



The Planning Inspectorate

Report to Kirklees Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Kirklees Publication Draft Local Plan

The Plan was submitted for examination on 25 April 2017

The examination hearings were held between 10 October 2017 and 26 April 2018

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Abbreviations used in this report

AAP	Area Action Plan
BAP	Biodiversity Action Plan
BGS	British Geological Society
C&I	Commercial and Industrial Waste
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government)
DtC	Duty to Co-operate
EfW	Energy from Waste
GTAA	Gypsy and Traveller and Travelling Showperson Accommodation Assessment
HGV	Heavy Goods Vehicle
HIA	Heritage Impact Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
ITA	Interim Transport Assessment
KES	Kirklees Economic Strategy
LACW	Local Authority Collected Waste
LCR	Leeds City Region
LEP	Leeds City Region Local Enterprise Partnership
LCR SEP	Leeds City Region Strategic Economic Plan
LDS	Local Development Scheme
LGS	Local Green Space
MHLG	Ministry for Housing, Communities and Local Government
MM	Main Modification
MUGA	Multi Use Games Area
NPPF	National Planning Policy Framework
NPPW	National Planning Policy Waste
OAN	Objectively assessed need
PEA	Priority Employment Area
PDLP	Publication Draft Local Plan
PPG	Planning Practice Guidance
PROW	Public Right of Way
REM	Regional Econometric Model
RIS	Road Investment Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SIGI	Strategic Green Infrastructure project
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SM	Scheduled Monument
SPA	Special Protection Area
SRN	Strategic Road Network
UGS	Urban Green Space
UDP	Unitary Development Plan
UPC	Unattributable Population Change
WNA	Waste Needs Assessment
WYCA	West Yorkshire Combined Authority

Non-Technical Summary

This report concludes that the Kirklees Publication Draft Local Plan provides an appropriate basis for the planning of the district, provided that a number of main modifications [MMs] are made to it. Kirklees Council has specifically requested us to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings the Council prepared schedules of the proposed MMs, carried out sustainability appraisal of them, and updated the Habitats Regulations Assessment. The MMs were subject to public consultation over a six-week period. We have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them. In some cases we have amended their detailed wording.

The Main Modifications can be summarised as follows:

- Insertion of mitigation measures relating to assessing and addressing impacts on the South Pennine Moors Special Protection Area.
- Updates to the housing supply table, housing and delivery phasing table and housing trajectory, based on realistic assumptions regarding capacity and rates of delivery.
- Modifications to the employment supply table to update the figures and methodology.
- Applying the Liverpool approach in calculating five year housing land supply.
- Setting out the five year housing land supply position and methodology.
- Amending the gypsy and traveller pitch target to reflect identified needs in the Gypsy and Traveller and Travelling Showperson Assessment.
- Insertion of references to the production of Area Action Plans for Huddersfield and Dewsbury Town Centres.
- Insertion of new policies in Part 2 of the Plan which specify that the identified sites are allocated for development.
- Deletion and insertion of a number of employment, housing and mixed-use allocations.
- Adjustments to the indicative capacity of allocations, based on realistic and justified assumptions.
- Amendments and updates to requirements and criteria in the site-specific policies.
- Revisions to the wording of development management policies to ensure they are effective, justified and consistent with national policy.
- Amendments and updates to the minerals and waste sections of the Plan, in accordance with national policy.
- Various other changes to ensure the Plan is up-to-date, internally consistent, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Kirklees Publication Draft Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) (2012) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised NPPF was published in July 2018. However, the transitional arrangements in paragraph 214 of this document state that the 2012 NPPF will apply for the purpose of examining plans submitted on/before 24 January 2019 (ie the Kirklees Local Plan). Therefore, unless otherwise stated, references in this report are to the 2012 NPPF. In addition, references to the Planning Practice Guidance (PPG) are to the previous versions in place before publication of the revised NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Kirklees Publication Draft Local Plan, published for consultation in November 2016 and submitted in April 2017, is the basis for the examination. The Plan comprises two documents – Strategy and Policies (Examination Document SD1) and Allocations and Designations (SD2). In this report they are referred to collectively as 'the Plan', and as Part 1 and Part 2 respectively. Together the documents set out strategic policies, development management policies and a series of site allocations and designations that will replace saved policies of the Kirklees Unitary Development Plan (UDP) (1999 as revised). The list of superseded and replacement policies in Part 1 of the Plan contains several errors which are corrected through modification **SD1-MM145**, and is necessary to ensure the Plan is effective.
4. Part of Kirklees lies within the Peak District National Park, which is covered by a separate Local Plan produced by the National Park Authority. Therefore references in this report to the Plan area relate to the part of Kirklees which is outside the National Park.

Main Modifications

5. In accordance with Section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, with the prefix of either SD1 or SD2, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them where necessary. The MM schedule, contained in two documents relating to Parts 1 and 2 of the Plan, was subject to public consultation for six weeks, alongside the other updated documents.

We have taken account of the consultation responses in coming to our conclusions in this report. We have made some amendments to the detailed wording of the MMs where necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory process and Sustainability Appraisal that has been undertaken. Where necessary these amendments are highlighted in the report.

Policies Map

7. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission Policies Map comprises the set of plans identified as:
 - Kirklees Publication Draft Local Plan – Allocations and Designations Appendix 1 Town Centre Maps (November 2016)
 - Kirklees Publication Draft Local Plan – Allocations and Designations Appendix 2 Policies Maps (November 2016)
8. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. Accordingly, the Council's published proposed modification SD2-MM334 has been omitted from the schedule of MMs in the Appendix as it only relates to a change to the Lindley District Centre boundary within the Policies Map.
9. A number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective. These further changes to the Policies Map were published by the Council for consultation alongside the draft MMs, either embedded within the Part 2 Main Modification document alongside a linked MM, or within the separate Part 2 Additional Modifications document. Although the embedded maps are shown within the MM schedules in the Appendix to this report they are not a formal part of the MMs.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map.

Habitats Regulations Assessment

11. The Council's HRA (March 2017), including Appropriate Assessment, sets out the assessment results of the submitted Plan. It identifies that the plan may have some adverse impact on the South Pennine Moors Special Protection Area (SPA), relating to habitats for bird species, which requires mitigation. This mitigation can be secured through modifications to the plan in the form of additional text in Policy PLP 30 (**SD1-MM91, SD1-MM92**) and a number of site allocation policies, as referenced under Issue 7 below. The Council's HRA of the MMs (August 2018) has not altered these findings.

12. The updated assessment of in-combination effects, as set out in the HRA on the MMs, indicates that it is not yet possible to conclude whether there may be adverse effects on the integrity of European protected sites in relation to the Leeds Core Strategy Review, Calderdale Local Plan and Greater Manchester Spatial Framework in combination with the Kirklees Local Plan. However, although these authorities will need to consider the matter through their HRA work, there is currently no evidence that the Kirklees Local Plan would have adverse effects in-combination with other plans, providing mitigation measures are implemented.
13. The HRA of the MMs, including new/amended policies and allocations, does not alter any of the other findings in the HRA 2017. Overall, having regard to the Council's HRA work and the position of Natural England, it is concluded that the Kirklees Plan is unlikely to have an adverse effect on the integrity of European protected sites, either alone or in-combination with other plans or projects, subject to mitigation in the Local Plan and the identified MMs. The Council has confirmed that it considers that the HRA work is legally compliant, taking account of the recent EU Court of Justice judgement (12 April 2018).

Consultation

14. The adequacy of the Council's consultation on the Plan has been questioned. However, public consultation on the Draft Local Plan (2015) and the Publication Draft Local Plan (PDLP) (2016) was extensive and wide ranging, and elicited a high level of responses. The hearings provided a further opportunity for comment and were well attended by community groups and other participants. A significant number of comments were submitted on the MMs. Overall, we consider that there has been adequate opportunity for people to express their views on the Plan.
15. The process has been supported by a wide range of evidence documents. Although some documents were issued after publication of the PDLP, representors have been provided with a variety of opportunities to respond, at the hearing sessions and in written form. Accordingly, we are satisfied that consultation on the Plan has not been compromised by an absence of evidence.
16. Overall, consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI) and the relevant regulations.

Assessment of Duty to Co-operate

17. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation. The Council has prepared a Duty to Co-operate (DtC) Statement which sets out the nature of cooperation and joint working undertaken with other Local Planning Authorities and additional bodies prescribed in the Regulations.
18. Kirklees is part of the Leeds City Region Local Enterprise Partnership (the LEP) which incorporates eleven planning authorities and provides a forum for cooperation on planning matters. Kirklees is also a member of the West Yorkshire Combined Authority (WYCA). The Council's DtC Statement sets out

evidence relating to regular meetings within these groupings, and extensive engagement on strategic planning matters, including housing, employment, Green Belt, infrastructure and transport. Bespoke engagement has also taken place on an individual basis with these and other authorities, and DtC bodies as part of Plan preparation. This includes a Statement of Common Ground with Calderdale Council.

19. Kirklees has cooperated with authorities in the Leeds City Region (LCR) in establishing the Housing Market Area (HMA) for Kirklees and the wider functional economic market area. A shared methodology for demographic and job change scenario testing has been applied. The Council is proposing to meet its identified housing needs within Kirklees, as a single housing market area. Other adjoining authorities are at varying stages of Plan preparation, but there are no active requests from these authorities to meet unmet housing needs within Kirklees.
20. Jobs growth and employment land requirements in Kirklees over the Plan period have been calculated using the Regional Econometric Model (REM), and the use of this joint evidence base has allowed effects on the wider City Region functional economic area to be tested. A joint employment land availability assessment for functional parts of the city region including North Kirklees has not been carried out. However, the submitted evidence indicates that city region authorities are proposing to meet their objectively assessed employment needs in full, and there are no active requests from Bradford, Calderdale or any other authority to accommodate any shortfalls within Kirklees. In this context, and taking account of the extensive engagement on economic matters that has taken place, we are satisfied that the Council has complied with the duty to cooperate in relation to this matter.
21. The Council has demonstrated constructive and on-going engagement with local authorities and other organisations on strategic matters. Kirklees Council has sought to effectively resolve issues, and there are no concerns before us from other authorities and prescribed bodies regarding compliance with the duty to cooperate. The LEP has confirmed that the Kirklees Local Plan complies with the LCR Statement of Cooperation for Local Planning.
22. Overall we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings we have identified 15 main issues upon which the soundness of the Plan depends. Under these headings our report deals with the main matters of soundness rather than responding to every point raised by representors.
24. Issues 1 and 15 are matters covered by both of the Inspectors, and our joint conclusions are presented below. Issues 2 to 10 have been dealt with and reported on by Katie Child. Issues 11 to 14, relating to minerals and waste, are dealt with and reported on by Elizabeth Hill.

Issue 1 – Does the vision, strategic objectives and spatial development strategy in the Plan provide a positive and soundly based framework for the delivery of sustainable development in Kirklees?

25. The vision and strategic objectives in the Plan provide a broad framework for the delivery of sustainable development in the district. The vision and objectives seek to promote the regeneration of the towns whilst safeguarding their distinctiveness, and support the expansion of the local economy through employment and housing growth. They are supported by more detailed place-shaping principles for the four sub-areas of Huddersfield, Dewsbury and Mirfield, Batley and Spen and Kirklees Rural, which highlight the strengths, opportunities and challenges in each area. The sub-areas are extensive and based on Committee boundaries. However, locations within these areas exhibit a range of similar characteristics and features, and in broad terms they provide a reasonable basis for identifying constraints and opportunities.
26. Both minerals and waste are defined as an Issue (numbers 16 and 17) in the Plan and the strategic objectives cover these issues at objective 10. The delivery of the vision, objectives and strategy for minerals and waste is set out in section 6 of the Plan. Whilst minerals development is not specifically mentioned in the vision, there is sufficient reference in the Plan for future needs and the type of development required to enable the safeguarding of minerals and to ensure their sufficient supply. Although the vision has been interpreted differently by some, in order to meet the aspirations of the district the winning and working of minerals is required to supply materials for infrastructure, the historic environment and other works which will help to meet its economic and social needs.
27. The spatial development strategy in section 6 of the Plan seeks to focus most growth in the main urban areas of Huddersfield and Dewsbury, in line with the vision. Huddersfield and Dewsbury are the largest and most sustainable settlements in Kirklees. The LCR Strategic Economic Plan (LCR SEP) refers to these towns as priorities for regeneration, and identifies the Huddersfield and North Kirklees areas as key locations for sustainable economic growth, taking advantage of synergies and connections in the M62/M1 corridors. As such the 'urban focus' in the strategy is justified and consistent with the delivery of sustainable development. The Council's 'Additional evidence relating to distribution of growth between settlements' document (EX38) indicates that nearly 55% of housing growth is likely to take place in Huddersfield and Dewsbury within the Plan period.
28. The Plan identifies a number of strategic housing allocations in Huddersfield and Dewsbury and employment allocations in North Kirklees to realise this strategy. The suitability and deliverability of these and other individual allocations are discussed later in this report. Some capacity reductions are recommended, but are not sufficient to significantly alter the broad distribution and detract from the urban concentration.
29. Beyond this the Plan does not identify a settlement hierarchy, but seeks to distribute growth based on a range of factors, including settlement size and function, local character, place shaping constraints/opportunities and existing and planned infrastructure. This approach promotes sustainable patterns of

development but recognises environmental constraints and other factors relating to the suitability of a settlement to accommodate growth.

