

Kirklees Local Plan Examination Hearing Statement

Our ref 50511/JG/CD
Date January 2018

Subject **Matter 34 Hearing Statement on behalf of KeyLand Developments Ltd– Site H2089**

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of KeyLand Developments Ltd (“KeyLand”) and responds to the questions set by the Inspector in relation to site H2089 (Dewsbury Riverside site) within Matter 34.
- 1.2 We have previously made representations to the Local Plan consultation, including at Stage 1 of the examination, regarding this site and in particular regarding the likely shortfall of housing which will occur as a result of the unrealistic lead-in times and phasing/delivery rates which have been applied in the draft Plan. These concerns remain, and are elaborated upon within this Statement.
- 1.3 This Hearing Statement should be read in conjunction with our representations submitted during the Local Plan Consultation (2016) on behalf of KeyLand (Lichfields representor ID: 969464).

KeyLand Developments

- 1.4 Prior to responding to a number of the questions specifically posed by the Inspector, we consider that it is important to set further detail about KeyLand.
- 1.5 Keyland is part of the wider Kelda Group and a sister company of Yorkshire Water. In addition to regenerating former Yorkshire Water sites, KeyLand also works with other landowners to unlock the potential of sites to contribute towards the land supply and delivery much needed new housing.
- 1.6 This is the case in Kirklees. In addition to acting on a number of former Yorkshire Water site, KeyLand are promoting land presently identified as Green Belt at Windy Bank Lane, Hightown, within the Batley and Spen part of the District. Although not presently allocated this site (Ref. H596) could accommodate approximately 160 dwellings.
- 1.7 Given the need for additional sites to be identified in the Plan to address the full objectively assessed need for housing and make up for the shortfall in delivery from the Dewsbury Riverside site as discussed in this statement, the other very large allocations (H1747 and MX1905), as well as other sites which have been demonstrated to be undeliverable, KeyLand would welcome the opportunity to bring this site into the Plan, in order to help meet identified housing needs. Detailed assessments have supported our submissions to earlier drafts of the Local Plan and pre-application discussions with the Council are ongoing and this has demonstrated no technical constraints to the delivery of housing on this site.

1.8 Although the rejected Windy Bank Lane site (Batley and Spen) is within a different sub-area to Dewsbury Riverside (Dewsbury and Mirfield) its inclusion as a housing allocation in the plan to address an element of the identified shortfall in delivery from this site (as discussed below) would have no material change on the overall Spatial Development Strategy or Policy PLP3.

1.9 It is in this context that our response to the Inspectors questions are made.

2.0 *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?*

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

Question (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?

2.1 No comment.

Question (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?**
- ii **How would the strategic road link be funded, and what effect would it have on the viability of the development scheme?**
- iii **Are other potential options being investigated?**

2.2 The submitted site specific evidence (SS14) provides no robust assessment or confidence that the 'strategic highway intervention' which will be necessary to deliver the number of homes stated in the latter part of the Plan Period can be provided.

2.3 The Delivery Framework refers to the provision of a bridge from the A644 at Low Mill Lane, crossing the River Calder and railway, then running through the site and onwards to Dewsbury town centre via Forge Lane and Savile Road.

2.4 The Land Use Masterplan within the Delivery Framework does not make any allowance for this strategic link road, and in fact shows an area of proposed 'community woodland' at the point where the road would enter the site from the west after crossing the River Calder and trans-Pennine railway. From this point, the route through the proposed masterplan is impeded by areas of residential development, a primary school and the local centre. The masterplan should therefore be revised to show this strategic route, and the site capacity also revised on the basis of a reduced developable area. It may be necessary to identify additional housing sites to make up for this shortfall.

2.5 No detail is provided on how the strategic road link would be funded, and what effect would it have on the viability of the development scheme. This raises serious concerns about the whether the allocation will be ever be delivered in full.

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

2.6 No comment.

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

2.7 No comment.

Question (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?

2.8 The Plan lists social infrastructure requirements for the site in the ‘Other site specific considerations’ section in Part 2 of the Plan. The Delivery Framework (SS14) recognises the need for a local centre to be provided as part of the development; however this is not listed in the Plan and should be added.

2.9 The Delivery Framework document lists at page 54 a selection of uses which could be incorporated into the local centre, including a ‘well-being hub’ with GPs, pharmacy and opticians, a day nursery and soft play, a gym, community cafe, a faith centre, small retail facilities and some housing to animate the centre at night. However, the adjacent land schedule on page 54 of the same document only allows for 1.5 hectares of land to accommodate all of these uses, which is considered to be too low. Further comments on site capacity are provided in response to Question (i) below.

2.10 In response to the final part of Question (e), it is not clear from the submitted documents what size/form of Local Centre was factored into the Viability Assessment, and this adds further ambiguity and further reduces the robustness of the proposed development.

Question (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?

2.11 No comment.

Question (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?

2.12 The Landscape Framework Plan produced by TPM Landscape (Page 47, Delivery Framework Document, SS14) clearly shows an area of development ‘stand-off’ to the steep slopes and highest ground across the southern portion of the site, to provide a positive interface with adjacent farmland and to reduce visual impacts upon the valley ridge line. Furthermore, the first bullet point on page 48 of the same document states that a strong landscape buffer along the southern boundary of the site should be created.

