

EXAMINATION OF THE KIRKLEES LOCAL PLAN**EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Chartford Homes Ltd****Matter 37 – Batley and Spen Housing Allocations: Green Belt releases****Issue: Are the proposed Green belt release housing allocations in the Batley and Spen Sub-Area justified, effective, developable/deliverable and consistent with national policy?****Introduction**

- 1.1 Barton Willmore is instructed by Chartford Homes Ltd ('our Client') to submit responses to the Inspector's Matters, Issues and Questions following the submission of the Kirklees Local Plan ('Local Plan') for examination. The Local Plan comprises of two; the Strategy and Policies (SD1) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Allocations and Designations (SD2) which contains site allocations and areas shown on the proposals maps which relate to the Strategy and policies.
- 1.2 Chartford Homes Ltd is a Leeds based housebuilder who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout Yorkshire.
- 1.3 Our Client's land interest in the district is land to the south of Nutter Lane, Birstall (reference: H3) which the Council have not identified as a proposed housing allocation, despite the previous representations that have been made on behalf of the landowner. The landowner is currently undertaking pre-application discussions with the Council regarding the potential redevelopment of the haulage yard which fronts onto Nutter Lane on the northern part of the site, for a residential development. Our Client has previously made representations and appeared at earlier stages of examination to comment on the soundness, specifically linked to the Green Belt methodology, the 'edge test' and the allocation of land that has a greater impact upon the purposes of the Green Belt than our Client's land.
- 1.5 Our representations at Matter 8 concluded that:

'It is noted that our Client's site (reference: H3) was excluded during Test 1 and not taken any further as there was considered to be a physical constraint due to the presence of Scotland Beck and Nova Beck and as such as rated 'red'. This is expanded upon in the Rejected Site Options Report (July 2017), which states *"the site contains two open watercourses on the boundary whose relationship with their countryside setting would be compromised. These features and their related important wildlife habitats are best protected by the green belt designation."* Quite frankly, this conclusion is wrong and completely unjustified. As noted with the same document, under the biodiversity heading, it states *"the Scotland Beck and Nova Beck form the site's eastern and western boundaries. Both are UK BAP priority habitat. They are tree lined and lowland mixed deciduous woodland/wet woodland habitat is also UK BAP habitat. Stand off of 10m required from top of banks."*

- 1.6 Having carried out an assessment of the site against the Council's methodology (in the absence of the Council's assessment) it was demonstrated that the site would have scored 1 in the Green Belt role points system. As part of those representations we also include at Appendix 1 a table, previously submitted, comparing the site to a series of other sites proposed for allocation and release from the Green Belt. This table identifies the sites that have a greater impact upon the Green Belt than our Client's and is appended to these statements for ease of reference.
- 1.7 It is noted that a number of these sites are included in the site-specific questions raised in Matter 37. Whilst our Client does not wish to comment on the suitability of the site, site capacities and inclusion in the Council's trajectory we do comment upon the final question, which relates to the Green Belt.
- 1.8 The remainder of these representations therefore answer question d) under the general questions for a number of sites, identified in Appendix 1.

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

- 1.9 This question has two distinctive parts; the impact on the Green Belt and the exceptional circumstances to justify the Green Belt release in relation to these sites. To avoid repetition, we provide single answers to these two questions, which apply equally to a number of sites listed. These sites are as follows:

H662 - Land rear of 52 Upper Batley Low Lane, Batley (33 dwellings);

H531 - Land south-west of Soureby Cross Way, East Bierley (59 dwellings);

H49a - Land adjacent to Brick Hill Farm, Oddfellows Street, Scholes (34 dwellings);

H2066 - Warren Cottage, 916 Halifax Road, Scholes, Cleckheaton (17 dwellings);