30. The strategy also seeks to maximise development on previously developed land within settlements and protect valued open spaces within settlements, whilst allowing some growth on greenfield sites on the settlement edge. Much of the district outside the main settlements is covered by the Green Belt. Elsewhere in this report it is concluded that in principle there are exceptional circumstances to justify the release of Green Belt land for housing and employment, and that the protection of valued urban open spaces is justified.
31. The proposed distribution of growth between different settlements, and the identification of settlement boundaries, is adequately articulated and justified in the Council's Settlement Appraisal Paper (BP17) and EX38. The distribution has been informed by a wide range of information, including the results of the Council's Green Belt Review, Open Spaces Study and settlement appraisal work. Overall, we consider the distribution is robustly based, and would facilitate development in sustainable locations whilst protecting the district's character. This includes the approach to small 'washed-over' settlements in the Green Belt which have limited services or other constraints, and are therefore not designated for growth. A degree of infilling is permitted in these settlements in accordance with the NPPF and modified Policy PLP 59, as set out later in this report.
32. The absence of specific housing targets in the Plan for sub-areas or settlements provides flexibility and does not render the Plan unsound. However, additional information on the approximate number of allocations likely to be delivered within each settlement are necessary to clarify the strategy and make the Plan effective (**SD1-MM8**).
33. The spatial development strategy is worded as a 'key statement on the Local Plan strategy' rather than a policy. It is considered that, in conjunction with other detailed policies and site allocation policies, it will provide an appropriate basis to guide development. Neighbourhood Plans may follow with additional detail and strategy for individual settlements, but we are satisfied that the broad principles and strategy in the Local Plan provide a suitable framework.

Conclusion on Issue 1

34. In conclusion, subject to the afore-mentioned modification, the vision, strategic objectives and spatial development strategy in the Plan provide a positive and soundly based framework for the delivery of sustainable development in Kirklees.

Issue 2 – Is the overall housing requirement in the Plan soundly based and capable of delivery over the Plan period? Will the Plan help to provide a five year supply of housing sites?

Objectively Assessed Housing Need

35. The Council's Strategic Housing Market Assessment (SHMA) (2016) identifies the objectively assessed need (OAN) for housing in Kirklees. It provides an update to the 2015 version of the SHMA which informed the Draft Local Plan (2015).
36. The SHMA 2016 identifies Kirklees as a relatively self-contained HMA. This is supported by the HMAs Report (2016) produced by the LEP. Based on the evidence before me regarding migration and travel to work patterns, I am satisfied that the identified Kirklees HMA is a credible and robust basis for assessing housing needs.
37. The OAN is informed by the 2014-based national household projections produced by the Department for Communities and Local Government (DCLG). The SHMA applies a vacancy rate of 4.2% to the DCLG household projection for Kirklees, which is prudent on the basis that it is linked to vacancy rates in the 2011 census and is higher than recent estimated rates. The demographic starting point is identified in the SHMA as an increase in 27,321 households or 1,584 dwellings per annum (dpa) over the period 2013-31. In line with the NPPF and PPG, the SHMA also considers whether adjustments to the DCLG household projections are necessary to take account of local demographic trends and household formation rates, employment trends, and market signals.
38. The application of alternative migration assumptions based on 10 year trends and excluding Unattributable Population Change (UPC) produces broadly comparable dwelling numbers to the 2014-based household projections. UPC was not explicitly included in the 2012-based or 2014-based population projections, and the effect of UPC would be less marked in 2014-based population projections as recent years of trend data are not affected by this issue. The 2014-based headship rates are not markedly changed from the 2012-based rates, and the Council's evidence shows that dwelling requirements under 2012-based headship rates fall within the range arising from 2008 and 2011-based headship rates, and are higher than the average of the 2008 and 2011 rates. There is no substantive evidence before me that headship rates will return to higher 2008-based trends. Accordingly, as established in the SHMA, I concur that no uplift is necessary in relation to alternative demographic trends and household formation rates.
39. The Plan is informed by a series of economic forecasts, and identifies a preferred jobs growth target of about 23,200 over the Plan period based on a 75% employment rate. As set out later in this report I consider this jobs target and the linked employment rate are realistic and justified. The SHMA identifies a number of jobs-led housing projections using this jobs growth target, and concludes that scenario 'SENS1', which produces an annual requirement for 1,730 dwellings, is appropriate and justified. I concur with this position, and the associated uplift in OAN, for the following reasons. Firstly, although the population is ageing, changes in state pension age and

initiatives such as flexible working may encourage people to work for longer and there are clear trends in Kirklees for increased female labour force participation. Accordingly the maintained base-year level economic activity rate of 68% for 16-74 year olds in SENS1 is reasonable. The lower unemployment rate of 4% in SENS1 is aspirational but credible, given that the rate has declined significantly in recent years and is predicted to decline to 4.2% based on trends alone. Secondly, in conjunction these assumptions produce an overall employment rate of 74% for 16-64 year olds which broadly aligns with objectives in the KES to achieve an employment rate of about 75%. The associated uplift in OAN will therefore help to support future economic development in the district, and facilitate a clear link between housing and economic growth.

40. Market signals indicate that the housing market in Kirklees is relatively stable, with house prices below regional and national averages, modest house price increases between 2005 and 2015 well below the national average, and reasonable and broadly consistent levels of affordability between 2010 and 2015. There are some signs of pressure, as private rents have risen faster than regional and national rates, and overcrowding levels are slightly above the national average. However, private rent increases in Kirklees are similar to several comparator districts and affordability is still good. Levels of overcrowding in Kirklees may also be partly due to higher levels of ethnicity and the existence of multi-generational households. There is evidence of under-delivery against housing targets, but this may be related to market conditions at the time. Furthermore any under-delivery since 2013 has been accounted for in the housing requirement calculations below, whilst prior under-delivery is dealt with as part of the household projections. Overall, it is reasonable for the SHMA to conclude that no uplift should be applied on the basis of market signals.
41. The SHMA does not propose a further uplift to OAN to increase affordable housing delivery. The Council's evidence shows a net shortfall of 108 affordable homes per year over the Plan period, and that this shortfall would be met through the provision of more than 250 additional affordable dwellings per year from outstanding permissions and new allocations, linked to the percentages sought in Policy PLP 11. The SHMA indicates that the net shortfall would be higher if backlog was dealt with more quickly. However, the PPG does not specify a particular time period for dealing with backlog, and the Council's updated affordable housing trajectory shows significant variation in annual rates, with high levels of delivery in the next five years. Accordingly, I concur that an uplift to OAN in order to deliver more affordable housing and within an earlier timeframe is not necessary or justified.
42. The SHMA 2016 concludes that, based on the uplift required to support jobs growth, the OAN for housing in Kirklees is 1,730 dwellings per annum, equating to 31,140 new dwellings over the period 2013 to 2031. Given the uncertainties at this stage surrounding the likely impact of Brexit on the Kirklees housing market, I conclude that no associated changes are required to OAN. Overall OAN in the SHMA 2016 is based on robust evidence and takes account of local circumstances.
43. Since the Local Plan hearings the Ministry for Housing, Communities and Local Government (MHLG) has published new 2016-based household projections

which indicate lower household growth for Kirklees compared to the 2014-based projections. However, this does not automatically mean that OAN should be revised downwards, as the projections represent a starting point and the case for uplifts linked to market signals, affordability and economic growth would need to be assessed. The Government's recent consultation paper indicates that Council's applying the standard methodology should continue to use 2014-based figures, but the Kirklees Plan is being considered under transitional arrangements. Nonetheless, the Council has confirmed that it wishes to continue to pursue the OAN identified in the SHMA 2016 in order to support economic growth and the delivery of jobs. Taking these factors into account, in the case of Kirklees I conclude that a revision to the demographic starting point and the approach to OAN is not necessary at this stage.

Housing requirement and Green Belt

44. Kirklees is a HMA for the purpose of plan-making, and the Plan seeks to deliver OAN for housing in full within the district in line with national policy. The Plan does not rely on other authorities to meet any shortfalls, and there are no active requests before me from nearby authorities to accommodate any of their unmet housing needs within Kirklees.
45. Most of the district outside the built-up area lies within the Green Belt. The Council has carried out an assessment of urban capacity as part of the Local Plan process, based on evidence in the Strategic Housing Land Availability Assessment (SHLAA), reviews of employment land and Urban Green Spaces, and other sources.
46. The assessment has been thorough, and where bespoke evidence was not available, involved the application of a reasonable rate of 35 dwellings per hectare (dph) to estimate capacity of potential housing options. Historical evidence demonstrates that a rate of 35 dph applied to developable areas is achievable, as an average gross rate of 36 dph was achieved on new build sites (excluding apartment-only schemes) in Kirklees between 2006 and 2016. The assessment also sought to protect open spaces and facilities within built-up areas with identified recreation, landscape character and/or biodiversity value. This approach is consistent with the NPPF as whole, which seeks to protect green infrastructure, biodiversity and landscape character, as well as formal open space and sports provision, and promote healthy communities. As concluded under Issue 9, the Council's Open Spaces Study is robust and fit for purpose. Further details of the site assessment methodology are set out under Issue 7 below.
47. The assessment work shows that, although there are a range of potential housing sites within towns and villages, there is insufficient capacity to deliver the identified housing requirement on non-Green Belt land. The Council's Green Belt Review Supporting Document indicates that the shortfall amounts to some 11,500 dwellings.
48. The NPPF states that alterations to Green Belt boundaries should only be made in exceptional circumstances. The delivery of OAN within Kirklees would help to provide sufficient homes to meet local needs, and facilitate the delivery of additional affordable housing. The provision of much needed additional housing would bring related social benefits. Population growth coupled with

new housebuilding could also help to boost the local economy and support the Council's aspirations for economic growth and jobs delivery. It would also make an important contribution to the wider LCR economy and support aims in the LCR SEP. As identified in the SA work, additional housing growth could potentially have a greater impact on the environment than lower levels of provision, and create demands for services and infrastructure. However, as set out elsewhere in this report I am satisfied that suitable mitigation and support measures could be put in place and sustainable growth could be achieved. The DtC work indicates that other nearby authorities are seeking to meet their own housing requirements, and many of these areas also contain land in the Green Belt or the Peak District National Park.

49. Without the release of Green Belt land in Kirklees a substantial level of new dwellings, potentially amounting to about one third of identified need, would not be delivered. Therefore, in the absence of reasonable alternatives, and given the benefits associated with local housing and economic growth, I conclude that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver OAN for housing in Kirklees. This is supported by the Council's Green Belt review and site assessment work, as detailed in Issue 7 below, which illustrates that the release of land to meet OAN needs could be accommodated without significantly harming the overall integrity of the Green Belt in Kirklees. However, it is subject to an assessment of environmental capacity and demonstration of exceptional circumstances on a site by site basis, as covered later in this report.
50. The housing requirement of 31,140 dwellings over the Plan period, or 1,730 dwellings per year, is expressed in the Plan's spatial development strategy as 'about but not less than'. Modifications are necessary to clarify that it represents a minimum figure, and to refer to it in the Housing chapter (**SD1-MM6, SD1-MM33**).

