

Kirklees Local Plan Examination Hearing Statement

Our ref 50579/JG/AJk
Date September 2017

Subject **Matter 8 Hearing Statement on behalf of Persimmon Homes West Yorkshire – Approach to site allocations and Green Belt release**

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Persimmon Homes West Yorkshire and responds to the questions set by the Inspector in relation to Matter 8.
- 1.2 This Hearing Statement should be read in conjunction with our representations submitted during the Local Plan Consultation (2016) on behalf of Persimmon Homes (Lichfields representor ID: 969464, Persimmon representor ID: 975291).

2.0 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?

Question (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?

- 2.1 From a review of the Council's evidence base, it does not appear that a comprehensive urban capacity assessment has been undertaken prior to the consideration of Green Belt sites for allocation.
- 2.2 Whilst it is acknowledged that Green Belt release will be necessary to meet housing requirements in Kirklees across the plan period, the Council must ensure that it has '*examined fully all other reasonable options for meeting its identified development requirements*' before releasing Green Belt land, as per the findings of the Housing White Paper¹. It is considered that this has not been done, with numerous examples of sites within main urban areas which have been bypassed in favour of allocating Green Belt land. A stark example of this is the Urban Greenspace site at Rumble Road (site H357), which was recommended for housing allocation by the UDP inspector in 1998 prior to its adoption, only for this to be overruled by Members.
- 2.3 With the passing of almost 20 years since the UDP inspector's conclusions, and the significant housing requirement for the emerging plan period, it is considered that site H357 (Rumble Road) should now be allocated for housing development before the Plan seeks to release Green Belt land, failure to do this is contrary to national policy and the findings of the Housing White Paper.

¹ Fixing our Broken Housing Market, DCLG, 2017

Question (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 uses?

- 2.4 Given the scale of housing development needed in Kirklees across the plan period, the likely shortfall in delivery from strategic sites (see our Matter 4 Hearing Statement), and the presence of Green Belt land around all settlements in the District, it is agreed that exceptional circumstances do exist and Green Belt release is necessary to ensure housing needs are met.
- 2.5 Table A4 of the Housing Supply Topic Paper (EX30) states that 9,706 dwellings will be provided on settlement extensions which extend into the Green Belt, or on sites which are detached from existing settlements and are located wholly within the Green Belt (note that there is a discrepancy between the 9,706 figure in the Housing Supply Topic Paper and the 11,500 figure in the question above). Despite the apparent lack of a detailed assessment of urban capacity in the main settlements, it is considered that the scale of housing need represents exceptional circumstances which justify the release of Green Belt land to accommodate housing development. The amount of Green Belt land which should be released could indeed be higher than that currently proposed in the Plan, given the likely shortfall in housing delivery in the plan period from the allocations currently identified.

Question (c) - What approximate proportion of land in Kirklees which would remain in the Green Belt following the implementation of proposals in the Local Plan?

- 2.6 Green Belt land covers an extensive area of the Kirklees district. Figure D1 of the Unitary Development Plan states that 25,718 hectares of the total plan area is Green Belt land, equating to 71% of the total plan area (36,398 hectares). As the evidence base for the Local Plan does not provide a break down in land area terms of the total amount of Green Belt release proposed, we have used the Council’s standard site densities and the information in Table A3 of the Housing Supply Topic Paper to calculate the amount of land which would remain in the Green Belt.

Table 1 Proportion of remaining Green Belt land

Land Use / Designation	Amount of land / dwellings
Total plan area	36,398 hectares
Amount of Green Belt land (UDP)	25,718 hectares
Capacity of Green Belt or partial Green Belt housing allocations in Local Plan (Table A3)	9,706 dwellings
Area of allocations based on 35 dph (using Council’s Draft Local Plan standards*)	9706/35 = 277 hectares
Remaining amount of Green Belt	25,441
Proportion of remaining Green Belt in plan area	70%

*Note – as set out in our Matter 4 Statement, we consider the use of a standard 35dph density across all sites to be flawed, but have used this above to aid this broad calculation

Source: Kirklees UDP / Housing Supply Topic Paper

- 2.7 As demonstrated in Table 1 above, the proportion of land remaining within the Green Belt following the implementation of the housing allocations (70%) is not materially altered from the current situation (71%). Whilst it is acknowledged that some ‘settlement extension’ sites could

include land within a settlement (i.e. not Green Belt), this will be balanced out in the above calculation by the use of the standard 35 dwellings per hectare density, which is unlikely to be achieved on all sites (see our Matter 4 Hearing Statement).