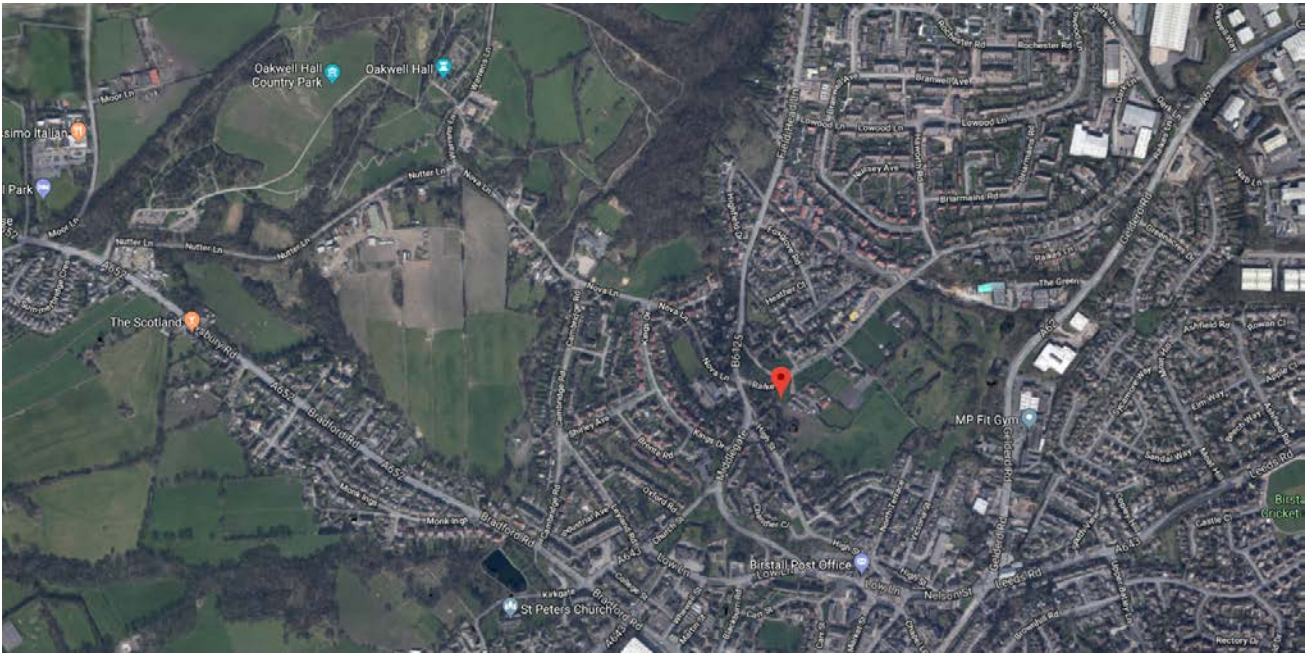
H198 - Land south of Second Avenue, Hightown, Liversedge (125 dwellings);

H278 - Land off Lands Beck Way, Liversedge (27 dwellings);
H442 - Land between Richmond Park & Sunnyside Avenues, Roberttown (250 dwellings);
H489 - Land at 7 Church Lane, Gomersal, Cleckheaton (22 dwellings); and
H2667 - Land at former Gomersal Primary School, Oxford Road, Gomersal (48 dwellings).

- 1.10 As stated previously, our Client does not consider the Green Belt review undertaken by the Council is robust and it is not in line with national guidance. The Framework is clear that Green Belt should only be amended in exceptional circumstances. Whilst we agree that these exceptional circumstances have been demonstrated in principle, it is considered that the application of that review and selection of sites does not ensure that the least important Green Belt land has been removed.

1) What effect would the proposed boundary changes and allocation have on the Green Belt and purposes of including land within it?

- 1.11 The Council's own assessment evaluates the sites against the purposes of the Green Belt, providing a score of 1-5, with 5 having the greatest impact and 1 having the least. Our Client's site assessed against the criteria would have scored 1, the least impact upon the Green Belt, which is clear to see from the aerial image below. The site is triangular in shape, surrounded on two sides by dense trees and the third by an existing business and road. Development of the site would round off the settlement and clearly has no merging effect, no sprawl, encroachment or impact on historic towns. Indeed, development of the site incorporates a previously developed site which therefore has a positive impact on the last purpose of including land in the Green Belt.



1.12 The table below identifies the number of homes being proposed on sites that have a greater impact upon the Green Belt than our Client's site.