Overall housing supply

51. Table 5 in the Plan identifies the estimated supply of housing over the Plan period from range of sources, including completions, commitments, windfall and allocations. The supply figures includes a 10% lapse rate on current permissions (excluding those on Local Plan allocation sites) and an allowance for homes lost through demolition, change of use or conversion, so in this regard are pragmatic and incorporate an element of flexibility. A lapse rate for allocations is not included, but on the basis that the suitability, capacity and deliverability of sites has been thoroughly assessed through the Local Plan process, and in light of flexibility elsewhere, this approach is sound.
52. A sizeable windfall allowance of 450 dpa is included. Much of this rate is based on estimated supply from small sites (less than 0.4 hectares) as the Plan allocates large sites for development, and therefore double counting is avoided. The rate of 450 dpa is similar to the average rate of about 453 dwellings per year achieved on small sites in Kirklees between 2006/7 and 2015/16, and does not account for declining opportunities as sites are built out. However, recent small-site completion rates have been strong, and the district has extensive urban areas and regeneration opportunities. There is also no clear correlation between the age of the Plan and small site windfall rates, and on this basis I am not persuaded that the rate since 2005-6 has

been significantly affected by the age of the UDP. Further, it is reasonable to assume that additional large windfall sites will come forward over the Plan period, in addition to available sites already allocated in the Plan. Whilst the Plan seeks to safeguard business uses in Priority Employment Areas, it does not seek to protect employment sites elsewhere which do not meet the needs of business. Other sites, including a number of safeguarded sites deleted under Issue 8, may also come forward if constraints are resolved or circumstances change.

53. The historical small site completions rate of 453 dpa is based on completions over a suitably long timeframe, and I am therefore satisfied that use of a mean average rather than a median figure is reasonable.
54. For the reasons above, I consider that the windfall rate of 450 dpa is justified and soundly based. However, in order to allow time for current outstanding commitments to be built out the rate should be applied from 2021 onwards rather than 2020. This is reflected in the modified housing supply table (**SD1-MM39**).
55. The supply figures also need to be amended to take account of completions and commitments data for 2015/16 and 2016/17, and to reflect changes in capacity on individual site allocations which are detailed under Issue 7 and are necessary for reasons of soundness. This also includes the deletion of a number of allocations, and the insertion of new ones. In some cases modifications to phasing of sites, as set out in the sub-section below, has reduced estimated capacity within the Plan period and resulted in adjustments to overall supply.
56. Modified Table 5 (**SD1-MM39**), taking account of site-specific changes detailed under Issue 7, indicates that some 31,012 dwellings can be delivered over the Plan period. Overall this represents a reasonable projection, which takes account of a range of sources and likely capacity. Consequential changes to housing supply figures elsewhere in the Plan are also necessary for reasons of effectiveness (**SD1-MM7, SD1-MM34, SD1-MM35, SD1-MM36, SD1-MM37, SD1-MM38**).
57. The estimated supply of 31,012 dwellings represents a slight shortfall against the identified housing requirement of 31,140 dwellings. However, the supply calculations include an element of flexibility, and density assumptions are suitably modest. Further, as set out below, the phasing rates as modified are achievable. The Plan proposes a significant amount of development across a wide area, and taking account of the small size of the shortfall I consider that the most appropriate way forward would be to monitor housing delivery and respond accordingly. The new legislative requirement to carry out Plan reviews within five years, and therefore before the shortfall occurs, lends support to this position. It would also be a pragmatic response in the context that identifying and releasing additional sites from the Green Belt would delay adoption of the Plan and delivery of the current allocations, and be contrary to the Government's priority to boost the delivery of housing to meet current needs. The Delivery and Implementation section in Chapter 8 of the Plan provides a clear framework and a range of actions for dealing with insufficient delivery. However, modifications **SD1-MM40** and **SD1-MM159** are necessary to clarify the position regarding supply and make the Plan clear.

58. I recognise that in some cases 'buffers' have been included in overall housing supply calculations in Plans elsewhere, to a varying degree. However, for the reasons set out above, in the case of Kirklees I consider that the absence of a buffer does not render the Plan unsound.
59. The annual rate of 1,730 dwellings per year represents a significant step-up from previous delivery rates in Kirklees. However, the Plan identifies a wide range of allocation sites and provides an up to date framework for assessing and supporting development proposals. The Council also has a clear commitment to the identified programme, including the delivery of Council-owned sites, and has invested in resources to increase capacity and assist in timely delivery.

Phasing and delivery

60. The estimated timescales for delivery of outstanding commitments and allocations are set out in Appendix 3 of the Plan and reflected in the housing trajectory.
61. Standard lead-in times and build rates have been used for many sites, with bespoke figures used where developers have supplied information or there is other evidence. Given the number of allocations in the Plan, this approach is reasonable in principle.
62. Since submission of the Plan, the Council has put forward an extended lead-in period to allow additional preparation time for outline planning applications and lead-in times for Green Belt sites, and has rolled forward the start date to take account of the passage of time since the start of the examination. The updated standard lead-in times and phasing are set out in Table 2 in the Council's Phasing and Delivery Options Paper (EX45.1). The table shows a lead-in period of between 2 and 2.5 years for sites which do not yet have a planning application submitted, and a shorter period where sites have gained outline and/or full permission or where there are undetermined applications.
63. The Council's analysis of all permissions granted between 2009/10 and 2012/13 shows an average lead-in period of 21.8 months between validation of a planning application and commencement of development on-site. Alternative evidence has been submitted which indicates that longer lead-in times and phases have been achieved elsewhere, particularly on strategic sites. However, the Council's evidence on lead-in times is based on extensive local analysis of data. Furthermore, the Council's standard lead-in times have not been applied to the main strategic sites. Based on the evidence before me, I consider that the updated standard lead-in times and phasing periods in Table 2 in EX45.1 are justified and take account of different stages leading to delivery. Some schemes may take longer and others less time to reach delivery stage, but I am satisfied that, overall, the applied lead-in times represent a reasonable average estimate.
64. In many cases a period of about 1.5 years has been allowed between disposal of Council-owned housing and mixed use sites to a housing developer and commencement of dwellings. Although early preparation work may have been undertaken prior to disposal, this period would, in many cases, be insufficient to enable a housing developer to revisit this work and take forward a scheme to full permission/reserved matters and commencement. I therefore conclude

that the phasing rates for Council-owned housing and mixed-use allocations likely to be sold to a housing developer should be altered to allow a minimum of 2 years between disposal and initial completion of dwellings. This does not apply in the case of sites with full planning permission and/or where disposal to a Registered Provider is anticipated, or strategic sites where bespoke rates are applied.

65. Standard build rates of 30 dpa for sites with less than 200 dwellings and 50 dpa for sites of 200-499 dwellings have been applied. The small site rate is supported by the SHLAA Working Group and is reasonable. The larger site rate is higher as on many larger sites, albeit not all, two or more developers may be involved in delivery. Evidence from the limited number of large sites that have recently come forward in Kirklees indicates that this rate is capable of being delivered.
66. I am not persuaded that the phasing of brownfield sites prior to greenfield releases is an appropriate or realistic approach, given the scale and urgency of housing delivery required in Kirklees. It is clear that unless greenfield sites are delivered alongside brownfield sites, the Council will not be able to provide a five year supply of housing land as required by national policy.
67. Modifications to the delivery and phasing tables in Appendix 3 and the housing trajectory are needed to capture the changes to lead-in times and start times referenced in this sub-section, and ensure the Plan is robustly based and can be effectively monitored (**SD1-MM160, SD1-MM41**). The modified tables and trajectory also capture bespoke changes to delivery timescales for individual allocations which are covered elsewhere in this report. Overall, I am satisfied that the tables and trajectory as modified are based on realistic lead-in times and build rates, and represent achievable rates of delivery.

Five year housing supply

68. Evidence on historical completions in the SHMA shows that there has been recent and persistent under-delivery of housing against Local Plan targets. Therefore, in accordance with paragraph 47 in the NPPF, a 20% buffer needs to be applied to the housing requirement figure when calculating five year housing supply.
69. The Council's Phasing and Delivery Options Paper (April 2018) (EX45.1) shows 4.87 years of deliverable housing supply between 2018/19 and 2022/23 applying the 20% buffer and using the 'Sedgefield' approach proposed in the submission Plan. The Sedgefield approach is based on shortfall since the start of the Plan period being delivered within the next five years. Additional changes to site allocations and lead-in times covered under Issue 7 below would reduce this level of supply further.
70. The PPG indicates that the Sedgefield approach should be used where possible. The alternative 'Liverpool' approach, based on past under-delivery being recovered over the remainder of the Plan period, is not ruled out in the PPG, and would be a pragmatic approach in the context of a large number of strategic allocations in the Plan which will take a while to come forward. Furthermore, maintaining a five year supply using the Sedgefield approach would require additional allocations in the Plan, and this would be likely to involve the further release of Green Belt land. Overall I consider that making

up the shortfall more quickly in Kirklees does not justify the additional harm to the Green Belt that would result from allocating additional sites, or amount to exceptional circumstances.

71. Accordingly I conclude that, in the case of Kirklees, the Liverpool approach is necessary to deal with the shortfall and ensure the Plan is sound. The updated five year supply calculations in modifications **SD1-MM42** and **SD1-MM43** indicate 5.51 years of supply based on the Liverpool approach, and provide necessary detail on the course taken and the workings. On this basis there would be a deliverable supply of housing land on adoption which exceeds the five year requirement.

Conclusion on Issue 2

72. In conclusion, the overall housing requirement in the Plan is soundly based and subject to modification is robustly expressed. A slight shortfall of supply against requirement over the Plan period is predicted, based on the updated supply figures, but this is marginal and capable of being dealt with through the monitoring and review process. The Plan will, based on the updated supply figures and subject to the above-mentioned modifications, provide in excess of the minimum five year supply of housing land on adoption.

Issue 3 – Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?

Affordable housing

73. The definition of affordable housing in the Plan's Glossary does not fully accord with that in the revised NPPF (July 2018). Although the Plan is being examined under transitional arrangements and against the 2012 NPPF, it is sensible to future proof the text and simplify it for reasons of effectiveness. This would be facilitated through modification **SD1-MM139**.
74. Policy PLP 11 states that 20% affordable housing should be provided in residential schemes of more than 10 units. As detailed in Issue 2 above, the provision of additional affordable housing through this route would make an important contribution to meeting identified shortfalls and would help to deliver affordable housing early in the Plan period and deal with backlog. The Council's viability work indicates that 20% affordable housing is deliverable on schemes of 10 or more units in most parts of the district, and the policy provides sufficient flexibility to deal with situations where viability is an issue. I therefore consider that the proportion and approach in Policy PLP 11 is justified. However, in order to facilitate effective monitoring an affordable housing trajectory should be included in the Plan through **SD1-MM52**.
75. Policy PLP 11 supports exception sites for affordable housing in 'small free standing settlements' which are 'well away from the larger urban areas'. However, this approach is insufficiently justified and would not be effective in meeting local affordable housing across the district as many settlements would be excluded. Accordingly, modifications **SD1-MM45** and **SD1-MM51** are necessary to widen this requirement and allow exception sites across the district.

76. Affordable homes can now include starter homes and the phrase 'where appropriate' therefore needs to be inserted in Policy PLP 11 in relation to securing affordable homes in perpetuity (**SD1-MM45, SD1-MM51**). In the context of identified needs for other forms of specialist housing, and the Council's desire to facilitate this provision, **SD1-MM50** is necessary to clarify that in certain circumstances specialist housing may be accepted in lieu of affordable housing.

Traveller accommodation

77. The Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) (2015) identifies a need for 10 new pitches for gypsies and travellers in the five year period 2014/15 to 2018/19, and a need for 2 pitches between 2019/20 and 2033/34. A need for four plots for travelling showpeople is identified between 2014/15 and 2033/34. Eight transit pitches are also required in the short-term. The GTAA is based on a wide range of quantitative and qualitative data, survey work and analysis of short and long term needs, and was subject to sensitivity testing of alternative household numbers. Overall I am satisfied that it applies a robust methodology.
78. The national planning definition of gypsies and travellers altered in 2015. Although it is referred to in the GTAA, the Council did not carry out a full reassessment of needs, including the requirement for alternative forms of caravan accommodation (as set out in the Housing and Planning Act 2016). As such the alternative pitch requirement of zero for years 0-5, which appears in brackets in Table 6 in the Plan, is not justified. The Plan should be based on the objectively assessed needs in the Council's GTAA, and the figure of zero should be deleted through modification **SD1-MM54**. In order to make the Plan effective and sound, modification **SD1-MM53** is also necessary to link the requirements in Table 6 into Policy PLP 12 itself. Subject to these modifications, Policy PLP 12 sets out a clear and robust framework for meeting accommodation needs and assessing windfall applications.
79. The Plan allocates two sites for traveller accommodation. A wide range of site options were identified and assessed and I am satisfied that the process was substantive and robust. The sites are located on non-Green Belt land within or adjoining urban areas, and make sufficient provision to meet needs over the Plan period. The Council, as landowner, has indicated the sites are likely to come forward within five years, and as such five year supply is achievable. The sites are in the north of the district in sustainable locations, and would help to meet local needs.
80. The sites are listed in text boxes in Part 2 of the Plan, but are not incorporated within an actual policy. In order to provide sufficient weight and clear direction for developers and the community, a new policy should be inserted which specifies the sites are allocated and identified on the Policies Map (**SD2-MM292**).
81. Site GTTS1957 involves extending an existing travelling showpersons site in Ridings Road, Dewsbury. Modification **SD2-MM293** is necessary to specify the area allocated, in order for the Plan to be effective. The requirement for a low emission travel plan is onerous given the modest scale of the extension,

and should be deleted (**SD2-MM294**). The site is a logical extension in a sustainable location.

