,816 m2 employment)

a) What is the relationship between sites MX1905 and MX3394? Is access between the sites achievable given the Public Rights of Way along the south-eastern and northern boundaries of MX3394?

- 1.87 Site option MX3394 has been promoted a separate land owner to MX1905. The Local Plan as currently drafted indicates that 'access' to MX1905 should be provided as part of the allocation. MX3394 was promoted by its landowner further to the council's publication of the Draft Local Plan. The site promotion evidence provided indicates that the site is available immediately for development and has no known site constraints. The site promoter has also confirmed that the site has the potential to provide a new junction and road to enable access to MX1905. The council do recognise that the public rights of way could present a barrier to this opportunity, however there is a potential for public rights of way diversion to address this issue as part of any new development should it be required.
- 1.88 While access could be achieved to MX1905 via this site, the transport evidence for MX1905 does not rely on it. Given that the landowner is willing to have to meet this requirement the council consider this is a useful contingency scenario, if required. This is a site that would benefit from being included in a wider masterplan for MX1905 so that issues regarding access in terms of connectivity and pedestrian/cycle access can properly considered as a whole, but the site is capable of being developed independently for approximately 38 dwellings.

b) How was the proposed mix of uses and the amount of dwellings/employment floorspace determined? Is there evidence that this mix is viable and deliverable? Should the Plan provide clearer details regarding the type/form of employment floorspace anticipated on MX1905, as set out in Table 3.2 of Interim Transport Assessment Scoping Note 2016 (SS13)?

- 1.89 A detailed masterplan (SS13) has been submitted to the council setting out the mix of uses across the site together with the amount of dwellings and amount of land for employment uses. The masterplan indicates that other uses of land are proposed, including a school, local centre and extensive areas of green infrastructure. This general location had been identified as a potential strategic employment location in work previously carried out by the council and was also well placed to co-locate residential development with this to form a sustainable urban extension site. The mix of uses is a result of ongoing discussions between the council and the site promoter to determine what might be deliverable and developable in relation to the role and function of the green belt, the need to identify land for jobs and

homes when compared to other alternatives, the capacity of the highway network and the production of a sustainable development which can preserve amenity of current and future residents in the area. This has resulted in a masterplan which will provide essential physical infrastructure and significant open areas of green infrastructure, which take into account the topography and contours of the site.

- 1.90 The mix of land uses are considered to be viable. The council has commissioned its own high level assessment of the viability of the allocation as set out in the [Kirklees Local Plan and Community Infrastructure Levy Viability Study 2015](#) and its addendum (CIL1 and CIL2). The site is also considered to be developable – the site is available, in a suitable location for housing development, accords with the spatial development strategy of the Local Plan, there are no insurmountable constraints and there is a reasonable prospect that the site will be delivered in accordance with the phasing evidence presented by the site promoter.
- 1.91 At the time of drafting the Interim Transport Assessment (TA) (August 2016) the exact employment development mix was unknown and an even split between B1(a) Business (Office) (25%); B1(c) Business (Light Industry) (25%); B2 General Industry (25%); and B8 Storage or Distribution (25%) was assumed in agreement with the council for the purposes of testing potential trip generation and transportation/highways impacts. This assessment considered a high proportion of B1(a) Business (Office) space, the highest employment trip generator of the mix. As such, the assessment considers a robust ‘worst case’ from a transport and highways perspective in terms of trip rates and trip generation.
- 1.92 The council’s approach for type/form of employment floorspace is set out in the council’s response to Matter 26. The Plan is considered to provide flexibility within the B use classes to ensure suitable ratios (see response to Matter 26, question m) can be achieved on allocations in order to meet the local needs of different sectors and the intentions of landowners/businesses and changes in circumstances. This flexibility is based on the expectation that development proposals will create jobs and address the objectives of the Kirklees Economic Strategy and the Leeds City Region Strategic Economic Plan.
- 1.93 The NPPF (paragraph 14) requires that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. Therefore employment allocations should remain attractive to the market and not restrictive in terms of viability.
- 1.94 The Council’s approach is considered justified and clearly articulated the Allocations and Designations document (SD2) paragraph 2.1 and the site allocation text boxes in Part 2 of the Plan clearly state that these sites are allocated for use as employment and that they have been allocated to meet the employment requirement.

c) How does allocation MX1905 fit with the Leeds City Region Strategic Economic Plan and the Kirklees Economic Strategy?