- 2.8 If additional sites within the Green Belt were considered necessary to meet the housing requirement, it would also not be likely to have a material effect on the overall proportion of Green Belt land. It is acknowledged that there are also proposed Green Belt releases to accommodate employment allocations, but, given the scale of Green Belt land remaining, it is unlikely that the inclusion of these sites would materially alter the proportion of remaining Green Belt land. In summary, only a very small proportion of the current Green Belt is required to meet the needs of the District and therefore, its overall strategic function would not be compromised.

Question (d) - Is the Council’s approach to assessing potential sites in the Green Belt for development soundly based and in line with national guidance?

i. Is the approach in the Green Belt Review, based on the assessment of Green Belt edge sites, robust and justified?

- 2.9 The approach taken forward in the Green Belt Review (BP25) is considered to be somewhat justified as the approach considers extensions to existing settlements as a first priority, as opposed to new sites wholly within the Green Belt. This is justified where the Council are seeking to allocate numerous smaller Green Belt sites close to existing services, rather than a smaller number of large sites. However, it does not appear that the Council is strictly following such an approach from the sites which have been identified for allocation.
- 2.10 It is considered that the review of Green Belt edges and subsequent proposed allocation of land, or rejection of site development options, is inconsistent. For example, the assessment of Green Belt edge CMN9 at Netherton concludes that development adjacent to that edge would be ‘*contained by roads and landform could have limited impact on openness*’. This conclusion is fully supported, as is the subsequent proposed allocation of sites H102 and H660 at Netherton Moor Road for residential development in the emerging Plan. However, there are a number of instances where the Green Belt Review has found that edges are capable of accommodating adjacent development with little degree of conflict with Green Belt purposes (such as edge KH4 in Kirkburton), but the adjacent development option has been dismissed (in this instance site H575 - Kirkburton).

ii. As part of the overall site allocations methodology, is there clear evidence to show that site options not captured or full appraised in the Green Belt Review have subsequently been fully assessed against relevant Green Belt purposes?

- 2.11 The Local Plan Methodology Statement Part 2 (BP23) does show at paragraph 4.54 that all development options in the Green Belt were assessed in terms of the configuration and relationship of the site to the settlement it abuts, the degree of infill or rounding off that could be achieved and the ability of the option to present a strong new defensible green belt boundary (paragraph 4.54).
- 2.12 Whilst this assessment has taken place, we have reservations regarding some of the conclusions which have been reached in the assessment. Persimmon has previously commissioned Pegasus Group to undertake selective Green Belt reviews at sites in Kirklees (as was discussed in our representations to the 2016 Local Plan consultations). These reviews have at times agreed with the findings of the Council’s assessment (such as at site H231 – Wheatley’s Farm, Gomersal,

which has been dismissed as a housing option), where the Council concludes that there is no risk of sprawl or settlement merger due to the presence of the M62 to the north of the site, and that there is an opportunity for settlement extension. However, the Pegasus review disagrees with the Council's conclusions regarding the protected trees and watercourse which flow through the site, and instead finds that these do not influence the perception or role of the Green Belt, and consequently concludes that the land could be released from the Green Belt. At site H575 in Kirkburton, Pegasus disagreed with the Council's opinion regarding the view of the site in the wider countryside, and considered that the site forms part of the transitional urban/rural landscape and does not perform a key role as open countryside.

iii. Is the 'gateway' approach in the Green Belt Review justified? (whereby failure to meet Test 1 meant Test 2 on Green Belt purposes was not engaged, and failure to meet Test 2a meant no further assessment against other Green Belt purposes)

- 2.13 Whilst in principle it is considered justifiable to adopt a 'gateway' approach to Green Belt site assessment, for the reasons set out in our answer to Question (d(iv)) below, we believe that its application in this instance may have led to some appropriate Green Belt release sites being dismissed prematurely.

iv. Are the other assessment tests in the Green Belt Review justified and soundly based? To what degree are the identified topographical, physical and environmental constraints absolute, and were site-specific solutions or partial development options taken into account? Is test 2d consistent with Green Belt purposes as defined in the NPPF and as they relate to Kirklees?