82. Site GTTS2487 in Birstall would provide 12 permanent and 8 transit traveller pitches. The site adjoins a business park, and is within reasonable walking distance of retail and leisure facilities. The gross site area is large, but allows scope for the provision of landscaping, the division of permanent and transit pitches, and open areas in the vicinity of the on-site pylon and power lines. Taking account of the intervening road and scope for landscaping, I consider that any potential impacts on nearby businesses, or conversely impacts on the residential amenity of the occupants of the traveller site from nearby businesses, could be ably mitigated. Detailed matters such as landscaping, layout, footpath provision and surface water flooding could be dealt with at planning application stage. The allocation is soundly based and capable of delivery within the anticipated timeframe.

Other housing needs

83. The provision of older person housing is a key issue facing the district. Modification **SD1-MM3** in Chapter 3 is necessary to make this clear and set out the strategy for delivering additional accommodation. The Plan does not allocate specific sites for older person housing, but other forms of housing may be suitable, and the Council allows older person housing in lieu of affordable provision. The significant uplift in housing provision in the Plan should help to provide additional homes that will be needed for older persons, and other groups in the community. Subject to the above modification I am satisfied that the Plan makes suitable provision for the housing needs of older persons.
84. The Council has confirmed that, through Policy PLP 11, a mix of housing in terms of size and tenure would be sought on schemes of more than 10 units and encouraged on all. Modifications **SD1-MM44**, **SD1-MM46**, **SD1-MM47** and **SD1-MM49** are necessary to clarify this position and ensure the policy is effective. Whilst the SHMA would normally be the key evidence document on needs, additional and more up to date local evidence may be available and should be referred to for reasons of effectiveness (**SD1-MM47**). The policy does not specify provision for custom build housing but there could be opportunities through allocations or on windfall sites. Policy PLP 11 also requires development to make provision for different types of housing, based on the latest evidence of need.
85. The Council has confirmed that additional technical standards relating to access are not proposed. Accordingly, in order to be effective, modifications to Policy PLP 11 are necessary to clarify that design elements relating to adaptation will be encouraged rather than sought (**SD1-MM44**, **SD1-MM48**).

Conclusion on Issue 3

86. In conclusion, subject to the aforementioned modifications, affordable housing needs, traveller accommodation needs and the housing needs of other groups have been satisfactorily assessed and addressed in the Plan, in line with national policy.

Issue 4 – Is the employment land requirement in the Plan and the approach to employment justified, effective and consistent with national policy?

Employment land requirement

87. Kirklees forms part of the wider functional economic area of the LCR. As set out above, the evidence indicates that each authority in the region is aiming to meet its own employment needs. As such, the Kirklees Plan area forms an appropriate basis for assessing objectively assessed needs for employment.
88. The use of the REM by LCR authorities allows Local Plan proposals to be tested and wider economic impacts assessed. Three scenarios were tested for Kirklees to determine the likely future jobs growth forecast; firstly a baseline scenario, secondly a scenario based on KES objectives and a 75% employment rate by 2031, and thirdly a variation involving an 80% employment rate. The updated testing in 2016 was based on a revised REM methodology which factored in the potential impact of the Brexit vote.
89. The Plan's selection of the second scenario reflects the Council's ambition to increase jobs growth above baseline trends, achieve expansion of the manufacturing and engineering sector, and attain an employment rate of about 75% by 2031. Whilst the Council acknowledges that the resultant jobs growth of about 23,000 over the Plan period will be challenging, an employment rate of about 75% has been achieved in the past. There are also positive signs of recovery with a marked recent increase, up from 68.6% in 2013 to 71.1% in 2017. The Council has set out a coherent strategy for jobs growth ambitions based on assisting growth in manufacturing and engineering and building on existing strengths, developing business hubs and skills, and promoting strategic development sites. Overall, based on the evidence before me I consider that an employment target of around 75%, although stretching, is reasonable and capable of being delivered. The LCR SEP indicates there is capacity to build on manufacturing strengths in Kirklees whilst allowing other authorities to focus on other sectors. However, to be effective, the Plan should be modified through **SD1-MM19** to clarify that the jobs figure of 23,000 specified in paragraph 7.8 is approximate.
90. Based on a jobs forecast of some 23,000 over the Plan period, the Plan identifies an OAN for 175 hectares of employment land. Job density assumptions used to derive this OAN are based on an analysis of rates achieved in the Yorkshire and Humber region, as set out in the Roger Tym Report 'Planning for Employment Land, Translating Jobs into Land' (2010). Although the Homes and Communities Agency has produced more recent figures, they are nationally based. I therefore conclude that the jobs density assumptions applied in the Plan are reasonable.

Employment land supply

91. Table 3 in the Plan indicates that employment land would be delivered through a mix of permissions, commitments, potential supply from identified Priority Employment Areas (PEA) in the Plan, and allocations.
92. The PEAs are based on a wide ranging assessment of the suitability of existing employment sites for continued business and industrial use. The assessment

criteria cover a broad range of factors, and overall the work is appropriate and proportionate. Notwithstanding this, corrections to the site area of two PEAs listed in Part 2 of the Plan are necessary for reasons of effectiveness (**SD2-MM40, SD2-MM41**). The potential employment supply of 48 hectares from PEA sites is a broad estimate, but is supported by PEA work which shows potential capacity for business expansion within identified PEA sites. Whilst some changes to non-employment uses may be experienced on PEAs over the Plan period, the approach in Policy PLP 8 in the Plan seeks to retain established business uses, and there is no substantive evidence to demonstrate that there would be significant losses from this source.

93. The allocation sites include a range of different sizes and types that should cater for range of needs. Site capacities are based on floorspace ratios from the Roger Tym report and reasonable assumptions on a mix of B uses, whilst bespoke figures are applied where details are known.
94. A number of allocations involve the release of Green Belt land. As set out under Issue 2, the Council has carried out a thorough assessment of urban capacity which has incorporated an assessment of employment sites, and evidence from other sources of supply shows there is insufficient capacity to deliver OAN for employment on non-Green Belt land. Green Belt releases would enable the Council to meet local needs for economic growth and its aspirations for the delivery of some 23,000 additional jobs over the Plan period. Additional large sites, particularly in strategic locations in the north of the district, would help to boost the manufacturing and engineering sectors and make an important contribution to the economy of the wider region and in meeting the aims of the LCR SEP. It would also support housing growth in the district.
95. In the absence of reasonable alternatives, and given the benefits associated with local economic and housing growth, I conclude that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver OAN for employment. As with housing, this is supported by the Council's Green Belt and site assessment work, detailed in Issue 7 below, which illustrates the release of land to meet OAN needs could be accommodated without significantly harming the overall integrity of the Green Belt in Kirklees. However, it is subject to an assessment of environmental capacity and demonstration of exceptional circumstances on a site by site basis, as covered later in this report.
96. The employment land supply figures in Table 3 in the Plan need to be amended to take account of recent completions and commitments data, and to reflect changes in individual site allocations detailed later in this report and are necessary for reasons of soundness. This includes site capacity changes and the deletion of a number of allocations. The updated figures, as set out in **SD1-MM25**, show that overall supply from the identified sources would total 193 hectares, against the requirement of 175 hectares. An oversupply of 18 hectares provides sufficient flexibility to allow for an element of non-delivery from commitments and allocations or deal with changing circumstances, and allows for some market choice. As further allocations would be likely to involve the release of Green Belt land, I consider it represents an appropriate balance between meeting employment needs and protecting the Green Belt. On-going monitoring will take place, and if there is future undersupply it could

be dealt with by Plan review. The submitted Plan includes a 10% flexibility allowance, but I consider that a specific figure is not necessary when an oversupply of 18 hectares is demonstrated. Modifications **SD1-MM5, SD1-MM19, SD1-MM20, SD1-MM21, SD1-MM22, SD1-MM23** and **SD1-MM25** are necessary to update the supply figures and methodology, and ensure the Plan is effective and can be adequately monitored.

97. Employment land requirement and supply in the Plan are based on the B use classes. However, this is not clarified in the Plan, and insertion of a clear definition of 'employment uses' in Part 1 of the Plan is necessary to make the employment strategy and policies effective (**SD1-MM141**).

Employment policies

98. Policy PLP 8 sets out the Council's approach to safeguarding employment land and premises in PEA's. It recognises the important role PEAs play in providing local employment opportunities and contributing to the local economy, whilst allowing flexibility for change of use if certain criteria satisfied. Nevertheless, modifications are necessary for reasons of effectiveness to clarify 'employment generating uses' (**SD1-MM140**), and that Policy PLP 13 will also apply where PEAs are out of centre and proposals involve main town centre uses (**SD1-MM26**). For the same reason modification **SD1-MM27** is necessary to provide additional information on the evidence applicants would be expected to show to justify change of use.
99. Policy PLP 9 requires new developments to contribute to local employment skills and opportunities. However, the policy does not specify the thresholds that would apply or the amount/form of contributions. Further, the viability work does not identify specific costings, despite evidence of training costs in EX83. As such the policy is not sufficiently justified or effective, and is contrary to national policy on viability and plan-making. Altering the requirement to 'encouragement' through modification **SD1-MM28** is necessary for soundness reasons. The insertion of a threshold through **SD1-MM28** is needed to make the policy effective.
100. Policy PLP 10 sets out the Council's approach to economic development in rural areas, and on the whole establishes an appropriate balance between rural development and protection of the countryside. However, modifications are needed to delete the first sentence of section 2 relating to new buildings in the Green Belt in order to be consistent with national policy (**SD1-MM29**), and to clarify that Local Plan and national policy will apply (**SD1-MM30**). Modifications are also required to section 4 to clarify that exceptions relate to farm shops and other businesses that require a rural location, and the circumstances when sequential and impact tests will be sought (**SD1-MM29, SD1-MM31, SD1-MM32**). This should ensure the policy is effective and consistent with paragraph 25 in the NPPF.

Conclusion on Issue 4

101. In summary I conclude that the employment land requirement in the Plan is justified, and, subject to aforementioned modifications, is capable of delivery over the Plan period. The employment strategy and policies, subject to the above modifications, are justified, effective and consistent with national policy.

Issue 5 – Does the Plan set out a positively prepared strategy and policies for retail growth and supporting town, district and local centres, which are justified, effective and consistent with national policy?

Retail needs and requirements

102. The Council has signalled its intention, through the updated Local Development Scheme (LDS), to produce Area Action Plans (AAPs) for Huddersfield and Dewsbury town centres. The AAPs will set out more detailed policies and proposals that will complement those in the Local Plan, and will be an important vehicle for delivering growth and vitality in these centres. Modifications to the Local Plan text are necessary to make this position clear (**SD1-MM2, SD1-MM70, SD1-MM71**).
103. The Council's Retail Capacity Study (September 2017) identifies a need for an additional 8,200-12,700 square metres (sqm) of convenience floorspace and 42,500-85,000 sqm of comparison floorspace over the Plan period up to 2031. The Council's post hearing Retail Needs and Delivery Note (EX35) indicates that a significant proportion of this need, at least up to 2026, is satisfied through planning permissions, pre-applications schemes in the pipeline, and the Southgate mixed use allocation on the edge of Huddersfield town centre (site MX2101). Additional supply over the Plan period is anticipated through new local centres proposed in the Local Plan and through windfall development and the re-use of vacant floorspace in designated centres. The forthcoming AAPs may also allocate further sites for retail use. Town centres remain the focus of retail development and wider needs over the Plan period, and important community hubs. Based on the evidence before me I consider that there is a reasonable prospect of delivering retail requirements over the Plan period, in terms of overall need and by sub-area.

Retail policies

104. Policy PLP 13 defines a hierarchy of town, district and local centres which is supported by evidence and in line with national policy. Retail parks are omitted from this list, but they do not have the same wide functional role as the identified centres. As such, and taking into account the priority the Council places on town centre and urban regeneration, this approach is justified.
105. Policy PLP 13 refers to defined centres as shown on the Policies Map. However, Local Centre boundaries are not clearly established. The Council therefore consulted on Local Centre boundaries alongside the proposed MMs and intends to incorporate these into the Policies Map. This will ensure that Policy PLP 13 can be effectively applied.
106. Clarification in Policy PLP 13, for reasons of effectiveness, is also necessary to refer to the locations of the new local centres proposed in the Plan (**SD1-MM59**). As the size of the local centres is not defined I am satisfied that the reference to impact assessment is justified, and that a sequential test would be proportional in its scope and content as specified in part B of Policy PLP 13.
107. The main part of the sequential test outlined in section B of Policy PLP 13 accords with national policy and is justified. However, modifications are necessary to delete the detailed bullets (**SD1-MM55**) as they seek to impose

additional requirements which are not specified in the NPPF, whilst inserting broad guidance in the supporting text to ensure the policy is effective (**SD1-MM58**).