- 1.95 The Kirklees Economic Strategy (KES) sets the following vision for the district:

“Our vision for Kirklees to be recognised as the best place to do business in the North of England and one where people flourish in all of our communities”.

- 1.96 The KES sets five priorities to deliver this vision all of which can be supported through site allocations of strategic significance to assist the growth of business and industry, these priorities are:

- **Precision engineering and innovative manufacturing:** strength in depth and excellence;
- **Innovation and enterprising businesses:** championing creativity, entrepreneurship and resilience;

- **Workforce, skills and employment:** extending opportunities and powering business success;
 - **Infrastructure:** making it easier for businesses to succeed and for people to access work; and
 - **Quality places:** locations of choice for people, business and investment.
- 1.97 Paragraph 2.21 of the Employment Technical Paper (SD22) clarifies that the KES targets growth of the engineering and manufacturing sector (Priority One) through a range of measure including the need to provide major new sites and developments, better links to innovation assets and supply chains. The KES (LE6) also recognises the diverse nature of Kirklees and the requirement for a varied approach; therefore the degree of change needed will range and the response to some areas will be evolutionary (page 1, paragraph 6, KES Summary).
- 1.98 Six headline initiatives have been identified as having the potential to drive forward this transformational change. These headline initiatives are large scale investments and will require integrated action across stakeholders to ensure delivery. Two of the key six headline initiatives include the need to 'consolidate Kirklees as the heart of a growing innovative manufacturing and engineering cluster in the LCR' and to deliver 'strategic employment sites to stimulate jobs and growth, with focus on manufacturing and engineering' (KES Summary (LE6) page 2, The Six Headline Initiatives).
- 1.99 The KES also aligns its priorities with the Leeds City Regions Strategic Economic Plan (LCR SEP) (CR9) and in particular intends to be at the forefront and lead with a focus on innovative manufacturing. The LCR SEP (CR9) recognises a number of the key assets for the city region which includes research and development and innovation assets and a manufacturing workforce of around 140,000 placing the city region at the heart of the UK's advanced manufacturing and engineering industry (page 44).
- 1.100 Page 32 of the LCR SEP (CR9) identifies Kirklees as having strong commuting and business connections with Leeds and relationships with neighbouring authorities such as Calderdale, Bradford and Wakefield in addition to important links to Manchester and Sheffield. Assets of the Kirklees district which are of city regional importance include world leading engineering and textile businesses, cutting edge innovation and creative businesses. Recognition is also afforded to the fact there are major employment growth opportunities at Cooper Bridge, Chidswell and through the M62 Enterprise Zone sites at Lindley Moor and Mirfield.
- 1.101 LCR SEP Priority 4 (page 75, Infrastructure for Growth) seeks to support the City Region to grow and compete globally through a range of Key Action Areas. Key Action Area (A) (Integrated Spatial Priority Areas) includes key action (Aiii) which focuses on employment growth areas (including mixed use employment site and enterprise zones). The priorities for key action (Aiii) include:
- Accelerate delivery of employment growth areas and supporting infrastructure to facilitate sustainable job growth
 - Identify and deliver upfront infrastructure to tackle development constraints
 - Deliver a comprehensive inward investment and marketing solution for all Leeds City Region Enterprise Zones
- 1.102 The SEP has a place-based focus which applies an integrated set of Spatial Priority Areas. These are set out on page 77 and identifies Chidswell (22), Cooper Bridge (25) and Lindley Moor East and Lindley Moor West as Employment Growth Areas. These are also listed in the table on page 79. Included within these Employment Growth Areas are the City Regions Enterprise Zones and includes the M62 Corridor Enterprise Zone capturing sites within Kirklees (page 80).

