

**MATTER 38**  
**SITE No. H138**

**Matter 38 – Batley and Spen employment, housing and mixed use allocations: urban (non-Green Belt) sites**

**Site Number H138 – Land south of Mill Street, Birstall (262 dwellings)**

**REPRESENTATION FROM SMITHIES COMMUNITY GROUP (SCG)**

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**Kirklees Sustainability Appraisal Objective (SAO) 8: “Protect and enhance existing and support the provision of new recreation facilities and areas of open space and encourage their usage”.**

Site H138 is judged to have a ‘significant positive’ impact on this sustainability objective. The SCG find this rating flawed given that the development would result in the extinguishment of a well-used football pitch (both formally and informally). Kirklees SAO-8 clearly states an objective to “protect and enhance existing... recreation facilities”, and although it is correct to say that there are existing facilities nearby, there would undeniably be a net loss of open recreational space, which has not been acknowledged or mitigated at the Draft Local Plan Stage.

**NPPF Policy 8: Promoting Healthy Communities.**

NPPF, Paragraph 74 states that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”.

The allocation of Site H138 is in direct conflict with NPPF Paragraph 74 as the Draft Local Plan does not demonstrate that the existing playing fields on land to the south of Mill Street would be replaced by equivalent or better provision in terms of quality or quantity.

In addition the allocation document makes no reference to the recreational building on Site H138 and the need for this facility to be replaced. The lack of consideration of potential replacements leads the SCG to believe that this key objective of the NPPF has not been achieved.

The SCG is aware of speculation that the users of the playing field maybe offered use of another local playing field to the south of Smithies Moor Lane. The SCG wish to point out that this potential solution would strongly contradict the requirements of national and local policy, both of which require recreational facilities to be ‘replaced’ rather than users to be ‘displaced’.

**Sport England Sustainability Objectives.**

The SCG would also like to point out that Sports England sees “sport and recreation as a fundamental part of the planning and delivery of sustainable communities” and in relation to planning objectives provides the following statement:

*“Our planning objectives are to protect existing facilities. We seek to help protect sports and recreational buildings and land including playing fields. We expect these to be retained or enhanced as part of any redevelopment. We are a statutory consultee on all planning applications affecting playing field land and will object to such an application unless one of five exceptions applies”.*

Clearly, based on the lack of evidence provided in the Draft Local Plan in relation to the removal of the playing field and associated facilities, the objectives of Sports England have not been met.

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**Kirklees SAO 10: “Secure an effective and safe transport network which encourages people to make use of sustainable and active modes of transport”.**

*and*

**NPPF Policy 4: Promoting Sustainable Transport**

NPPF, Paragraph 32 states that *“plans... should take account of whether safe and suitable access to the site can be achieved for all people”.*

Site H138 is judged to have a ‘*significant positive*’ impact on this sustainability objective. The SCG fundamentally disagree with this rating as not all elements of the sustainability objective have been achieved. The SCG also believe that Site H138 does not consistent with the NPPF.

The SCG deems that the sweeping statement made in the allocation document for Site H138 (*“site access is achievable”*) is not sufficient, as it has not been demonstrated that access to and from the site can be made safely and effectively as the Kirklees sustainability objective and NPPF requires.

Potential access to Site H138 from the A62 Huddersfield Road would have to be on the 40mph section of road which currently includes an overtaking lane towards the junction with the B6122. The A62 has an existing daily traffic flow of approximately 18,000 vehicles – well above what is recommended for this class of road (*Source: DfT.gov.uk/traffic-counts*) and the A62 along with its junction with the A652 Bradford Road has a poor accident record with 19 accidents between 2009 and 2015, many of which were serious in nature (*Source: Crashmap.co.uk*). It should also be noted that on the approach to the main crossroads in Birstall, the A62 is affected by heavy congestion and slow moving traffic on all week days, in the AM and PM peaks, as well as the inter-peak periods (*Source: Google Maps – Traffic Information*).

The SCG therefore consider that the safety of motorists would be severely compromised should access to the prospective development be proposed on the A62 Huddersfield Road, due to the combination of existing high daily flows and heavy congestion, and the increase in vehicle movements as a result of the proposed development.

What the Local Plan has also failed to acknowledge is that a right turn out of the development (onto the A62) would not be possible in the current situation. Any such movement would require significant alteration to the existing layout of the A62, which itself would introduce additional safety risks during construction.