108. For reasons of effectiveness and to ensure the needs of businesses and local communities are satisfied, modifications to Policy PLP 13 are necessary to clarify that the sequential test would be applied flexibly in the case of schemes with a locational requirement such as farm shops (**SD1-MM56**), or small shops serving localised needs (**SD1-MM57**).
109. The impact assessment thresholds in part C of Policy PLP 13 are supported by detailed local analysis relating to the form and type of defined centres, unit sizes and current vacancy levels in Kirklees, as set out in the Council's Impact Threshold Advice Note (Appendix B to the Council's Hearing Statement on Matter 18). I am satisfied that the thresholds are proportionate and justified, and should help to protect the vitality of defined centres. A bespoke/higher threshold specifically for proposals in retail parks could undermine the purpose of the policy and the regeneration of key centres in Kirklees, and accordingly would not be justified.
110. Policy PLP 14 seeks to ensure a strong retail core is retained within town centres. As a key main town centre use which adds to the vibrancy and vitality of centres, this approach is justified and in line with national policy, whilst allowing some flexibility for change. However, modifications are necessary for reasons of effectiveness, to clarify the definition of retail uses (**SD1-MM62**). For the same reasons, modifications are necessary to clarify the approach within Primary Shopping Frontages and Secondary Frontages (**SD1-MM60, SD1-MM61**), with 'predominant use' and 'dominance of non-retail uses' being clearly defined (**SD1-MM63, SD1-MM64**). The minimum proportions set out in the modified text are supported by local evidence of current proportions in retail frontages across Kirklees. Clarification of the approach to Local Centres is also necessary for reasons of effectiveness (**SD1-MM65**).
111. Criterion a in Policy PLP 15 states that residential uses in town centres will only be permitted on upper floors. In order to provide sufficient flexibility to deal with varying circumstances and be effective, the insertion of the word 'normally' and linked supporting text (**SD1-MM66, SD1-MM67**) is necessary for soundness reasons.
112. Modifications for reasons of effectiveness are necessary to Policy PLP 16 to clarify the definition of food and drink uses (**SD1-MM68**), and to ensure that the policy sets out a clear approach for dealing with food and drink and entertainment uses outside, as well as within, defined centres (**SD1-MM69**).

Conclusion on Issue 5

113. In conclusion, subject to the above main modifications, the Plan sets out a positive strategy and policies for retail growth and town centres which are justified, effective and in line with national policy, and will be supported by additional policies/proposals in the forthcoming AAPs.

Issue 6 - Does the Plan provide a robust framework for the delivery of infrastructure and viable development?

Infrastructure

114. The Council's Infrastructure Delivery Plan (2015) and Addendum (2016) (collectively the IDP) identify a range of infrastructure needed to support proposals in the Plan. The documents include estimated timings, costs and funding sources, and demonstrate on-going dialogue with infrastructure providers.
115. Key transport schemes required to support growth in Kirklees are detailed in Part 1 and Part 2 of the Plan. Policy TS8 also generically captures local highway network efficiency improvements. Delivery of transport schemes and improvements will rely on a range of funding sources including the Government's Road Investment Strategy (RIS), the West Yorkshire Transport Plus Fund, the Local Transport Fund, Network Rail, developer contributions or Community Infrastructure Levy (CIL) and other transport bidding opportunities. The Council has submitted a CIL Charging Schedule for examination, but until it is adopted developer contributions would continue to be sought through legal agreements.
116. Government RIS funding for improvements to junction 26 of the M62/M606 (Chain Bar) has been postponed. Highways England has indicated that, as a result, modifications to housing allocation policy H69 are necessary relating to the assessment of highway impacts and potential mitigation measures including developer funding and phasing are necessary. There is no substantive evidence to demonstrate that immediate effects would be wider, and Highways England modelling shows that site H69 would have a less than significant impact on the Strategic Road Network (SRN) until 2027 at the earliest, based on commencement in 2020/21. Funding may be secured through future RIS bid rounds, and Highways England is investigating interim improvement measures and alternative funding including the Government's Congestion Relief Programme. Overall, I consider that the proposed modification is a pragmatic approach, allows flexibility to deal with insufficient capacity where it is demonstrated, and is necessary for the Plan to be effective. This would be instigated through **SD2-MM161**.
117. The same modified wording in SD2-MM161 is also necessary in the case of other allocations which have potential for a significant effect on the SRN elsewhere. This is covered under Issue 7 below.
118. Modifications are required to the list of SRN improvements in Policy TS11 in Part 2 to reflect the full updated list of schemes in Part 1 (**SD2-MM337**). The text in Policy TS5 in the Plan should be modified to highlight improvements to the A644, including potential provision of a new highway to the south of Dewsbury (**SD2-MM335**). This will reflect the latest position and ensure the Plan is effective.
119. Key improvements to Dewsbury Rail Station and Batley Rail Station are included in the IDP but missing from the Plan. Modification **SD2-MM336** is necessary to insert this detail and ensure the Plan is effective.

120. The Kirklees Transport Model was used to assess the likely cumulative effect of the Plan's proposals on the highway and public transport network. The model takes account of potential growth in other nearby local authorities. Impacts on the local network, including key congested junctions, are identified, and mitigation schemes set out in the IDP. The modelling work indicates that subject to mitigation measures, the overall level of growth proposed in the Plan is capable of being accommodated. Modelling of the SRN was also undertaken by Highways England and related mitigation schemes included in the IDP. Further detailed modelling will be required for specific sites at planning application stage, but the Plan allows for this in Part 2. Overall, I am satisfied that the transport modelling work undertaken to date is robust and proportionate to the preparation of the Local Plan.
121. The IDP includes an extensive assessment of education infrastructure requirements relating to school places and early learning/childcare. Existing vacancies and shortfalls are taken into account, and the applied pupil yields and projections are informed by local trends and other established data. The methodology is robust, and the assessment provides a suitable broad overview for Local Plan preparation. Further assessment may be necessary at planning application stage and contributions via legal agreements and/or CIL sought through Policy PLP 4. Specific new schools/early years facilities required to support growth are listed against site-specific allocations in Part 2 of the Plan.
122. Policy PLP 4 indicates that both essential and desirable infrastructure will be sought, but that essential infrastructure should be operational no later than the appropriate phase of development for which it is needed. This approach is reasonable and will ensure that new developments are sustainable, suitable and attractive environments in which to live and/or work. However, in order to make the policy effective, the categories of 'essential' and 'desirable' infrastructure should be clearly explained (**SD1-MM10, SD1-MM142**).

Viable development

123. The Council's Viability Study (2015) and Viability Addendum (2016) provide a broad assessment of Local Plan viability, taking account of the types of development likely to come forward over the Plan period together with the requirements of national and Local Plan policies. Housing development is viable across most of the district and affordable housing policy PLP 11 is flexible enough to deal with situations where viability is more marginal. Commercial development is shown as more marginal. However, the Kirklees Employment Market Strength Assessment (2015) concludes that key strategic employment allocations are likely to be viable, and identifies on-going demand from businesses for additional employment land provision. A range of funding sources may be available for more marginal sites.
124. Overall, the evidence credibly indicates that the cumulative impact of national and Local Plan policies would not put implementation of the Plan at serious risk.

Conclusion on Issue 6

125. In conclusion, subject to the above modifications, the Plan provides a robust framework for the delivery of infrastructure and viable development.

Issue 7 – Are the proposed employment, housing and mixed use allocations justified, effective and consistent with national policy?

126. The Plan includes more than 230 employment, housing and mixed use allocations. My conclusions on the overall site assessment process are set out in the first sub-section below. The second sub-section highlights generic matters relating to a number of the allocations where I consider that modifications to policy wording are necessary for reasons of soundness. Any additional soundness matters relating to specific allocations are covered in the remaining sub-sections (divided by sub-area, as defined in the Plan).
127. For the avoidance of doubt, not all employment, housing and mixed use allocations in the Plan are referred to in the following sections. In such cases, having taken into account all the evidence and representations before me, I am satisfied that the proposals are soundly based and capable of being developed, and that the policies identify suitable constraints and mitigation measures to allow detailed impacts to be ably assessed and addressed at planning application stage.

Site assessment process

128. As set out in Issue 2 above, the Council has carried out a comprehensive assessment of urban capacity on non-Green Belt land. In these areas the Council has sought to allocate suitable and deliverable sites of 0.4 hectares or more for housing, employment and other uses, and has made reasonable assumptions regarding windfall supply. However, as demonstrated in Issues 2 and 4 above, there is insufficient capacity to accommodate OAN for housing and employment on non-Green Belt land, and a Green Belt review was therefore instigated.
129. The Council's Green Belt Review (2017) involved a comprehensive assessment of the Green Belt edge and adjoining land to determine the degree of constraint to development. Land without severe constraints was also subject to an evaluation of its Green Belt function.
130. The results of the Green Belt Review were fed into the Council's assessment of development site options. This captured potential options of 0.4 hectares or more on Green Belt and non-Green Belt land from a range of sources, including the call for sites process, UDP sites, and Council asset review. Notwithstanding the results of the Green Belt edge assessment, all site options in the Green Belt were assessed at this stage in terms of their Green Belt function to produce an edge rating where relevant and an overall Green Belt rating. Site options proposed by representors after production of the PDLF were also subject to this assessment process. Whilst the assessment process focused on sites in the Green Belt that have been proposed for development or where there is other planning history, I consider this approach is reasonable and not unusual, given the extent of the Green Belt in Kirklees and time/resources available. The availability of sites is a key factor in determining suitability for allocation.
131. Test 2d in the Council's Green Belt Review, preserving the setting of historic assets, does not feature in the Green Belt purposes identified in the NPPF. The Council has carried out a re-assessment of edge ratings in the Green Belt Review based on neutralisation of this element, which identifies adjusted edge

rating scores relating to a very small number of areas and site options. However, the site option Green Belt ratings and overall site option assessment conclusions were not affected by this adjustment.

132. The Council's site assessment methodology, incorporating detailed assessment of Green Belt functions on a site basis, is robust and credible. Site options were assessed against a wide range of criteria, including those relating to sustainable development. The results of the Council's Open Space Study (2016) and other evidence documents were fed into the process. The assessment process also sought to protect open spaces and facilities within built-up areas with identified recreation, landscape character and/or biodiversity value. I am satisfied that the Open Space Study is robust and the approach to protection of open spaces is sound, as established under Issue 9 and Issue 2 respectively.
133. Call for sites information and other evidence indicates that site allocations are available for development. Whilst the availability of parts of sites H768, H706 and H684 are not confirmed, given the existence of promoters for certain sections and other planning history, I consider there is a reasonable prospect of delivery within the Plan period.
134. Representors have commented on the accuracy and consistency of the scoring of individual criteria in the site options assessment process. However, assessments need to be read a whole, and overall, notwithstanding the MMs, I am not persuaded that the process is fundamentally flawed or has led to an inappropriate selection of allocations. The site assessment summaries and conclusions, albeit fairly short, are clearly presented in supporting evidence.
135. Potential site options were also subject to SA, through the SA (2016), SA Erratum (2016) and SA Addendum (2017). The MMs have also, where necessary, been subject to SA. Representors have commented on the accuracy and consistency of scoring against individual objectives, in relation to specific sites. Some differences may be due to different interpretations in the meaning/aims of the objectives. However, SA is one part of the evidence base which informs the process of site assessment and selection. There is no evidence that scorings are inaccurate to the degree that would have impacted on option selections. Overall I am satisfied that the Council's SA work is fit for purpose and provides a sufficiently robust high-level assessment, proportionate to Local Plan preparation.
136. All of the suitable, deliverable and available 'accepted options' are allocated in the Plan. As shown on map 4 in the Council's Green Belt Review Supporting Document, the location of the Green Belt releases shows a reasonable correlation to the main centres of population in the district, therefore contributing to a sustainable pattern of development. The distribution of growth also aligns with the spatial development strategy in the Plan.
137. Employment, housing and mixed use allocations have, in some cases, resulted in further consequential changes to the Green Belt boundary to allow more logical and defensible Green Belt boundaries to be created. These consequential changes, as shown on the Policies Map and as amended through further changes illustrated in the MM and Additional Modification documents, are logical and justified.