- 1.103 These new Enterprise Zones capitalise on existing concentration of manufacturing businesses within West Yorkshire, maximising the value of the M62 Corridor as a strategic location ideally suited to facilitate access to a wide pool of skilled workers and has the potential to deliver approximately 100 hectares of new employment land for the advanced and innovative manufacturing sector (page 81).
- 1.104 MX1905 is located along the M62 corridor, and is a site of strategic significance to the Kirklees district and in particular in meeting the needs and growth aspirations of established manufacturing and engineering firms. The allocation of the site is therefore consistent with the objectives set out in both the KES and LCR SEP, particularly with supporting the objective of driving forward growth in the advanced manufacturing and precision engineering sector.
- d) Should the Plan clearly specify the number/location of access points required and highways/transport infrastructure requirements? Has the necessary third party land been secured for access solutions to MX1905?**
- 1.105 The council considers the Local Plan provides sufficient detail to appropriately assess the level of development the site could deliver and the potential impacts. In terms of site access and traffic impact the masterplan has been tested by the accompanying Interim Transport Assessment (TA) (August 2016). The proposed points of access to site MX1905 set out in this report are agreed as acceptable in principle with the council. The site will be accessed from several points from the existing public highway, including the A653 (Leeds Road) to the west and Heybeck Lane to the north. No objections have been raised regarding the potential points of access to site MX1905 from internal and statutory consultees. The Interim TA (August 2016) concludes that all proposed site accesses would operate well within their theoretical capacity in both future year scenarios tested (2020 and 2030). The council considers that the exact number and location of access points would be best considered at the planning application stage and that the plan should remain sufficiently flexible to deal with changing circumstances over the plan period. The council understands that the site promoter has secured control over the access points.
- e) Does the Plan provide sufficient detail on other infrastructure requirements for site MX1905, including education, open space, other recreation facilities and the provision of a Local Centre? Should the Plan specify the amount of land required for the provision of facilities, along with details of timing/phasing? How and at what stage will provision be made for early years/childcare and secondary education facilities?**
- 1.106 The Local Plan provides sufficient detail on infrastructure requirements and phasing through policy PLP4 and PLP5. The masterplan is the appropriate mechanism to define the quantum and location of infrastructure provision. The masterplan responds effectively to these policy requirements and provides a framework for the future determination of planning applications.
- 1.107 Early learning & childcare places may need to be provided for as part of the new primary school development. There may also need to be a commercial and/or voluntary sector opportunity through the provision of appropriate facilities as part of the proposed community hub.
- 1.108 Financial contributions to meet demand for secondary school places during the plan period will be secured by S106 obligation, in accordance with the Councils policy 'Providing for education needs generated by new housing' as housing development comes forward.
- 1.109 The Local Plan and CIL viability study addendum (CIL2) tests the overall viability of the proposed allocation, it made assumptions (including abnormals) to cover infrastructure costs

relating to the development without identifying specific projects or schemes. Therefore viability evidence did not explicitly define size/form of the local centre. The masterplan outlines the spatial extent of the local centre, whilst through partnership working and local community engagement the composition of the local centre will be defined.

1.110 In relation to open space, the masterplan indicates significant areas of green infrastructure likely to be well in excess of the open space standards set out in the policies of the Local Plan. The provision of green infrastructure within the site would be delivered alongside the phased housing delivery and as this is located throughout the site it would be inappropriate to specify exact timescales for the delivery of each element of the open space provision.

f) Should the proposal provide clearer detail on mitigation required in association with biodiversity and landscaping on site MX1905, including the retention of existing woodland habitats? Has ecological and arboricultural survey work been completed?