SITE REFERENCE	GB SCORE	CAPACITY
H662	4	33
H531	3	59
H49a	3	34
H2066	3	17
H198	3	125
H278	2	27
H442	3	250
H489	5	22
H2667	5	48

1.13 This table should be read in conjunction with Appendix 1 which clearly shows that the boundary changes will have an adverse impact upon the Green Belt. Our client does not object to this in principle and acknowledges that in many instances some sites with a score of 3, 4 and 5 will be needed to deliver the level of homes required. However, our Client's main objection is that there is an alternative with less impact on the Green Belt, however it

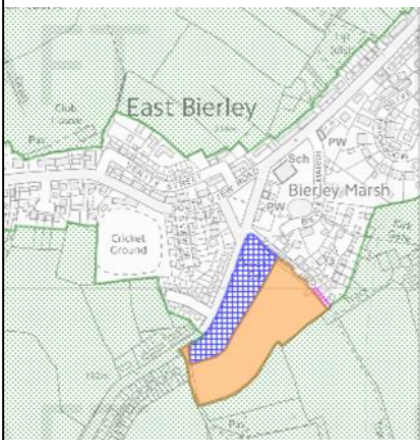

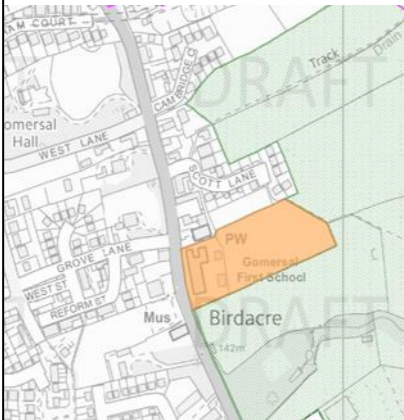

was dismissed by virtue of a small watercourse running along its boundary, which is not even discernible on the aerial image.

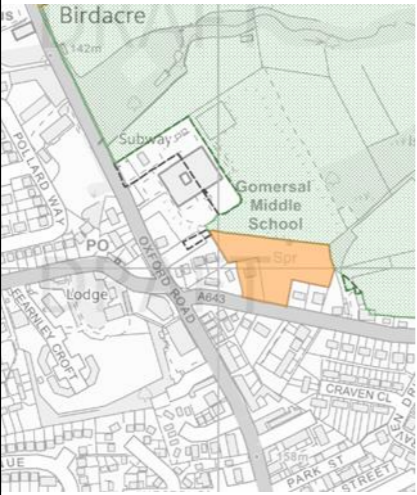



- 1.14 In conclusion on this point, whilst not objecting to the inclusion of sites that score 3, 4 or 5 where that is the only option available, the Council's methodology will result in sites that have a greater impact on the Green Belt being released in advance of those that do not.



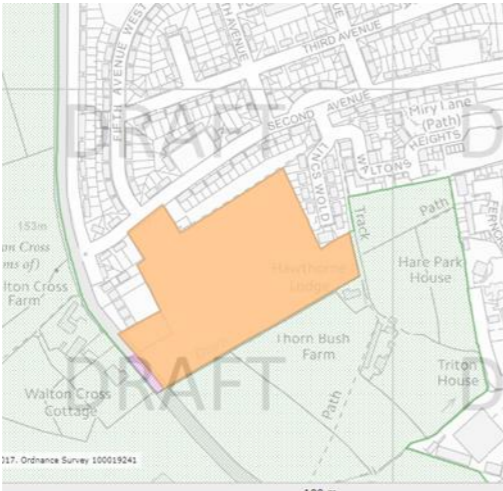
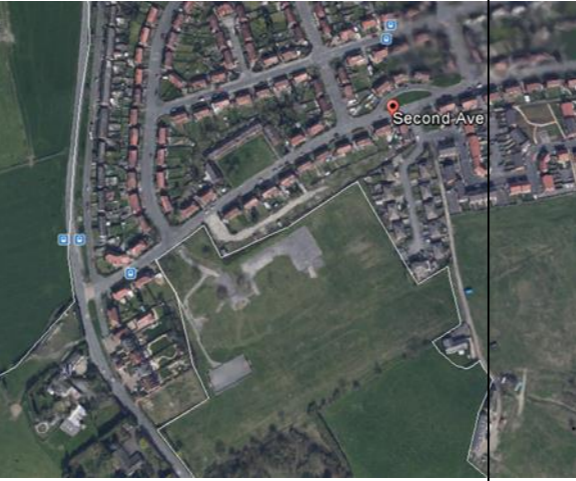
ii) Are there exceptional circumstances to justify altering the Green Belt? If so what are they?

