

## **Holme Valley Neighbourhood Development Plan Examination**

### **Kirklees Council response to Examiner's clarifying questions (18<sup>th</sup> March 2021)**

- 1.1 This note sets out Kirklees Council's response to the questions raised by the Examiner on 18<sup>th</sup> March 2021.

#### **Question 13 – Article 4 Directions**

Are there any Article 4 Directions pertaining to the Holme Valley currently in place / or planned?

- 1.2 The council confirms that there are no Article 4 directions relating to the Holme Valley in place or planned.

#### **Question 14 – Sustainability assessment and local validation checklist**

Policy 12 – Is Kirklees Council in a position to support a requirement for a formal sustainability assessment for major developments for example by requiring it as part of its local validation checklist or ensuring that DM Officers request such assessments where they are not submitted with the application?

- 1.3 The Council is working towards an updated Validation List that will include a requirement for all minor and major applications to be accompanied by a Climate Change Statement to demonstrate how the development contributes towards the transition to a low carbon economy. However, this will be subject to Kirklees Council Cabinet endorsement and has no weight at this time.
- 1.4 In the interim, the council do request that major applications demonstrate how the proposal responds to the Council's Climate Change Emergency. Whilst the Local Plan predates the declaration of a climate emergency and the net zero carbon target, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

#### **Proposed Modification**

- 1.5 The Examiner may wish to modify Policy 12 to refer to Climate Change Statement rather than sustainability assessment to ensure consistency with referencing.

#### **Question 15 – Community Infrastructure Levy**

Please confirm Kirklees position regarding the CIL because as things stand the referencing in section 4.10 of the plan is unclear where there is no CIL or no prospect of a CIL.

- 1.6 Kirklees Council at Cabinet 19<sup>th</sup> January 2021 endorsed a decision "That the council shall not proceed to adopt the Community Infrastructure Levy Charging Schedule at this stage and that the implementation of the CIL be reconsidered at a later stage

dependent upon national government policy intentions and economic circumstances”.

- 1.7 The council’s decision was based on the following:
- The ‘Planning for the Future’ White Paper – this set out the government’s intention to abolish CIL and replace it with a nationally set infrastructure levy;
  - Community Infrastructure Levy (Amendment) (England) (No 2) Regulations 2019 removed restrictions allowing contributions from developers to be pooled together and used to help fund infrastructure proposals to reduce the impact of developments.
- 1.8 The council may seek to re-visit CIL in the future, should the government stance change. Were that to be the case, the council would again consult the community and update its evidence to determine the most appropriate approach to support the economic recovery of the district. There is, therefore, the potential for CIL to be reconsidered in the future.

#### **Proposed Modifications**

- 1.9 Opportunities for funding also exist through potential Section 106 or other funding mechanisms and this is already referenced in the Holme Valley Neighbourhood Development Plan Section 4.10 Developer Contributions. To ensure that the Holme Valley Neighbourhood Development Plan includes the opportunity to link to potential funding through the development application process, it is considered that the policy should be retained but with some minor modifications to the policy wording and policy justification.
- 1.10 The Examiner may wish to consider amending Policy 14 Focusing Developer Contributions on Local Priorities (new text in bold and underlined) to read as follows:

*The Parish Council will prioritise funds, **where appropriate**, received through the Community Infrastructure Levy, **Section 106 or other funding opportunities** to support and enable projects which seek to address the following aims (not in order of priority):*

- *Improvement of public rights of way including access along the River Holme*
- *The provision of better facilities for either young people and / or old people*
- *Local highway improvements*
- *Environmental or heritage projects seeking to improve the built and natural environment*
- *Improvements to car parking provision*
- *The ongoing retention and support of community facilities including public toilets.*

*The Parish Council actions listed in this Neighbourhood Development plan also identify specific locations where potential projects have been identified for further consideration.*

- 1.11 Further Proposed Modifications for consideration by the Examiner to reflect the proposed amended policy wording would be to:

- update the council's position with regard to CIL at paragraph 4.10.1 of the Holme Valley Neighbourhood Plan;
- Delete reference to draft CIL rates outlined at paragraph 4.10.6-4.10.7;
- Amend last sentence of 4.10.8 to read: "Using the feedback received, we have given the following priorities in a policy as outlined below **which where appropriate, can be used to prioritise local infrastructure funding:**
- Insert new paragraph 4.10.4 to refer to the three tests for section 106 and viability.

**Planning obligations may only be a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms:**

- **Necessary to make the development acceptable in planning terms;**
- **Directly related to the development; and**
- **Fairly and reasonably relate in scale and kind to the development.**

**The impact on the viability of the scheme is also an important consideration.**

#### **Question 16**

Regulation 16 Representation – 5793223\_0\_1 appears not to be comments on the Neighbourhood Development Plan but on the Holmfirth Town Access Plan. Please confirm that this should be removed from the list of representations, including on the Holme Valley Neighbourhood Development Plan web pages, and referred elsewhere.

- 1.12 The council agrees that representation – 5793223\_0\_1 does not relate to the Neighbourhood Development Plan. The representator has been contacted to confirm that the representation will be removed from the council's on-line portal.
- 1.13 At the time of receipt of the representation, it was forwarded to the Project Officer dealing with the Holmfirth Town Centre Access Plan (HTCAP). The representation will be retained along with the previous consultation engagement material for the HTCAP scheme.