1.111 Extended Phase 1 Habitat Survey report was completed in December 2016. The Survey report did not identify any fundamental ecological constraints to the principal of development on the site, subject to the further detailed survey work and the incorporation of appropriate design and mitigation measures. The site boundary has sought to exclude existing woodland habitats from the development area and protection for these areas is afforded through relevant Local Plan policies. The submitted masterplan has also carefully considered landscape and topography issues in its evolution. As set out in the council's response to Matter 26, the council does not consider it necessary to include information on the above points for reasons of soundness, as set out above. These factors have been taken into account, where relevant, in the assessment of site allocations through the plan making process. The council considers that prescribing mitigation measures through policy will not provide the Local Plan with sufficient flexibility to respond to changing circumstances and/or each and every permutation of the development process. Site specific mitigation and enhancement considerations are better explored as part of the pre-application/planning application process as this will serve to identify bespoke measures that are specific to the form of development proposed (and which may differ from the options for mitigation/enhancement identified within the Council's own evidence base at this point time, the role of which has been to provide evidence to justify the allocations in the Local Plan at a proportionate level).

g) Have constraints for site MX1905 relating to air quality, flood risk, drainage, noise, odour, contamination and land stability been satisfactorily investigated and addressed? Are related mitigation measures and requirements clearly expressed in the Plan? How have these constraints/measures impacted on the viability of the scheme?

1.112 The site box sets out the required assessments to mitigate against the identified constraints and as this is a strategic site, assessments already been undertaken for a number of these key issues to ensure that mitigation is possible to ensure delivery of the anticipated capacity.

1.113 Evidence prepared by the site promoter has assessed flood risk and drainage, contamination and land stability, and confirms there are no insurmountable issues and the principle of development on this site is suitable, deliverable and achievable. The council agrees with this evidence. The site is located in Flood Zone 1. A Drainage Feasibility study has been undertaken to identify drainage capacity requirement on the site and the council is conducting its own drainage work to support the delivery of this allocation. Ground investigation work has been undertaken and there are no issues which would preclude the development of this site.

1.114 The Kirklees Council Air Quality Assessment document (LE118) provides a technical assessment of the impact of the growth proposed in the local plan upon air quality and

carbon emissions. The assessment concludes that the overall effect of the Local Plan on local air quality is considered to be not significant (LE118, chapter 6, page 21). The impact on air quality, noise, contamination and land stability have been assessed with conclusions presented in the Accepted Site Options Technical Appraisal (BP29.1), no significant constraints were highlighted that would prevent the site from being considered deliverable.

1.115 With regard to financial viability, development cost reports have taken into account the identified constraints identified in the technical reports. This work was taken into account in the Growth Delivery Statement prepared by Cushman and Wakefield in April 2017. The Statement assesses the deliverability of the Kirklees Local Plan and includes viability studies for the residential led strategic allocations, which were assessed as viable and deliverable, incorporating allowances for the policy standards of the Local Plan.

h) The housing trajectory indicates that 355 dwellings will come forward within five years, with the first units delivered in 2019/20. To date no planning application has been submitted. Are the estimated delivery timescales reasonable and justified?

[the Council is requested to provide a detailed delivery programme which sets out phasing information relating to different parts of the sites and timings of key stages, including preparatory work, marketing/appointment of housebuilders/development companies, EIA work if necessary, Section 106 work, other legal and contract work, preparation of outline/full/other applications, planning application determination, discharge of conditions, site preparation, commencement of development. Anticipated timings of key infrastructure delivery should be provided as part of this programme.]

1.116 The council would like the opportunity to refer to a recent Court of Appeal decision (St Modwen v SSCLG [2017] EWCA Civ 1643) regarding the interpretation of paragraph 47 of the National Planning Policy Framework, with regard to the level of proportionate evidence required to demonstrate sites are deliverable and/or developable.

1.117 The Chidswell Delivery Statement was an initial high level assessment of the potential delivery on MX1905 undertaken in April 2016 and the Statement of Common Ground prepared jointly between the council and the site promoter (SC001) was provided for the examination to confirm the site promoter's evidence on the delivery programme in January 2018. Further work has since been undertaken in relation to the phasing of delivery on this site and the April 2016 Delivery Statement has now been superseded by a revised Delivery Statement (Delivery Statement and Delivery Programme January 2018) which sets out the detailed phasing strategy for this site, infrastructure delivery trajectory, delivery record the landowner and key project plan dates and milestones with the first phase of development planned for 2020/21.