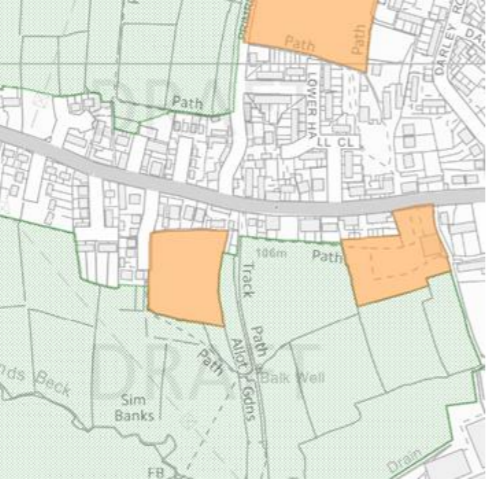

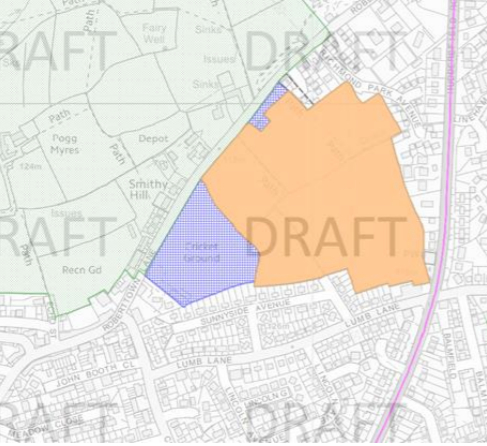

- 1.15 In simple terms there are exceptional circumstances to reviewing the Green Belt boundary review in principle, however, this should be transposed into the individual site selections. Once the principle is established, it is not simply a case of releasing any sites, an assessment must be made of those sites that have the least harm to the Green Belt. In this case, this simply has not been done and therefore the exceptional circumstances are not considered to exist to some of the individual sites.
- 1.16 Our Client therefore believes that the allocations as chosen are unsound and a comparable assessment of some of those dismissed sites should be considered to ensure the most suitable sites are released.
- 1.17 For the purposes of this statement we have not commented on each individual site as the Council's evidence confirms the scoring. We do, however, reserve the right to comment further at the Examination.


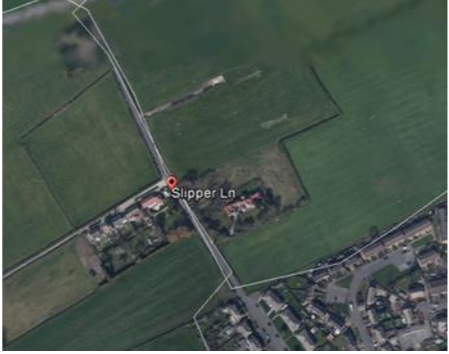
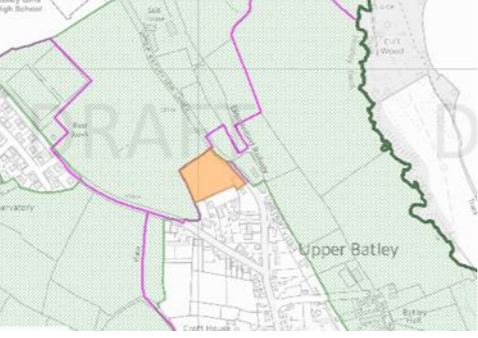

