

## **Kirklees Local Plan Examination**

### **Stage 4 – Initial Hearings**

#### **BATLEY AND SPEN SUB-AREA (Matter 39)**

#### **MATTERS, ISSUES AND QUESTIONS (MIQs)**

#### **Council Response**

##### **Matter 39 – Batley and Spen safeguarded land**

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 39 – Batley and Spen safeguarded land. 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.
- 1.3 The following sites are included in this response:
  - SL2197 – south-west of Upper Batley Lane, Upper Batley
  - SL2202 – Tong Moor Side, East Bierley
  - SL2203 – North of Wyke Lane, Oakenshaw
  - SL2277 – Snelsins Road, Chain Bar, Cleckheaton (Green Belt release)
  - SL2175 – north of Elm Tree Close, Norristhorpe Lane, Liversedge
  - SL2290 – Cambridge Chase, Gomersal (Green Belt release)
  - SL2181 – south of Fairfield Court, Halifax Road, Hightown, Liversedge

**Matter 39 - Batley and Spen Safeguarded Land Sites**

| Site  | a) <b>Are identified access/other constraints i) capable of being resolved, and ii) unlikely to be resolved until 3031 or beyond?</b>   | b) <b>Is the site available for development, and is there evidence of an active landowner/developer who is seeking to bring forward the site?</b>   | c) <b>In the case of sites currently in the Green Belt, 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 in this location? If, so what are they?</b> |
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| <p><b>SL2197- south-west of Upper Batley Lane, Upper Batley</b></p> | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> <p>In this case there is no site frontage onto a adopted highway. Third party land would need to be acquired which is not currently available. A further assessment of the site constraints would be required at the review of the Local Plan.</p> | <p>The site has been created from an existing UDP provisional open land allocation. It is considered that there is a reasonable prospect that the site will be available post the Local Plan period, and there is an absence of evidence to suggest that it would not be available.</p> | <p>N/A</p>  |
| <p><b>SL2202-</b></p>   | <p>This site was assessed using the</p>   | <p>The site has been created from an existing</p>   | <p>N/A</p>  |

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| <p><b>Tong Moor Side</b></p>                       | <p>Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> <p>In this case there is no site frontage onto an adopted highway. Third party land would need to be acquired which is not currently available. A further assessment of the site constraints would be required at the review of the Local Plan.</p> | <p>UDP provisional open land allocation. It is considered that there is a reasonable prospect that the site will be available post the Local Plan period, and there is an absence of evidence to suggest that it would not be available.</p>  |            |
| <p><b>SL2203-north of Wyke Lane, Oakenshaw</b></p> | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development</p>   | <p>The site has been created from an existing UDP provisional open land allocation. It is considered that there is a reasonable prospect that the site will be available post the Local Plan period, and there is an absence of evidence to suggest that it would not be available.</p> | <p>N/A</p> |

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|   | <p>post 2031.<br/>The site is in HSE inner zone. A further assessment of the site constraints would be required at the review of the Local Plan.</p>  |   |   |
| <p><b>SL2277-<br/>Snelsins<br/>Road, Chain<br/>bar,<br/>Cleckheaton<br/>(GB release)</b></p>    | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.<br/>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.<br/>If this site were to be developed a new air quality management area will be created. Small area of the site is located within an outer hazard zone.</p> | <p>This site is available as shown by the Call for Sites submission.<br/><br/>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> | <p>The full green belt assessment for this site is set out in the appendix at the end of this hearing statement.<br/><br/>This site is required to meet longer-term development needs stretching well beyond the plan period and as such exceptional circumstances exist to amend the green belt boundary in order to facilitate future development. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns and the role and function of the green belt it is deemed that in this instance the benefits of facilitating future development on the site outweigh any adverse effects on the green belt.</p> |
| <p><b>SL2175-<br/>north of Elm<br/>Tree Close,<br/>Norrishorpe<br/>Lane,<br/>Liversedge</b></p> | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.<br/>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site</p>  | <p>The site has been created from an existing UDP provisional open land allocation. It is considered that there is a reasonable prospect that the site will be available post the Local Plan period, and there is an absence of evidence to suggest that it would not be available.</p>   | <p>N/A</p>  |

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|  | <p>specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> <p>In this case third party land would need to be acquired which is not currently available. A further assessment of the site constraints would be required at the review of the Local Plan.</p>  |   |   |
| <p><b>SL2290-<br/>Cambridge<br/>Chase,<br/>Gomersal<br/>(GB release)</b></p> | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> <p>In this case third party land would need to be acquired which is not currently available. A further assessment of the site constraints would be required at the review of the Local Plan.</p> | <p>This site is available as shown by the Call for Sites submission.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.</p> | <p>The full green belt assessment for this site is set out in the appendix at the end of this hearing statement.</p> <p>This site is required to meet longer-term development needs stretching well beyond the plan period and as such exceptional circumstances exist to amend the green belt boundary in order to facilitate future development. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns and the role and function of the green belt it is deemed that in this instance the benefits of facilitating future development on the site outweigh any adverse effects on the green belt.</p> |
| <p><b>SL2181-<br/>south of<br/>Fairfield<br/>Court,<br/>Halifax</b></p>      | <p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p>   | <p>The site has been created from an existing UDP provisional open land allocation. It is considered that there is a reasonable prospect that the site will be available post the Local Plan period, and there is an</p>  | <p>N/A</p>  |

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| <p><b>Road,<br/>Hightown,<br/>Liversedge</b></p> | <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031.<br/>In this case there is no site frontage onto an adopted highway. Third party land would need to be acquired which is not currently available. A further assessment of the site constraints would be required at the review of the Local Plan.</p> | <p>absence of evidence to suggest that it would not be available.</p> |  |
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**Matter 39: Impact of the allocation on the Green Belt and the purposes of including land within it**

**Batley and Spen safeguarded land**

**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       |  |   |
|------------------------------------|--------------------|-------------------------------|-------------------------------------|--|--------------------|--------------------|-----------------------------------|--|---|
| Option                             | Edge ref and value | Test 2                        |                                     |  |                    | Test 3             | Suitability of potential boundary | Relationship to settlement                     | Assessment set out in BP29.1  |
|                                    |                    | 2a: merger                    | 2b: sprawl                          | 2c: encroachment                             | 2d: historic towns | urban regeneration |                                   |  |   |
| SL2277<br>Snelsins Road Chain Bar  | CK16_3             | No impact                     | Well contained but may be prominent | More impact on higher ground                 | No impact          |                    | Good                              | Rounding off                                   | Tree cover and existing land uses limit long distance views of this site, although its slope and elevation is such that new development would be at a higher level than properties on Snelsins Lane to the detriment of the openness of the green belt in the immediate vicinity. Its containment and degree of overlooking by existing development limits its relationship to the wider countryside.                 |
| SL2290<br>Cambridge Chase Gomersal | GS5_5              | Minor impact on strategic gap | Well contained                      | Does not appear as part of wider countryside | No impact          |                    | Good                              | Infill. Minor additional land release required | The size, location and degree of containment of this site presents the opportunity to round off this area of Gomersal without significantly undermining the role and function of the green belt in this location. Removal of the site from the green belt would also necessitate the removal of the long rear gardens to properties on Summerbridge Crescent in order to create a defensible new green belt boundary. |