General site allocation matters

138. The employment, housing and mixed use allocation sites are set out in text boxes in Part 2 of the Plan, but are not incorporated within an actual policy. In order to provide sufficient weight and clear direction for developers and the community, new policies are required which specify that sites are allocated and identified on the Policies Map, and establish the general approach that will apply (**SD2-MM1, SD2-MM3, SD2-MM42, SD2-MM295**). For the same reason a new policy is also required in relation to land at Storthes Hall (**SD2-MM367**). The allocation policies will provide part of the framework for determining planning applications.
139. In order for the allocations to be effective it is necessary to clarify that employment uses relate to B use classes (**SD2-MM2**). The allocations do not specify a particular type or mix of B use class, and I consider this provides appropriate flexibility to respond to changes in economic circumstances and support economic growth in the district. At the hearing the Council confirmed that proposals for non-ancillary B1 offices on employment allocations would also, as a main town centre use, have to satisfy the sequential and impact tests in Policy PLP 13. For reasons of effectiveness it is necessary to clarify this position through modifications **SD2-MM2** and **SD2-MM3**.
140. The mixed use allocation policies provide insufficient detail regarding the type of uses envisaged on the site. The Council has confirmed that in many cases mixed use is based on a 50/50 assumed split of employment and housing. However, alternative mixes are envisaged on a number of sites, in some cases linked to existing planning permissions and including retail, and were tested through the site assessment process. With the exception of site MX1930 the evidence before me indicates that the proposed uses are suitable and capable of being delivered over the Plan period. In order to be effective, clarity should be provided on the type of uses sought on each site, through the following modifications; MX1903 in **SD2-MM296**, MX2101 in **SD2-MM299**, MX1911 in **SD2-MM303**, MX1906 in **SD2-MM309**, MX1929 in **SD2-MM312**, MX3394 in **SD2-MM314**, MX1905 in **SD2-MM316**, MX1907 in **SD2-MM319**, MX3349 in **SD2-MM321**, MX1919 in **SD2-MM324**, MX1920 in **SD2-MM327**, MX1912a in **SD2-MM330**. The suitability of MX1930 is dealt with in the Huddersfield urban sites sub-section below.
141. The housing, employment and mixed use allocations refer to 'indicative capacity' in terms of dwelling numbers/floorspace. This is a suitably flexible approach which allows some variation in numbers through the planning application process, depending on circumstances.
142. The allocation proposals set out details of specific constraints, reports required, and other site specific considerations including mitigation measures to aid developers and other stakeholders. A number of amendments are necessary to reflect updated constraints and requirements for specific sites, or provide additional information to aid effectiveness.
143. In the case of allocation sites owned by the Council, the Plan refers to 'enhanced' standards of provision required in terms of open space, affordable housing and/or design, above those established in the Part 1 policies. This fails to provide sufficient clarity and is imprecise, and could be dealt with on a

case by case basis to be determined by the Council. In order to be effective, modifications are needed to remove this wording from the site-specific proposals in Part 2 of the Plan; site E1836 in **SD2-MM4**, E1837 in **SD2-MM6**, E1899 in **SD2-MM9**, E1876 in **SD2-MM20**, H1679 in **SD2-MM51**, H734 in **SD2-MM54**, H809 in **SD2-MM55**, H1647 in **SD2-MM58**, H1656 in **SD2-MM59**, H1657 in **SD2-MM61**, H790 in **SD2-MM88**, H1694 in **SD2-MM89**, H101 in **SD2-MM95**, H1811 in **SD2-MM100**, H1731a in **SD2-MM102**, H1935 in **SD2-MM104**, H813 in **SD2-MM112**, H1937 in **SD2-MM114**, H776 in **SD2-MM117**, H1664 in **SD2-MM118**, H1754 in **SD2-MM123**, H46 in **SD2-MM128**, H794 in **SD2-MM135**, H758 in **SD2-MM138**, H1938 in **SD2-MM139**, H1696 in **SD2-MM144**, H1702 in **SD2-MM145**, H762 in **SD2-MM166**, H1704 in **SD2-MM168**, H2667 in **SD2-MM189**, H763 in **SD2-MM201**, H1709 in **SD2-MM204**, H780 in **SD2-MM231**, H730 in **SD2-MM269**, H128 in **SD2-MM278**.

144. A number of site policies refer to the need to assess the impact of schemes on the SRN. However, Highways England has indicated that some of these allocations are unlikely to have significant adverse effects on the SRN, and as Policy PLP 4 allows cumulative effects to be assessed has advised that these references are not required or justified. I concur that this would be a pragmatic approach, and accordingly, the following modifications are proposed to remove this requirement; site E1836 in **SD2-MM4**, E1831 in **SD2-MM15**, E1985a in **SD2-MM17**, H519 in **SD2-MM53**, H809 in **SD2-MM55**, H94 in **SD2-MM64**, H102 in **SD2-MM67**, H481 in **SD2-MM69**, H1783 in **SD2-MM74**, H758 in **SD2-MM138**, H138 in **SD2-MM147**, H508 in **SD2-MM164**, H222 in **SD2-MM212**, H502 in **SD2-MM217**, H688 in **SD2-MM219**, H690 in **SD2-MM221**, MX1903 in **SD2-MM297**, MX3349 in **SD2-MM323**.

145. In the case of other schemes which have potential to significantly impact on the SRN, Highways England has indicated that inclusion of the modified wording discussed under Issue 6 above (in relation to H69) would provide sufficient mitigation. I concur with this position, and therefore in order to be effective the additional wording should be inserted in the following policies: H559 (**SD2-MM111**), H1747/H351 (**SD2-MM63**), H2089 (**SD2-MM130**) and MX1905 (**SD2-MM317**).

146. The Council's Flood Risk Technical Paper demonstrates that a sequential approach has been suitably applied in the case of the accepted site options. Developable site areas have been reduced to exclude areas of Flood Zone 3. A small number of housing sites contain areas of Flood Zone 2, but the extent of these areas is limited and there is capacity for these areas to be used for landscaping or open space within scheme layouts. As allocations have been subject to the sequential test there is no need for an additional test at planning application stage. Accordingly, reference to this within the site-specific proposals should be deleted for reasons of effectiveness (MX1903 in **SD2-MM297**, MX2101 in **SD2-MM300**, MX1911 in **SD2-MM306**, MX1906 in **SD2-MM311**, MX1929 in **SD2-MM313**, MM3394 in **SD2-MM315**, MX1905 in **SD2-MM317**). Related modifications are also necessary to Policy PLP 27, as set out under Issue 10 below. The text for allocation site H85 should also be corrected to specify that part of the site is in Flood Zone 2 (**SD2-MM119**) and the text for site H1647 should refer to flood risk constraints (**SD2-MM56**).

147. As referenced in the HRA section above, modifications are necessary to refer to avoidance and mitigation measures in relation to a number of allocations in proximity to the SPA (E1866 in **SD2-MM33**, H356 in **SD2-MM195**, H67 in **SD2-MM233**, H200 in **SD2-MM237**, H342 in **SD2-MM238**, H343 in **SD2-MM239**, H288a in **SD2-MM251**, H626 in **SD2-MM260**). This reflects the findings of the Council's HRA work, and is necessary for the proposals to be clear and therefore effectively applied.

148. A number of sites have gained planning permission. In order to be effective and facilitate appropriate monitoring the indicative capacities in the site policies should be amended to reflect these consents, as well as being captured in the updated supply calculations through **SD1-MM160**. This relates to the following sites, and others referenced in the later site-specific sub-sections; site E1837 in **SD2-MM5**, H754 in **SD2-MM48**, H755 in **SD2-MM49**, E1899 in **SD2-MM7**, E1876 in **SD2-MM18**, H297 in **SD2-MM252**, H313 in **SD2-MM279**. An adjustment to the site boundary to reflect the planning permission should also be made in relation to site H356, with consequent reductions in gross and net site areas (**SD2-MM194**).

149. Modifications are needed to a number of allocation policies for reasons of effectiveness to specify new requirements for transport, ecology and flood risk/drainage reports, based on the latest Council evidence. The list below captures many of these changes, whilst some are referenced in the following site-specific sections.

- Transport Assessment - site E1899 in **SD2-MM8**, E1879 in **SD2-MM10**, E1873 in **SD2-MM11**, E1876 in **SD2-MM19**, , E1829 in **SD2-MM31**, E1900 in **SD2-MM37**, E1871 in **SD2-MM39**, H616 in **SD2-MM47**, H780 in **SD2-MM230**, H47 in **SD2-MM248**.
- Transport Statement – site H1647 in **SD2-MM57**, H216 in **SD2-MM75**, H215 in **SD2-MM77**, H790 in **SD2-MM87**, H1731a in **SD2-MM101**, H1935 in **SD2-MM103**, H367 in **SD2-MM109**, H1937 in **SD2-MM113**, H2148 in **SD2-MM115**, H776 in **SD2-MM116**, H85 in **SD2-MM120**, H192 in **SD2-MM122**, H197 in **SD2-MM134**, H1696 in **SD2-MM143**, H796 in **SD2-MM154**, H162 in **SD2-MM156**, H49a in **SD2-MM158**, H1983 in **SD2-MM169**, H2645 in **SD2-MM170**, H567 in **SD2-MM178**, H2627 in **SD2-MM187**, H2667 in **SD2-MM188**, H221 in **SD2-MM193**, H356 in **SD2-MM195**, H763 in **SD2-MM199**, H17 in **SD2-MM211**, H549 in **SD2-MM229**, H178 in **SD2-MM235**, H200 in **SD2-MM237**, H342 in **SD2-MM238**, H343 in **SD2-MM239**, H784 in **SD2-MM245**, H785 in **SD2-MM246**, H786 in **SD2-MM247**, H130 in **SD2-MM250**, H297 in **SD2-MM253**, H626 in **SD2-MM260**, H728 in **SD2-MM264**, H2585 in **SD2-MM271**, H44 in **SD2-MM274**, H70 in **SD2-MM275**, H120 in **SD2-MM276**, H128 in **SD2-MM277**, H339 in **SD2-MM280**, H538 in **SD2-MM281**, H583 in **SD2-MM282**, MX1919 in **SD2-MM325**, MX1920 in **SD2-MM328**.
- Ecological Assessment – site H481 in **SD2-MM68**, H439 in **SD2-MM76**, H3350 in **SD2-MM105**, H199 in **SD2-MM228**, H664 in **SD2-MM243**.
- Drainage report – site H730 in **SD2-MM270**.
- Flood Risk Assessment – site H85 in **SD2-MM120**.

- Deletion of requirement for Flood Risk Assessment - site H597 in **SD2-MM257**, H1774 in **SD2-MM287**.

Huddersfield urban sites (non-Green Belt)

150. H1656, south of St. Thomas Gardens, Bradley - The site contains a multi-use games area (MUGA) and the policy refers to replacement provision as part of redevelopment. The policy wording needs to be adjusted to refer to equivalent or better quantity or quality in order to be consistent with paragraph 74 in the NPPF (**SD2-MM59**).
151. H1657, north of Deighton Road, Deighton - In order to be effective the policy should be amended to refer to Public Right of Ways (PROW) which adjoin the site to the north and west (**SD2-MM60**).
152. H764, west of Sunningdale Road, Crosland Moor - The Council has carried out an open space assessment of the site since publication of the Plan, which identifies that the site has medium value as open space used for informal play and use of the public footpath as a route to school. In order to retain this facility and accord with the Plan's spatial strategy the housing allocation should be deleted (**SD2-MM73**) and the site designated as Urban Green Space (UGS) by extending site UGS1199.
153. H1783, east of Thewlis Lane, Crosland Hill - Given the scale of the proposal a masterplan is necessary to deliver quality and well planned development. This should be referenced in the policy for reasons of effectiveness (**SD2-MM74**).
154. H202, north of New Hey Road, Salendine Nook - Outline planning permission has been granted for 22 rather than 19 dwellings, and the site capacity in the policy should be amended accordingly (**SD2-MM79**). The existence of an overland drainage route and provision of a buffer should be included in the policy, in order to allow for effective planning (**SD2-MM78, SD2-MM80**).
155. H623, east of Weatherhill Road, Birchencliffe - The site adjoins listed buildings at Warren House Lane. The Council's Heritage Impact Assessment (HIA) identifies much of the site as an area of moderate significance, where mitigation is required to retain the open agricultural setting. However, the site is modest in size, contains a pylon and is crossed by electricity lines and a PROW. As such there is insufficient capacity to provide appropriate mitigation, and the proposal would cause harm to the heritage asset. Whilst harm would be less than substantial, I consider that public benefits linked to provision of additional housing on the site would, having regard to the modest dwelling numbers, be insufficient to outweigh harm. Accordingly I conclude that the allocation is not justified or consistent with national policy, and should be deleted (**SD2-MM81**).
156. H706, east of Halifax Road, Birchencliffe - The Council's HIA identifies that part of the site is of high significance to the setting of nearby listed buildings, where loss of openness would cause substantial harm to the assets. Other areas of moderate significance are identified beyond this. The indicative site capacity does not appear to take account of these constraints, and as such, there is a risk of considerable harm to the heritage assets. Whilst harm would be less than substantial in planning terms, I consider that public benefits linked to modest provision of additional housing within the area of high

significance would be insufficient to outweigh harm. Accordingly, in order to be justified and consistent with national policy, the policy should specify that the areas of high significance should not be developed (**SD2-MM85**), and accordingly the net site area and indicative capacity should be reduced to 11.39 hectares and 243 dwellings (**SD2-MM82, SD2-MM84**). Related heritage constraints and mitigation should also be inserted (**SD2-MM83, SD2-MM85**).