APPENDIX 1



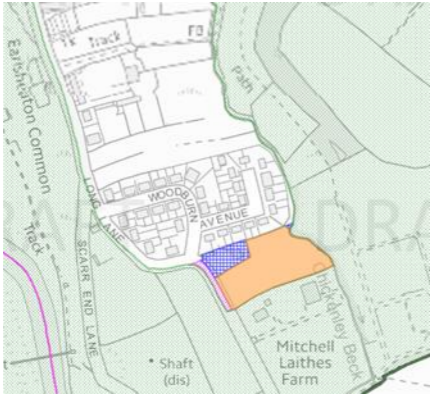

Reference	Size Capacity	Site Size (Ha)	Location	Site Image	Prevents Merging	Checks Sprawl	Safeguards from Encroachment	Preserve Setting & Character	Conclusion	Test 2 Overall Score	Accepted Options Appraisal Green Belt	Site – Appraisal Green Belt Edge
B/EB9 H531	381	11.97			Restricted Gap see B/EB8 and B/EB10	Numerous opportunities for containment from existing development at Manor House, track and field boundaries	Some relationship with wider countryside	No impact	Potential for containment and possibly rounding off. Existing separation from Birkenshaw should be retained	3	Orange This site is reasonably well related to the settlement and is contained by road, track and field boundaries. The extent of the site doesn't encroach onto Birkenshaw. It would join with ribbon development on Hunsworth Lane but there is already an existing access at this point and the recreation ground would maintain the existing open approach to the village, but which would need to be removed from the green belt	Orange The existing settlement pattern and containment provided by field boundaries does present some opportunity for settlement expansion or rounding off without undermining the role of the green belt
GS5 H2667	48	1.42			Restricted area of green belt with important strategic role	More fragmented land use pattern provides potential containment but restricted area of green belt	Existing urban uses, including the school, already encroach. Very limited opportunity for rounding off	Adjoins conservation area	Some opportunity for minor rounding off but this is a restricted and partially contained green belt area with an important strategic role. Any settlement extension would need to be considered in relation to BS2	5	Green The location, configuration, degree of containment of this site means that it could be released without undermining the strategic role of this of green belt. It is bounded to the north and west by existing development and to the east and south by strong boundary features, meaning there is no risk of further sprawl or encroachment	Red Although the existing settlement pattern provides some limited opportunities for minor infill or rounding off, the extensive nature of the field pattern means that any settlement extension is unlikely to be achieved without significant land release, which could compromise the overall strategic role of the green belt in this location

GS5 H489	22	0.67			Restricted area of green belt with important strategic role	More fragmented land use pattern provides potential containment but restricted area of green belt	Existing urban uses, including the school, already encroach. Very limited opportunity for rounding off	Adjoins conservation area	Some opportunity for minor rounding off but this is a restricted and partially contained green belt area with an important strategic role. Any settlement extension would need to be considered in relation to BS2	5	Green Although the overall area in which this site lies is a restricted area of green belt separating Gomersal and Birstall, the site itself is small in relation to the size of the strategic gap and is well related to the settlement. The site is entirely bounded by trees which separates it from its wider setting and its degree of containment means there is no risk of sprawl or encroachment and impact on openness would be limited	Red Although the existing settlement pattern provides some limited opportunities for minor infill or rounding off, the extensive nature of the field pattern means that any settlement extension is unlikely to be achieved without significant land release, which could compromise the overall strategic role of the green belt in this location
SCL5 H49a	34	0.98			Extensive gap	Housing on B6120, field boundaries provide potential containment but extensive in places and limited opportunities for containment	Part of wider countryside, existing boundary weak on the ground	No impact	No risk of sprawl as motorway presents an absolute barrier. Numerous opportunities for some limited rounding off. Opportunity to provide strong new boundary. Development should be restricted so as not to sprawl down slope as this would be unrelated to the settlement	3	Orange This site is well related to the settlement edge, is contained on 3 sides and represents rounding off of this part of Scholes. The eastern boundary while not strong, is present so a new green belt boundary can be found which would prevent sprawl. The site appears as countryside but its relationship with the wider countryside is limited by its containment	Orange The existing settlement form and field patterns present opportunities for settlement extension or rounding off without undermining the role of the green belt in this location

CK19 H2066	17	0.59			Extensive gap	M62, field boundaries, landform provide potential containment	Limited visual relationship with wider countryside urban edge	No impact	Extensive area with similar character of fragmented field pattern, contained by motorway. Numerous opportunities for limited extension or rounding off without significant detriment to the green belt	3	Green This site is a house and its garden on the edge of the urban area and distinctly different in character from the land beyond it. The boundary of the residential property would present a strong and defensible boundary and the enclosed nature of the site means that there is no risk of sprawl or further encroachment or significant impact on openness. There has already been a degree of encroachment in this area as 900A has been built in the green belt. There is also therefore the opportunity to create a strong new boundary	Orange The existing settlement and land use pattern presents numerous opportunities for limited infilling or rounding off without impact on openness or prejudicing the strategic role of the green belt in this location
HT7 H198	125	3.6			Extensive gap	Windy Bank Lane, Hare Park Lane, field boundaries provide containment	Largely separated from wider countryside by Windy Bank Lane. Existing undeveloped edge with urban greenspace (former school site) does not follow a feature on the ground	Listed building	Development particularly west of Fern Croft would have limited impact on openness	3	Green The green belt element of this site would represent a small-scale extension into the green belt where impact on openness would be limited. The existing green belt boundary with the now demolished school doesn't follow a feature on the ground and this option would present the opportunity to create a strong new green belt edge	Orange The existing settlement pattern presents opportunities for infill or rounding off between existing built up area and Windy Bank Lane without undermining the role and function of the green belt