- 2.13 The Land Use Plan on page 53 of that document pays scant regard to these findings, and proposes residential development in identified ‘stand-off’ area, potentially leading to an unacceptable impact on the adjacent Green Belt landscape. If the Land Use Plan was revised to accord with the findings of the Landscape Framework Plan, it is likely that the overall capacity of the site would be reduced.

Question (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?

- 2.14 No comment.

Question (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)?

- 2.15 Based on the evidence within SS14, it is considered that the total site capacity of 4,000 dwellings stated in the Plan is wholly unjustified.

- 2.16 The Land Schedule and Density Range Possibilities tables on page 54 of the Delivery Framework document show that to achieve a capacity of 4,000 units, a residential density of 41 dwellings per hectare (dph) is necessary. The median residential density achieved across Kirklees between 2006 and 2015 is 35dph (Table 8, Housing Technical Paper, SD23), and this has led the Council to use 35dph as a basis for calculating the capacity of proposed allocations, minus any significant development constraints (para 5.16, SD23). No justification is shown in the documents within SS14 as to why an average residential density of 41dph is considered to be appropriate at Dewsbury Riverside, and, when this is applied across the residential areas of the site (97 hectares), it equates to an inflation of approximately 600 dwellings compared to a density of 35dph.

- 2.17 As well as a particularly high average residential density, the proposed masterplan for the site shows residential development within areas which are identified in the landscape appraisal as to be reserved for a landscape buffer at the south of the site (see response to Question (g)). It also shows residential and educational development parcels within areas which are identified as containing high voltage power lines, a HSE blast zone, and land with a gradient greater than 1 in 7. These constraints will reduce and in some cases completely prevent residential development.

- 2.18 It is therefore clear that, notwithstanding concerns regarding viability and lead-in times/delivery rates, the site will not achieve the total indicative capacity stated within the Plan. To counter this, it is recommended that the Plan allocates additional smaller to medium sized housing sites which are deliverable in the shorter term and can make up for this shortfall.

Question (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?

- 2.19 As set out in our representations to the Stage 1 hearings, it is considered that the delivery timescales for this site are wholly unreasonable and unjustified.

- 2.20 Our response to this question draws on evidence from a recent research piece undertaken by Lichfields entitled ‘Start to Finish’. This research was referred to by the Inspector in the MIQs at Stage 1 (Matter 4), was discussed in the corresponding hearing sessions, and was included at Annex 1 of our Matter 4 Hearing Statement. It shows that, for sites of more than 2,000 units, the average planning approval period (i.e. the amount of time taken from first outline application validation to delivery of first dwelling) is almost 7 years.
- 2.21 Part of Site H2089 already has outline planning permission for a total of 240 dwellings. Our research shows that the planning approval period for sites of this size is usually 4 years. The outline planning applications were submitted in December 2016. For consistency with our assessment of Site H1747 in our Matter 30 Hearing Statement, and to provide a best case estimate, we have calculated the delivery of the balance of site H2089 based on a planning approval period of 6.5 years.
- 2.22 The Start to Finish research shows that the average build rate for sites of more than 2,000 units is around 160 dwellings per annum (dpa). For sites of 100 – 499 units (i.e. the UDP allocation), the average build rate is 60dpa. It is however important to recognise that these average figures are taken from sites predominantly within higher value market areas than south Dewsbury, and therefore represent a best case scenario in respect of this site.
- 2.23 A comparison of the lead-in time and build rate assumed by the Plan and that based on our extensive research is shown in Table 1 below. For the purpose of this exercise and consistency with our assessment of Site H1747 we have assumed an application will be submitted on the balance of the site in late August 2018

Table 1 Lead-in times comparison, Site H2089

	Year of first delivery	Total Plan Period delivery
Housing Trajectory*	2018/19	2,310 ¹
Lichfields Evidence	UDP allocation – 2020/21	1,200 ²
	Remainder of site – 2025/26	
Shortfall		1,110

*Taken from EX30.2

- 2.24 A shortfall of over 1,000 dwellings from this one site within the plan period is a significant deficit, equating to around 5% of the District’s entire housing land requirement. When this is added to the shortfall from the strategic allocations at Bradley Golf Course (H1747/H351) and Chidswell (MX1905) (as discussed further in separate statements), we calculate that there will be an **under-delivery in the region of 3,045 homes across the plan period** (14% of total housing land requirement).
- 2.25 To make up for this shortfall, additional housing sites will need to be identified. Although the rejected Windy Bank Lane site (Ref. H596) (Batley and Spen) is within a different sub-area to Dewsbury Riverside (Dewsbury and Mirfield) its inclusion as a housing allocation in the plan to address an element of the identified shortfall in delivery from this site (in addition to those other

¹ As provided in EX30.2 Housing Trajectory

² Assuming 4 year period from submission of outline to 1st dwelling and build rate of 60dpa on UDP allocation, 6.5 year period from submission of outline to 1st dwelling and build rate of 160dpa on balance of site

sites identified) would have no material change on the overall Spatial Development Strategy or Policy PLP3.

- 2.26 KeyLand has control of this site, and has extensive technical evidence which demonstrates its suitability for residential development. This evidence has been provided to the Council as part of previous stages of the Local Plan consultation process and its suitability is discussed further as part of KeyLand's statement in respect of Matter 37 (Batley and Spen sites).

Question (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?

- 2.27 No comment.