157. H789, west of Tanyard Road, Salendine Nook – The landowner has confirmed that the site is not available for development within the Plan period. Accordingly, the allocation is not effective and I conclude it should be deleted from the Plan (**SD2-MM86**).

158. H790, east of Fern Lea Road, Lindley – The site is a sloping area of scrubland adjoining a play area and informal open space. It has limited value as open space, and it could be sustainably developed for housing. Based on its size a Transport Statement is necessary through modification **SD2-MM87**.

159. H101, north of Jackroyd Lane, Newsome – The site is located close to Castle Hill Scheduled Monument (SM), and is identified in the Council's Castle Hill Setting Study as an 'important' undeveloped area which contributes to the significance of the hill's setting. The site consists of a series of attractive sloping fields, and contains a well-used PROW which provides a key route up the hillside towards the SM. As seen on my site visit, much of the site is clearly visible from the hill, and there are views across large sections of the site towards the hill and tower.

160. Taking these factors into account, I consider that the proposed allocation would erode the rural character of the site and cause considerable harm to the setting of Castle Hill. The Council's HIA fails to recognise the full extent of views to and from the SM and underplays the significance of the site to the asset. Whilst harm would be less than substantial in planning terms, Castle Hill is a heritage asset of high significance and a key feature in this part of Kirklees. Given this significance I consider that benefits arising from additional housing would not outweigh harm. However, a small section of the western part of the site is partially obscured by surrounding residential development, and does not afford clear views to or from the SM, and could be developed without harming the rural setting of Castle Hill. As such, in order to be justified and consistent with national policy, the allocation should be modified to relate to this discrete area only, as shown in EX89.1, with consequential reductions in the gross and net site areas and a reduced indicative site capacity (**SD2-MM90, SD2-MM91, SD2-MM93**). The policy should also be modified to specify the need for sensitive design and layout which avoids harm to the significance of Castle Hill. I have amended the wording in the Council's published modification to clarify this position and remove reference to the Council's HIA (**SD2-MM95**).

161. There are also consequential modifications in terms of constraints and mitigation measures associated with the reduced area, including deletion of reference to Biodiversity Action Plan (BAP) Priority Habitats (**SD2-MM91**), public sewers across the site (**SD2-MM92**), and the requirement to submit a Transport Assessment and Travel Plan (**SD2-MM94**).

162. H1811, south-east of Blue Bell Hill, Newsome – The Council's HIA identifies part of the site close to Taylor Hill Working Mens Club as moderate significance, which should be retained as an open landscaped setting to the listed building. The site also contains extensive woodland area which is a BAP Priority Habitat. These constraints are not reflected in a reduced net developable area or indicative capacity. Potential harm to the heritage asset would be less than substantial but would not be outweighed by benefits arising from the modest amount of additional housing. In order to avoid harm to the heritage asset and ecology, and ensure consistency with national policy, the net area and indicative site capacity should be reduced, and the policy should list related constraints and mitigation measures (**SD2-MM96, SD2-MM98, SD2-MM100, SD2-MM97, SD2-MM99, SD2-MM100**).
163. H1728a, Plantation Drive, Newsome – The site is located close to Castle Hill SM, and is identified in the Castle Hill Setting Study as an 'important' undeveloped area which contributes to the significance of the hill's setting. Most of the site is clearly visible from Castle Hill, and there are views from the site of the SM. Based on my observations and evidence from Historic England, I consider that the Council's HIA under-estimates the impact of the proposed development on the SM, and that the scheme would erode its rural character and cause considerable harm to the setting of Castle Hill. Whilst harm would be less than substantial in planning terms, Castle Hill is a heritage asset of high significance and a key feature in this part of Kirklees. Taking account of this significance and the scale of development I consider that benefits arising from additional housing would not outweigh identified harm. A small section in the south-east of the site is not clearly visible from the SM, and could be potentially developed without harm to the asset. However, it falls below the Council's size threshold for allocations. Therefore, for the above reasons, I conclude that the proposal should be deleted from the Plan through modification **SD2-MM106**.
164. MX1930, north of Blackmoorfoot Road, Crosland Moor - The site is allocated for a mix of housing and employment land. However, the site is accessed via the local road network and is located at a distance from the strategic road network. This poor connectivity means that access by Heavy Goods Vehicle (HGV) may be difficult, and affect the site's attractiveness to the commercial market. The market review evidence submitted by the landowner after publication of the Plan indicates that there is a high level of existing supply of employment land and a low employment demand in the Crosland Moor area, and that rental values for the site would be low, affecting viability. At the time of the hearing a planning application for residential only development on the site had been submitted.
165. Taking account of the site's locational constraints, coupled with the market review evidence, there is considerable uncertainty regarding the viability and delivery of the employment element of the allocation. Current and previous industrial uses and the sloping topography of the site may also involve remediation costs. Based on the evidence before me, I therefore conclude that the allocation for employment and housing should be amended to be for residential use. This would be realised through the deletion of the mixed use allocation (**SD2-MM298**) and insertion of a new housing allocation (H3397 in **SD2-MM107**).

166. The site appears to have reasonable capacity for some 700 dwellings, albeit the latest projections indicate that 16 of these would be delivered beyond the Plan period. In order to be effective the new policy should include reference to ecology and heritage constraints/mitigation, and a requirement to provide an access link between the north-east section and the rest of the site which is in different ownership (**SD2-MM107**).
167. MX1911, south of Lindley Moor Road, Lindley – Much of the site already has planning permission and has been developed. In this context reference to the need to assess impact on the SRN is not necessary and should be deleted (**SD2-MM306**). It has been confirmed that a small section of the site is no longer available for development, whilst a further area is not developable on account of its topography. The site area and housing and employment capacity should be adjusted accordingly (**SD2-MM301, SD2-MM302, SD2-MM304, SD2-MM305**).
168. MX1906, north of Trinity Street, Huddersfield – An indicative employment capacity should be inserted to provide clarity and ensure the policy can be effectively monitored (**SD2-MM310**). The developable area should also be increased to reflect discussions regarding an emerging masterplan for the site (**SD2-MM307**).
169. The site contains Grade II listed buildings and a statue. This constraint and associated mitigation measures should be inserted in the policy in order to provide adequate protection for the historic environment in line with the NPPF (**SD2-MM308, SD2-MM311, SD2-MM311**).

Huddersfield Green Belt sites

170. H31, north-west of Woodsome Drive, Fenay Bridge – The site is identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. Having regard to its containment I concur with these findings, and recognise that adjacent roads would provide a strong and defensible new Green Belt boundary. As such, and in the context of the need for additional housing identified in Issue 2, I conclude that exceptional circumstances exist to justify removing the site from the Green Belt.
171. H2684a and H2730a, Woodsome Park/Hermitage Park, Lepton – These adjoining sites are identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, the sites are well contained by physical features, including residential development, Penistone Road, Lepton Great Wood and Beldon Brook and field boundaries. Despite the size of the sites, strong defensible Green Belt boundaries could be achieved, helping to safeguard the adjoining countryside from encroachment. A clear boundary does not exist at the point adjoining the disused railway line; however, as this area is small it would be possible to facilitate a new defensible boundary with suitable landscaping linking the existing field boundaries. The sites can be seen from Penistone Road and in longer distance views, but tree cover and topography provides an element of screening, and development would be seen from the south as an extension of the urban area. Although there would be some reduction in the

gap between Huddersfield and Highburton, Beldon Brook and field boundaries provide a clear defensible boundary, and existing tree cover coupled with appropriate scheme landscaping and layout could achieve an attractive edge.

172. Initial highway work indicates that primary access to both sites is required and achievable through site H2684a, potentially via a new roundabout on Penistone Road. Education needs have been modelled and there is no immediate need for additional school places in the area. Noise assessment work is required in policy H2684a and should ensure that any impacts linked to nearby employment uses and other sources are appropriately dealt with.
173. The Council's HIA identifies that part of site H2730a is of moderate significance for the setting of the listed building 'Crow Trees'. Site capacity allows scope for this area to be retained as open land. Accordingly, in order to avoid harm to setting the policy should be modified to specify that no development should take place in this area (**SD2-MM46**) and require the retention of the historic field boundaries, public footpath and protected trees to the south of Crow Trees which are also identified as significant to the asset (**SD2-MM45, SD2-MM46**).
174. Neither site is identified in the Castle Hill Setting Study (2016) as significant to its setting. As seen on my site visit, and as shown in submitted photographic evidence, the sites are visible from the grounds of the listed building of Woodsome Hall. Historic England has indicated that the allocation sites can also be seen from rooms within the Hall. However, there is a considerable distance between the Hall and the Lepton sites, and the sites are viewed as part of a wide vista which includes developed and open areas. Trees also provide some screening. Evidence from Historic England does not identify a clear connection between the Hall and Capability Brown. Taking account of these factors I conclude that any harm to the Hall or its setting would be limited, and could be mitigated through appropriate landscaping and layout. In reaching my conclusions I have taken account of comments received after the hearing session, in response to the submitted photographs. In order to provide appropriate protection for the historic environment I have amended the wording of published **SD2-MM46** to refer to heritage assets, rather than just Crow Trees.
175. Ecology reports on the sites indicate that further survey work will be required, and that mitigation measures may be necessary to protect ecological habitats within and nearby. Reference to potential avoidance, mitigation and compensation measures is therefore necessary within the policies, in order to ensure the Plan is effective (**SD2-MM43**). The site capacity provides scope for potential retention of habitats and provision of buffer zones, including in the vicinity of Lepton Great Wood. Ecology and protected trees would also be afforded protection through Policy PLP 30.
176. Due to inter-connections between the sites, a joint Masterplan is required and should be referenced in the policies (**SD2-MM43**). A slight adjustment is necessary to the gross site area for site H2730a to correct an error (**SD2-MM44**).
177. The site assessment ratings and SA scores have been disputed for both sites, However, I am satisfied that they broadly reflect the site's characteristics and

constraints, and there is no evidence to justify significant changes that would affect overall conclusions on suitability and sustainability. The assessment of rejected options covering parts of the sites is reasonable and shows that some of the smaller areas were unable to achieve defensible Green Belt boundaries or suitable access.

178. I recognise the level of local concerns regarding the allocation of Green Belt land on the edge of Lepton. However, sites H2864a and H2730a are in sustainable locations on the edge of the wider urban area, and subject to the aforementioned modifications the policies contain appropriate mitigation measures. Overall, in the context of identified housing needs and limited harm to the Green Belt, I conclude that exceptional circumstances exist to justify their removal from the Green Belt. Defensible boundaries can be achieved, and there are no exceptional circumstances to make further Green Belt boundary adjustments in this vicinity.
179. The evidence indicates that both sites are deliverable and available, albeit taking account of joint masterplanning and other technical work I consider that completions are unlikely to be achieved until 2021/22, to be identified in the updated phasing table in Part 1 of the Plan (**SD1-MM160**).
180. H1679, north of Fenay Lane, Almondbury – This site is identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, the site is well contained by built development, treed areas and roads, and its links to the wider Green Belt are constrained by the presence of Fenay Lane. Development on the site would not extend south of Fenay Lane, and would not result in significant encroachment into the countryside. Strong new defensible Green Belt boundaries would be provided by Fenay Lane and Penistone Road. Although the site is sloping, development would be seen from the south and east against an urban backdrop, and suitable landscaping and layout would help to mitigate visual impacts.
181. Areas of Flood Zone 3 and BAP Priority Habitat have been removed from the developable area. Further ecological investigation is necessary, and the policy should be amended to refer to this requirement in order to be effective (**SD2-MM50**). Overall, in the context of identified housing needs and limited harm to the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. Defensible boundaries can be achieved, and there are no exceptional circumstances to make further Green Belt boundary adjustments in this vicinity.
182. Taking account of the need to undertake technical work and appoint a development partner, I consider that completions are unlikely until 2022/23, as identified in the updated phasing table in Part 1 of the Plan (**SD1-MM160**).
183. H351/H1747, Bradley Road, Bradley - Sites H351 and H1747 adjoin each other and would form a significant area of new housing development on the edge of Huddersfield. The sites are located in part of the strategic Green Belt gap between Huddersfield and Brighouse. However, notwithstanding potential development in Calderdale, a clear gap would remain and Bradley Wood and the M62 motorway would form part of this division. The sites are well

contained by existing features, and extensive enough to provide buffers and landscaping mitigation. The sites are in a sustainable location on the edge of the town, with a range of local services and facilities close by.