Many of the members of the SCG are residents of Mill Street, a cul-de-sac of approximately 30 houses. Exiting Mill Street onto the A62 is dangerous and time consuming at most times of the day, but

particularly so during peak periods. Residents have to either wait for a 'green phase' at the main set of lights in Birstall or straddle the fast-moving south-west bound traffic lane in order to find a gap in the heavily congested north-east bound flow. It is therefore clear that exiting a substantially larger development and having to traverse two lanes of faster moving traffic (40mph) would present even more road safety issues, and a probable worsening of the existing accident record.

With regards to Smithies Moor Lane, the SCG considers that whilst access is achievable, there would be significant concerns over safety. Smithies Moor Lane is a low standard single carriageway road with a horizontal and vertical alignment, and stopping sight distance, not in accordance with current standards (TD9/93 Highway Link Design). The proposition of an access is unlikely to meet the major and minor road visibility requirements as set out in TD 9/93 and TD42/95 (Geometric Design of Major/Minor Priority Junction), unless additional information (i.e. access location) can be provided to allay the concerns of the SCG.

As an aside the SCG are keen to understand where the visibility splays of "2.4m x 120m or 4m x 43m" as set out in the allocations document for Site H138 have originated from. These splays, for this standard of road, are not referenced in TD42/95, and therefore the information contained in the allocations document is considered to be misleading.

In summary, the SCG is of the strong opinion that through the promotion of Site H138, NPPF Policy 4 and Kirklees SAO 10 have not been met, and that the dwelling size cannot be accommodated based on the existing road network.

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**Kirklees SAO 14: "Maximise opportunity to protect and enhance biodiversity and geodiversity".**

Site H138 is judged to have a 'negligible' impact on this sustainability objective. The SCG fundamentally disagree with the rating. Although the Sustainability Assessment for Site H138 is correct in stating that there may be opportunities to promote habitat connectivity and that the site is not in close proximity to any designated biodiversity features, these elements alone are not sufficient to assess the impact against this sustainability objective as negligible.

The fact that nearly eight hectares of mature, diverse and well connected flora and fauna would be lost as a result of the development, leads the SCG to view this development as unsustainable against the council objective.

The SCG wish to draw attention to the breeding and wintering birds, bats, barn owl and brown hare all of which have been observed thriving in this relatively untouched part of the re-assigned greenbelt.

**NPPF Policy 11: Conserving and Enhancing the Natural Environment**

NPPF, Paragraph 110 states that "plans should allocate land with the least environmental or amenity value". The Accepted Site Options - Technical Appraisal (Nov 2016) states that Site H138 has high visual amenity, substantial hedgerows/trees and may have ecological value as it is part of a habitat network.

The technical appraisal has also failed to acknowledge the large swathe of trees protected by Tree Preservation Orders (TPO) along the edge of the A62 Huddersfield Road, and the trees protected by

TPO's within the proposed development site itself, both of which would be lost should Site H138 progress.

As a result of the potential removal of this substantial and diverse network of ecology, the SCG concludes that the allocation of Site H138 is in direct conflict with NPPF Paragraph 110.

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## **Summary**

In accordance with the NPPF (Para 157), Local Plans should “*contain a clear strategy for enhancing the built and natural environment*”.

Fundamentally, the SCG affirm that this crucial element of the NPPF has not been achieved through the allocation of Site H138 in the Draft Kirklees Local Plan. The evidence base and potential mitigation accompanying the allocation of Site H138 is insufficient to determine whether this element of the Plan would constitute ‘sustainable development’; particularly with respect to securing an effective and safe transport network, protection and enhancement of existing recreation facilities, and conservation and enhancement of the natural environment.

In summary, the SCG consider that the incorporation of Site H138 does not meet the test of soundness as explained in NPPF, Paragraph 182.

It is deemed that, in relation to Site H138, the Plan has not been ‘Positively Prepared’ as it does not meet many of the Councils own Sustainability Objectives. Furthermore, Site H138 is not ‘Consistent with National Policy’ as it does not accord with many of the policies contained within the NPPF.

**Based on the above summary, and the evidence set out in this representation, it is the view of the SCG that Site H138 should be removed from the Draft Local Plan.**

## **Note on behalf of local residents:**

*It is worth noting that several unsuccessful attempts have been made to develop the site over the past two decades, however on each occasion the feasibility of developing the site was called into question, resulting in all proposals being abandoned.*

*There is also visual evidence on a monthly basis that the drainage of the site is poor with regular torrents of surface water flowing onto Mill Street, and ponding of large volumes of surface water across the site.*

*There are also concerns about mining and the sub-surface geological make-up which could impact upon the viability of the site.*