LV3 H278	27	0.78			Extensive gap	Field boundaries provide potential containment	Limited visual relationship with wider countryside, strong urban edge	No impact	Development contained by track and Tanhouse Beck could have limited impact on openness	2	<p>Orange</p> <p>The part of this site that projects into the green belt represents a small-scale extension. It's located on a south facing slope but shouldn't result in prominent development because in this location the degree of slope is less severe and the site is contained by a natural hedge/tree boundary which will prevent sprawl. This should also ensure that new development is no more prominent than the extent of the existing allocation to the north</p>	<p>Red</p> <p>The existing settlement pattern and land use features present some opportunity for settlement extension without compromising the role and function of the green belt although there are incidents of steep slopes where development could intrude into long distance views</p>
RT6 H442	272	7.79			Restricted gap to Liversedge. Settlements appear joined on Leeds Road	Development fronting Roberttown Lane provides containment	Development on rising ground could be prominent when viewed from the north	No impact	Green belt in this location prevents the further coalescence of Roberttown and Liversedge but the settlements are already joined, Field boundaries and land use	3	<p>Orange</p> <p>While the strategic role of this parcel of green belt is not strong, as Roberttown and Liversedge are already merged to some extent south of the site, the green belt overwashes Roberttown Lane in order to include this area of open land within the green belt. This is a well contained site bounded by the existing settlement, Roberttown Lane and the cricket ground and so there is no risk of sprawl</p>	<p>Orange</p> <p>The existing settlement pattern and land use features present some opportunity for limited infilling without undermining the role of the green belt in this location</p>

MF18 H205	21	0.69			Extensive gap	Some opportunities for containment from field and property boundaries but risk of ridge line development	Development would be prominent from south west on rising ground	No impact	Development risks being prominent particularly to the south	3	Green Physically separated from 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	Orange Reasonably area of green belt that is separated from the wider green belt by the line of Leeds Road but which retains a countryside character. It's contained on 2 sides by existing residential development. It serves no strategic role in terms of preventing the merger of settlements and represents an area of urban fringe where there are a number of properties in the green belt close to the settlement edge. The land rises to the north and east where development could be more prominent
BE2 H662	33	0.94			Restricted gap	Potential for some containment along Upper Batley Low Lane. Need to retain separation from Birstall	Existing boundary weak in places. Potential for limited rounding off	No impact	Minor opportunity to create new strong boundary with limited rounding off. Must ensure gap with Birstall retained	4	Green Limited impact on openness. Already enclosed and is separate from and different in character to land around it. Removal of site from green belt allows an opportunity to create a new strong green belt boundary. Its location and extent wouldn't significantly erode the undeveloped nature of Upper Batley Low Lane	Orange This location overwashes a narrow undeveloped gap along Upper Batley Low Lane which allows the green belt to penetrate to the west and include important open space within it. The land use pattern presents a very minor opportunity for settlement extension without significantly compromising the gap

DE4 H661a	61	1.76			Restricted gap – see BE12 & BE13	Potential for containment from roads but their alignment would not allow for satisfactory settlement form	Part of wider countryside	No impact	Limited potential to contain development. New strong eastern boundary would need to be found	5	Orange Reasonably well contained and well related to the existing settlement form. Northern extent of site does begin to project into more open land north but does have defensible boundary which would prevent sprawl. Degree of containment limits the relationship of the site with the wider countryside. Could be removed from green belt without undermining the role and function of the green belt	Orange The extent of the gap and existing settlement pattern does however present some limited opportunity for settlement extension without fundamentally compromising the green belt role
DE13 H307	15	0.66			Restricted gap. (continuity with Wakefield green belt but developed immediately south of the Wakefield boundary)	Woodland, field boundaries provide potential containment	Little relationship with wider countryside	No impact	Development could have limited impact on openness but necessity to retain green belt separation from Wakefield boundary	3	Orange Sits between settlement edge and properties on Long Lane. Could represent small settlement extension. No risk of sprawl. Limited impact on function of strategic gap with Wakefield	Orange The existing settlement pattern and land use features present some opportunity for settlement extension providing the gap is maintained