- 2.14 Test 1 of the Green Belt Review assessed 'topographical', 'physical' and 'environmental' constraints (listed as tests 1a, 1b, and 1c respectively). It is not clear from the methodology explained in the Green Belt Review report to what degree such constraints are absolute, or if site specific solutions or development options were taken into account. For example, test 1a (topographical constraints) appears to have an assessment grading based on the steepness of the slope along a Green Belt edge. What this does not tell us is whether such a slope is consistent across a site, or if the existing Green Belt edge is vital to the delivery of a site. Circumstances may exist where a site could be served from a road which is within the Green Belt away from the 'edge' (i.e. the opposite side of a site), and the land where this potential access could be provided may be flat, and quite different to the topography of the edge on the opposite side of the site. Test 1a is therefore not considered to be soundly based as it may not provide a representative assessment of a development site option.
- 2.15 Test 1b looks at physical constraints either on the Green Belt edge or on land beyond the edge. Paragraph 7.4.8 of the Green Belt Review notes that physical constraints to development on land beyond the boundary include, *inter alia*, schools and school playing fields, the M62 motorway and other significant road infrastructure such as major road junctions, railways and railway infrastructure. Whilst these features may restrict the amount of development which could be delivered at a particular Green Belt edge, they could also serve to provide defensible new Green Belt boundaries, such as at site H231 (Wheatleys Farm, Gomersal) which has been dismissed by the Council. It is not justified for a part of the Green Belt edge to be scored negatively merely by the presence of such a feature, which could in fact be considered as a positive if it provides a more enduring Green Belt boundary than the existing edge, and each site should be considered on its own merits.

- 2.16 Test 2 is designed to assess the Green Belt edge against four of the five Green Belt purposes which are set out at paragraph 80 of the NPPF. The fourth Green Belt purpose, as stated in the NPPF, is to preserve the setting and special character of historic towns. However the Kirklees Green Belt Review has modified this to an assessment of whether Green Belt land preserves the setting of historic assets. This method of assessment is not soundly based, and seeks to create an extra purpose for Green Belt land which is not consistent with national policy. The preservation of the setting of historic assets is a consideration which should be taken into account in the general site assessment stage, and not be applied as part of Green Belt review. If a Green Belt edge does not bound a historic town or settlement (i.e. one which is designated as a Conservation Area or World Heritage Site), it should receive a 'green' score for this test.
- 2.17 ***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?***
- 2.18 Test 2a of the Green Belt Review assesses the role of the Green Belt or Green Belt edge in preventing the merging of settlements.
- vi. Is it clear how site development options were identified?***
- 2.19 The process for identifying site development options is set out at Section 3 of the Local Plan Methodology Statement Part 2 (BP23); paragraphs 5.2 – 5.4 of the Housing Technical Paper (SD23) and paragraphs 3.2 – 3.6 of the Housing Supply Topic Paper (EX30). A variety of sources are listed in these documents, but it is unclear whether any of these sources were prioritised over others.
- 2.20 It is noted that paragraph 5.3 of the Housing Technical Paper (dated April 2017) states that 'evidence of a willing landowner is required' for a site to be considered available for development within the plan period. However, paragraph 3.4 of the Housing Supply Technical Paper (dated July 2017) states that 'evidence of a willing landowner is desirable'. This suggests that the Council has not been able to secure evidence of a willing landowner on some of its proposed allocations, and therefore calls into question the deliverability of such sites. It is suggested that the adopted Plan should only contain sites for allocation where evidence of a willing landowner can be demonstrated.
- 2.21 Persimmon has control of/option agreements on a number of sites which have been dismissed by the Council, despite our previous submission of evidence which demonstrated their suitability for housing development, including sites H357 (Rumble Road), H575 (Kirkburton), H231 (Wheatleys Farm, Gomersal) and H476 (Leeds Road, Mirfield). Indeed, site H357 at Rumble Road has been considered by officers as being suitable for housing development when application 2017/91459 was recommended to Members for approval. If the Council is unable to demonstrate evidence of a willing landowner on any of its proposed allocations, the preceding sites in the control of Persimmon Homes should be considered for allocation, given that sites which are under the control of a volume house-builder via an option agreement is clear evidence that a willing landowner can be demonstrated.

vii. How have sustainable development requirements and the need to promote sustainable patterns of development been taken into account in decisions on site options, in accordance with paragraphs 84 and 85 in the NPPF? Are there specific examples of sites which scored well in the technical appraisal and Green Belt Review but were rejected for reasons linked to the sustainability of a settlement?

