

KIRKLEES LOCAL PLAN EXAMINATION

STAGE 1 – INITIAL HEARINGS

Matter 8 – Approach to site allocations and Green Belt release

Issue – Is the Plan’s approach to identifying site allocations (housing, employment and mixed use), safeguarded land and Green Belt releases soundly based and in line with national policy?

a) Has the Council undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt?

1. Whilst the proposed development of Sites H2684a, H2730a and H31 are to be considered separately at Stage 4 in the Examination process, the fact that they consist entirely of land which is classified as Green Belt means that some reference must be made to them in addressing Matter 8 and particularly **b)** below.
2. Section 9 of the National Planning Policy Framework (NPPF) attaches great importance to the Green Belt and strives to maintain existing levels of protection allowing development only in exceptional circumstances; whilst the new Housing White Paper will encourage the development of brownfield land and require Local Authorities to produce and maintain a register of brownfield land (in line with paragraph 80 of the NPPF which states that one of the purposes of the Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land).
3. However, examination of the Publication Draft Local Plan (PDLP) shows that only 24% of the proposed development sites are classified as brownfield/predominantly brownfield: it would seem that Kirklees has put little effort into identifying brownfield and previously developed land which would be much more suitable to bring back into use than taking huge acreage of green belt.
4. Indeed, the Council’s Planning Policy Group has confirmed to GAIL that it does not hold a comprehensive register of brownfield land.
5. Kirklees states that it has undertaken a land registry search followed by making contact with land owners to check if they were interested in putting their land forward for development. Yet in an interview with GAIL in December 2015, one of the largest land owners in the area claimed to have not seen the call for sites, nor had they been contacted by the Council.
6. Similarly, GAIL is aware of another, albeit smaller, local land owner who was unaware of the call to sites and had also not been contacted by Kirklees.
7. As such, GAIL contends that there must be doubt that the Council has carried out a comprehensive and thorough assessment of all potential sites.

b) Do exceptional circumstances exist which justify the release of Green Belt land to accommodate some 11,500 new dwellings and additional land for employment purposes?

Paragraph 83 of the NPPF states that **'Once established, Green Belt boundaries should only be altered in exceptional circumstances'**

8. GAIL contends that it is not enough for Kirklees to simply justify the release of Green Belt land on the grounds that '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'.
9. To convert unexceptional circumstances into exceptional circumstances simply by labelling them as such lacks rigour.
10. If we look at H2684a and H2730a as an example, Kirklees has failed to outline any specific exceptional circumstances to support the change in designation:
 - Prior to the original Draft Local Plan, Kirklees' Housing Service initially rejected the sites as unsuitable for Housing on the grounds of access, contamination and green belt status. This specialist advice was over-ridden by the Council's Planning Service and the original Draft Local Plan showed four Sites (H32, H334, H455 and H659).
 - The Council subsequently rejected the sites on the grounds that there were **'no exceptional circumstances to justify removal of this site or any part of this site from the Green Belt'**. Moreover, Kirklees stated that development of the sites **'.... would appear as an encroachment into open countryside to the detriment of the openness of the Green Belt in this location'**.
 - Kirklees then re-configured the sites into H2684 and H2730 only to reject them again for exactly the same reason that there were no exceptional circumstances to justify removal of the site or any part of the site from the Green Belt.
 - The sites were re-configured again and were included in the PDLP as H2684a and H2730a on the grounds that '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 it is deemed in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt'.
11. This is puzzling and seems neither reasoned nor logical: having rejected the six Sites on the basis that there are no exceptional circumstances justifying their removal from the Green Belt, to simply re-configure and re-label them again with the exceptional circumstances 'defence' must be viewed as perverse.
12. Kirklees' approach can only be regarded as inconsistent, unjustified and lacking credibility: the land is essentially as it was originally such that questions must be asked of the Council's use of the 'exceptional circumstances' label.

13. Kirklees' comment is that the two sites are required to meet Objectively Assessed Need (OAN). Yet the 'need' was the same when the Council rejected the six previous configurations of the sites!
14. It is also clear that Kirklees is not obliged to meet all its OAN especially where the adverse impact of doing so would significantly outweigh the benefits, and that the Council must ensure that its OAN for housing must be consistent with the policies set out in the NPPF: GAIL contends that an OAN for housing which cannot be met from non-Green Belt land does not automatically constitute exceptional circumstances.
15. Additionally, Planning Guidance issued in March 2014 makes it clear that unmet housing need is unlikely to outweigh the harm to the Green Belt to constitute the very special circumstances to justify development of a site in the Green Belt.
16. Kirklees also claims to have considered all reasonable alternatives but has provided little information on how it has done this. A tour of the area surrounding Lepton and Fenay Bridge will reveal a number of sites more appropriate for development. Also, as stated above in a), GAIL is aware of at least two land owners who have not been approached by Kirklees nor seen the Council's call for sites.

d)v To what extent has the process of assessing Green Belt sites taken account of the extent of remaining gaps between different settlements and the maintenance of separate settlement identity, and emerging proposals in neighbouring authorities that would reduce these gaps?

17. Paragraph 79 of the NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open', whilst paragraph 80 of the NPPF specifically states that two of the five purposes of the Green Belt are 'to check the unrestricted sprawl of large built-up areas' and 'to prevent neighbouring towns merging into one another'.
18. Whilst they should not be regarded as towns, to develop H31 and H2684a/H2730a would result in significant and extensive urban sprawl with the joining together of the communities of Waterloo with Fenay Bridge, and Fenay Bridge through to Highburton and Kirkburton.

Conclusions

19. Kirklees' approach to site allocations and Green Belt release fails the **Soundness Test** laid down in the NPPF because:
 - It cannot be **Justified** as Kirklees has not considered all reasonable alternatives, based on proportionate evidence. The Council has also failed to provide detailed evidence of its approach.
 - It is not **Consistent with national policy** as Kirklees has not provided any evidence that demonstrates the 'exceptional circumstances' that would permit such developments in the Green Belt and has itself rejected the six Lepton/Fenay Bridge Sites on the grounds that there are no exceptional circumstances to justify their removal from the Green Belt only to re-introduce them in the PDLP using the exceptional circumstances justification.
 - It cannot be **Justified** as it is clear that to develop H31 and H2684a/H2730a will result in significant urban sprawl contrary to the provisions of the NPPF.

- It cannot be **Justified** as the proposals are in direct conflict with Kirklees' own Vision and Strategic Objectives which include: 'Protect and improve green infrastructure' and 'Promote the re-use of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas' (source: clause 4.3 Strategic Objectives [no's 6. and 9], Publication Draft Local Plan Strategy & Policies, November 2016).

John Davies,
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