1.118 A formal pre-application submission is under preparation for a first phase of development in accordance with the overall site masterplan. This will be submitted to the LPA alongside an EIA screening request.

i) What effect would the proposed boundary changes and allocations have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Dewsbury and settlements within Wakefield be affected? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?

1.119 The full green belt assessment for this site is set out in appendix 1 at the end of this hearing statement.

- 1.120 The council considers that while the gap between Dewsbury (Chidswell) and Gawthorpe would be narrowed it will still continue to perform its key purpose to avoid the physical merger of settlements and the other purposes of including land in the green belt. The council has worked alongside the site promoter to fully understand this issue and agrees with the evidence set out in the 'Appraisal of Proposed Southern Allocation Boundary' document (SS13).
- 1.121 Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.

Appendix 1

Matter 34: Impact of the allocation on the Green Belt and the purposes of including land within it

Dewsbury and Mirfield

Green Belt Review tests 2 and 3

The edge reference and value reflects the Green Belt Review outcomes (SD19 and SD20)

Tests 2a to 2c are site specific assessments of the degree to which land performs a green belt role and function following the methodology for those tests set out in the Green Belt Review (SD19)

Test 2d defaults to 'green - no impact' in all cases. This follows Stage 1 hearing discussions and is set out in the Council's note; Green Belt Review (SD19) Test 2d Reassessment (ID17). Struck-through text removes reference to the setting of historic assets.

Test 3: One of the purposes of including land in the green belt is "to assist in urban regeneration, by encouraging the recycling of derelict and other urban land" (Green Belt Review page 17). By constraining the potential for the expansion of built-up areas the green belt will direct development pressure towards opportunities to recycle land within urban areas and thereby achieve urban regeneration. The green belt is considered to support this green belt purpose equally throughout Kirklees. Test 3 is not included within the Green Belt Review matrix (Green Belt Review Appendix 1) and the Test 3 column is therefore neutral.

Site Allocation Methodology

Site specific assessment of the ability of the site to present a strong new green belt boundary and its relationship to the existing settlement form, following the assessment methodology set out in BP23 Local Plan Methodology Statement Part 2

		Green Belt Review					Site allocation methodology		
		Test 2				Test 3	Assessment set out in BP29.1		
Option	Edge ref and value	2a: merger	2b: sprawl	2c: encroachment	2d: historic towns	urban regeneration	Suitability of potential boundary	Relationship to settlement	Assessment set out in BP29.1
H307 Long Lane Earls - heaton	DE13_3	Restricted gap to Wakefield	Well contained	Limited relationship to countryside	No impact		Good	Settlement extension. Additional land release required	This site sits between the settlement edge and existing properties on Long Lane and could represent a small settlement extension between existing built form. There is no risk of sprawl as the site is contained on three sides by urban features and on the forth by a watercourse. The scale of the option has limited impact on the function of the strategic gap with Wakefield
H559 Leeds Road Chidswell	DE6_3	Some impact on strategic gap to Wakefield	Well contained	Area of urban fringe risks further encroachment	No impact		Good	Some degree of rounding off with development to west	Removal of the site from the green belt would narrow the extent of the green belt between Kirklees and Wakefield. The green belt in Wakefield is urban fringe and is characterised by sporadic development along Owl Lane. This strengthens the strategic role of existing undeveloped areas which help to maintain the appearance of separation. Development of the site would restrict the remaining undeveloped frontage on Owl Lane to a narrow field on the Wakefield boundary so an undeveloped gap, although narrowed, would remain. The site is well contained by roads and existing development on three sides but would breach the existing strong edge along Windsor Road.
H661a High Street Batley	DE4_4	Restricted gap	Reasonably well contained	Link to wider countryside limited by relationship to settlement edge	No impact		Boundary to north present but not strong	Settlement extension. Very minor additional land release required	This site is mostly located between existing development fronting High Street and the line of Challenge Way and as such is both reasonably well contained and well related to the existing settlement form. The northern extent of the site does begin to project into more open land north of High Street but does have a defensible boundary which would prevent sprawl. The degree of containment limits the relationship of this site with the wider countryside and it could be removed from the green belt without undermining the role and function of the green belt in this area.
H46 Dewsbury Rams	DE8_5, DE9_B	Restricted gap to Wakefield	Permission for development granted	Permission for development granted	No impact		Difficult to define - will be formalised by development for which permission has been granted	Settlement extension. Additional land release required.	Planning permission for 206 dwellings was granted on 27th November 2014 (2014/90780) and development commenced on site in 2015. The granting of permission for this development effectively means that the site cannot now perform a green belt role and function. Commencement on site renders the permission valid in perpetuity. National guidance states that the green belt should not include land that it is unnecessary to keep permanently open and there is therefore no further need to retain this site in the green belt.