- 2.22 It is considered that sustainable development requirements and the need to promote sustainable patterns of development has not been given sufficient weight in the decision making process on site options.
- 2.23 There are a number of examples of site options which scored well in the technical appraisal, and/or the Green Belt Review, and are also sustainably located, which have been rejected. These are elaborated on in our response to Question (d(viii)) below.

viii. Have all sites which scored well in the site assessment process for housing been allocated for this purpose?

- 2.24 Not all sites which scored well within the Council's site assessment have subsequently been put forward for allocation.
- 2.25 Site H357 at Rumble Road received only two 'red' scores in the Council's site assessment in the Environmental Protection and Open Space categories. The Council's commentary on the Environmental Protection category notes that the site has a high risk for noise due to its close proximity to a freight distribution centre. A Noise Impact Assessment was submitted as part of application 2017/91459 which environmental health officers at the Council accepted, concluding (in the committee report) that:
- 'residential development can be provided on this site and deliver an acceptable level of residential amenity for new occupiers, without prejudicing the operational requirements of the neighbouring factory buildings'*
- 2.26 Therefore, it is considered that the concerns over Environmental Protection can be dismissed.
- 2.27 With regards to Open Space, the negative score results from the site's designation in the UDP as Urban Greenspace. As explained in our Matter 2 and Matter 4 Hearing Statements, it is considered that the designation of the site as Urban Greenspace is unjustified. The UDP Inspector concluded that the site should be allocated for housing in the UDP, outlining in Volume III of their report on the UDP (Local Evidence Base document LE2, paragraphs 17.34.1 – 17.34.13) that:
- 'the site is capable of development for housing, located so as to promote sustainable patterns of travel and does not merit long term protection as open land'*
- 2.28 The Inspector's report concludes that the site should not be designated as Urban Greenspace (para 17.34.13).
- 2.29 The allocation of site H357 at Rumble Road in the Plan, which scores well in the Council's own technical assessment and has been found to be an ideal housing site by a previous Inspector, would help the Council meet its strategy of focussing most growth within the urban areas of Huddersfield and Dewsbury. It would also be in accordance with the guidance contained in the Housing White Paper, which states that all other suitable development options should be considered prior to the release of Green Belt land.

Question (e) - Is the Council's approach to other proposed changes to the Green Belt boundaries, including those arising from the digitising exercise, small site assessment, consequential changes and proposed additions, justified and robustly based? Have exceptional circumstances been broadly demonstrated?

2.30 Persimmon has no comments to make on this specific question.

Question (f) - The Plan identifies a number of safeguarded sites on land not currently within the Green Belt. Is this approach justified and in line with national policy and guidance?

2.31 The approach of using safeguarded land policy to allocate sites on land **not currently within** the Green Belt is not in line with national policy and guidance. The purpose of identifying 'safeguarded land' when undertaking a Green Belt review, is to select land which **is currently within** the Green Belt, but could be developed in the long term, after the current plan period or following a Local Plan review, taking into account current and future land use proposals and allocations. This is made clear in paragraph 85 of the NPPF. Identifying safeguarded land prevents the repetitive review of Green Belt boundaries, which should be enduring (NPPF paragraph 83). The general approach of the Plan identifying safeguarded land is therefore not supported or justified. It is noted that site H575 (Kirkburton) was proposed to be designated as safeguarded land in an earlier iteration of the draft Plan, before reverting back to Green Belt in the Submission draft.

Question (g) - What evidence is there to demonstrate that safeguarded sites which have been assessed as unsuitable or undeliverable for housing development over the Plan period will be capable of delivery for this use in the longer term?

2.32 It is considered that there are suitable Urban Greenspace sites as well as Green Belt release options which are deliverable within five years but the Plan is not proposing to pursue, including specifically sites H357 (Rumble Road) and H575 (Kirkburton). If identified safeguarded land sites are not suitable or deliverable, then other sites should be identified which can be demonstrated as deliverable and are in the control of a willing landowner and developer.