H2089 South Dewsbury	DS13_3, DS14_4, DS15_B	Some impact on strategic gap	Large site but contained by landform and land use features	Part of wider countryside	No impact		Good	Settlement extension. Very minor additional land release required	The scale and extent of this site begins to impact on the strategic role of the green belt in this location by reducing the gap between Dewsbury and Thornhill, although the landform to the south and the remaining gap prevents any risk of physical merger. The site is well related to the form of the settlement in this location and presents defensible new green belt boundaries. The land begins to rise towards the south where development could be more prominent.
H40 Granny Lane Mirfield	MF5_1	No impact	Well contained	Limited relationship to countryside. Urban fringe	No impact		Boundary to north east not well defined	Settlement extension. Minor additional land release required	This site sits in an area of urban fringe where there is existing sporadic development in the green belt. The site is between existing residential development and mixed residential and industrial property at the junction with Hagg Lane. This is a flat, well contained site with clear boundaries to three sides. There is no risk of sprawl although the north eastern boundary is less well defined and would leave the property between the site and Granny Lane vulnerable to encroachment.
H205 Slipper Lane Mirfield	MF20_3	No impact	Well contained	Not part of countryside	No impact		Good	Infill	This specific small area of green belt is physically separated from the wider green belt at Mirfield Moor by the line of Slipper Lane. It is an entirely contained area and appears as residential curtilage. The removal of this site from the green belt would have minimal impact on openness and would not undermine the role and function of the green belt in this location.
H333 Northorpe Lane Mirfield	MF10_2, MF9_R	Would not signific -antly reduce narrow gap separating Mirfield and Ravens - thorpe	Well contained	Some relationship to wider countryside	No impact		Boundary to north present but not strong.	Rounding off	This site sits between the settlement edge and the line of the former railway which could form a new green belt boundary. The extent of the land release would not significantly impact on the strategic green belt gap separating Mirfield from Ravensthorpe as the line of the former railway prevents any further eastern encroachment. This is an area of urban fringe and the site is different in character to the wider agricultural landscape and could be released from the green belt without undermining the role and function of the green belt in this location. The northern boundary although weak, is present.
MX1905 Leeds Road Shaw Cross/ Woodkirk Dewsbury	DE5_5, DE6_3	Impact on strategic gap with Wakefield	Large site but reasonable degree of containment by existing development and woodland	Encroach - ment into wider countryside and impact on woodland	No impact		Weak in places	Settlement extension. Additional land release required	The extent of this site means that development would significantly impact on the strategic gap between Kirkstall and Wakefield, although the presence of green belt within Wakefield would prevent physical merger. The site is partly contained by Chidswell to the west, ribbon development along Leeds Road and along Hey Beck Lane to the north and there are opportunities for containment including the woodland blocks at Dum Wood and Dogloitch Wood. The site appears as open countryside and there are priority habitats within or adjacent to the site.
MX3394 Leeds Road Shaw Cross	Detached	No impact	Limited by site extent and ground features	Some visual impact	No impact		Good	Relationship with strategic site MX1905	The small site has no boundary with the edge of Chidswell although it is only separated from it by a small paddock to the rear of 932 and 934 Leeds Road. This area of land would need to be released from the green belt in order to give the site option a relationship to the settlement. This site lies to the rear of ribbon development along Leeds Road and it is contained by development to the south and west, the existing buildings to the north and a reasonably strong field boundary to the east. Development could be contained with little risk of sprawl or encroachment into the countryside.