184. Development of site H1747 would involve the loss of an 18 hole golf course, 9-hole par 3 course, driving range and associated facilities. The Council's Golf Needs Assessment (2015) and other technical reports indicate that there is an oversupply of golfing provision in the area, with available capacity on other courses and scope to absorb future population/participation increases over the Plan period. However, Bradley Park is the only pay and play course in Kirklees, and is an active and well used facility. Although other golf clubs in the area allow visitors and may have similar pricing, the flexibility and informal nature of the pay and play facility means that it is likely to attract a particular market, including those without a golfing handicap, and is a different form of provision. On this basis I conclude that Bradley Park is an important local sporting facility which meets particular needs, and is not surplus to requirements. Sport England and England Golf support this position. As such the first bullet in paragraph 74 in the NPPF is not satisfied.
185. The second bullet in paragraph 74 states that the loss of sporting facilities may be permitted where loss resulting from development is replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Bullet 3 also allows for loss where the development is for alternative sports and recreational provision, the needs for which clearly outweighs the loss. However, as the proposal is for housing development I consider that bullet 2 rather than bullet 3 applies.
186. The Council's latest draft Masterplan shows the re-provision of a 9-hole golf course and driving range on-site as part of the development scheme, alongside two full-sized 3G pitches, two junior football pitches linked to a new school, walking/cycling facilities and other open space. The Masterplan proposes clusters of high density development, and there is scope to amend this further as the scheme evolves. Accordingly, taking account of the range of other facilities required, I am satisfied there is sufficient capacity within the site to deliver the scheme, and scope to amend the precise hectareage of the 9-hole course if necessary.
187. A 9-hole golf course with a larger driving range does not represent a like for like golfing replacement in terms of quantity or quality, and would accommodate fewer users. However, as set out in the Council's report, a 9-hole course could provide an important entry point into the sport. The proposed facility is supported by England Golf and Sport England, and there are other 9-hole courses in operation. Masterplanning work is still evolving, and overall I consider there is a reasonable prospect that a 9-hole course and associated facilities could be viable and deliverable on the site. There is some uncertainty as to whether the junior pitches would be made available to the public. However, the other new sports facilities would support a high throughput of users, and the two 3G pitches would help to meet an identified shortfall in Kirklees for this form of provision.
188. Therefore, notwithstanding that the residential development itself may create additional needs for sports and open space, taken as a whole I consider that the proposed new sporting facilities would go a significant way towards off-

setting the loss of the 18-hole course and current facilities. Bullet 2 in paragraph 74 in the NPPF does not specify that replacement provision should be for the same type of sport. Furthermore, as set out below the allocation would deliver a significant number of new homes in Huddersfield, as well as affordable housing. This would provide social benefits, boost the economy, and help to support the Plan's spatial strategy and objectives for employment growth.

189. Taking account of benefits arising from the proposed replacement sports provision, the identified needs for additional homes in the area, the lack of alternative options for provision and the sustainability of the location, I consider that, on balance, the benefits arising from the modified proposal would outweigh the loss of current sports facilities on the site. Therefore, although paragraph 74 in the NPPF is not met, I am satisfied that in this case there are particular circumstances which justify this departure. In order to secure replacement facilities the policy would need to be modified to specify the provision of a 9-hole course, driving range, clubhouse and two 3G pitches, and aim to ensure no gap in golfing provision on the site (**SD2-MM63**). The design process relating to the 9-hole course is a detailed matter that will be determined by the Council in consultation with stakeholders.
190. Technical transport work indicates that there is capacity to deliver 520-560 dwellings from three access points into the site, or up to 750 if signals are provided at Tithe House Way. Beyond this point the Cooper Bridge Link Road scheme would be required to provide additional access. The Cooper Bridge scheme is timetabled for completion in 2024/25, utilising an allocation from the West Yorkshire Plus Transport Fund, although the Council is seeking to accelerate this process to secure completion earlier. The housing phasing table, as modified through **SD1-MM160**, shows that an estimated 370 dwellings would be completed by 2024/25, and as such it seems unlikely that delivery would be constrained. Technical work on alignment options is being progressed, but there is no evidence that there are fundamental constraints that cannot be mitigated and would prevent the link road scheme coming forward.
191. The Council has indicated that there are no other identified fundamental constraints on the local highways network that would prevent the scheme being delivered. Highways England has not objected to the allocation, subject to the inclusion of additional policy wording requiring the impact of the scheme on the local highway network and the SRN to be assessed. The Council's evidence indicates that land ownership issues at the three initial access points have been or are capable of being resolved, and that suitable geometry and safety standards can be provided. I have had regard to alternative highways and access evidence submitted by representors. But as they are the Local Highways Authority I attach significant weight to the Council's findings, and on the balance of the evidence before me I consider that there is a reasonable prospect that the scheme is deliverable in highway terms. Further assessment will take place through the planning application process and provide an opportunity to address issues and identify necessary mitigation measures. The additional wording sought by Highways England and reference to the link road and connection to the site, as set out in modification **SD2-MM63**, would help to ensure the policy is effective.

192. In conclusion, the proposal would deliver a significant number of dwellings in a sustainable and strategic location, and involve limited harm to the Green Belt. I recognise that the existing golf facilities on site are a valued local facility. Nevertheless, on balance I consider that a range of benefits arising from the modified scheme would outweigh the loss of existing golf facilities. Taking account of the above factors, including identified housing needs and lack of suitable alternatives, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. There is evidence that the landowners of H351 and H1747 are engaged in joint working and are committed to collaborative delivery. There are no other identified fundamental constraints that would prevent development coming forward, and detailed matters could be investigated and dealt with through the planning application process.
193. As the delivery of H351 and H1747 are inter-connected it is necessary for the separate policies to be amalgamated, in order for the Plan to be clear and effective. Policies H351 and H1747 would be deleted through modifications **SD2-MM52** and **SD2-MM62**, and replaced by a combined policy (**SD2-MM63**). In addition to modifications listed above, the combined policy should specify the production of a joint Masterplan and the provision of a local centre, and clarify school provision, in order to ensure effective planning. The policy should be amended to specify retention and reuse of the nearby listed barn at Shepherds Thorn Farm, provide additional clarity on measures to protect the wider setting of the building, and seek sensitive design and layout. These measures will help to protect heritage assets. Subject to the above modifications I am satisfied that the proposal is soundly based.
194. Taking account of the need for joint delivery and the large scale of the scheme I consider that completions in a number of zones are likely to come forward later than anticipated by the Council. The phasing table in Part 1 of the Plan should be adjusted as set out in **SD1-MM160**, to show the delivery of a small number of dwellings within the five year supply period, and a total of 1,460 dwellings within the Plan period. A further 498 units would be delivered after 2031.
195. H519, north and west of Gernhill Avenue, Fixby - The site is identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. I concur with this, having regard to the site's containment by buildings to the south and east, and strong field boundaries to the west. Development would reduce the gap between Huddersfield and Rastrick/Brighouse, within Calderdale district. However, even if additional development occurs in this part of Calderdale, a clear physical gap would remain, and a strong new defensible boundary could be achieved along the northern edge of site H519 and prevent sprawl.
196. There are a number of listed buildings in the vicinity of the development site, including Upper Cote Farm. However, the submitted evidence indicates that, due to the distance from the site, topography and vegetation, development would not harm the setting of these designated heritage assets. The policy provides suitable mitigation measures to ensure that heritage is protected.

197. Infrastructure and transport impacts have been modelled, account has been taken of traffic impacts arising from growth in Calderdale, and there are no identified fundamental constraints to development of the site. Overall, in the context of identified housing needs and limited harm to the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
198. H94, west of Henry Frederick Avenue, Netherton – The site is identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, the site is well contained by built development and field boundaries. Development would not extend any further west than existing housing on Church Lane, and would be seen in this context. Although the development would narrow the gap between Netherton and South Crosland, a clear physical gap would remain, and strong new defensible Green Belt boundaries could be provided by existing trees and field boundaries.
199. The Castle Hill Setting Study identifies the wider area around Netherton as a 'dominant area' where there may be potential to harm the setting of the SM. However, views of the site from the hill form part of a wide vista of developed and undeveloped areas, and development would be seen as part of the built-up area of Netherton. Historic England has indicated that there are no significant heritage issues that would prevent allocation of the site, and taking account of the vista and intervening distance to Castle Hill I concur with this position. The policy requirement to undertake a HIA as part of a planning application would provide an opportunity for any impacts on heritage assets to be adequately mitigated.
200. No other fundamental constraints to development have been identified, and the policy provides necessary mitigation measures. In the context of identified housing needs and limited harm to the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
201. H102 and H660, land west and east of Netherton Moor Road, Netherton - These adjacent sites are identified in the Council's Green Belt review as performing a less important Green Belt role where settlement extension could have limited impact on Green Belt function. The sites are open sloping fields, but are well contained by residential development to the north/west, Netherton Road, and field boundaries. Development would reduce the gap between Netherton and Honley, but a reasonable divide incorporating woodland would remain. Additional landscaping on the south/south-east side and in the vicinity of Number 35 Lavender Court could strengthen the existing field boundaries, and also help to mitigate the impact of development on the Honley Conservation Area to the south. Accordingly, in order to be effective the policies should be amended to require a landscaping buffer on the south/south-eastern edge (**SD2-MM67, SD2-MM72**).
202. References to heritage constraints and related design and layout mitigation measures should be inserted, to provide sufficient protection for the historic environment (**SD2-MM67, SD2-MM72, SD2-MM65, SD2-MM70**). The Council's HIA indicates that, due to distance and adjoining urban areas, development is unlikely to harm the setting of Castle Hill, albeit there may be

some loss of views of Castle Hill from Nethererton Moor Road. The policy requirement to undertake further HIA at application stage would allow impacts on Castle Hill and other heritage assets to be fully assessed and addressed.

203. Additional mitigation may be required on the local highways network, and in order to be effective the policies should be amended to refer to this (**SD2-MM67, SD2-MM72**). Constraints relating to ecology and ancient woodland should be inserted, in order to provide appropriate protection for the natural environment (**SD2-MM70, SD2-MM65, SD2-MM66, SD2-MM71**).
204. There are no identified fundamental constraints to development, and subject to the aforementioned modifications the policies provide an appropriate range of mitigation measures. Overall, in the context of identified housing needs and limited harm to the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the sites from the Green Belt.
205. H3350, south-east of Knowle Road, Kirkheaton – The site is an open sloping field, predominantly located within the Green Belt. It adjoins built development, and is contained by a landscaped edge to the south-east. This edge limits the relationship of the site to the wider Green Belt, and would form a strong new defensible Green Belt boundary. The current Green Belt boundary across the field is not marked by physical features, and the proposal would, in this regard, present an improvement. Dwellings on the upper slope would be visible from within the village and in other views. However, there is existing built form on Cockley Hill Lane and development would be viewed within this context. On this basis, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.

Dewsbury and Mirfield urban sites

206. H95, east of The Combs, Hall Lane, Thornhill – The site is located in the Thornhill Conservation Area and the listed buildings of Thornhill Hall and cottages lie to the south. The site provides an open agricultural setting to the listed buildings, and there are attractive views of the buildings in this setting as seen from the adjoining recreation land. I consider that the Council's HIA does not sufficiently recognise the contribution the site makes to the setting of the listed buildings or Conservation Area, and underplays the harm that development would cause to the significance of these assets. I concur with Historic England that the proposal would erode the rural character and harm the setting of these designated assets. Harm would be considerable, albeit less than substantial in planning terms, and development would fail to protect and enhance the historic environment. Although 18 dwellings would provide some social/economic benefit this modest amount would be insufficient to outweigh the identified harm. As such I conclude that the allocation is not justified or consistent with national policy, and should be deleted from the Plan (**SD2-MM121**).
207. H1660, east of Heckmondwike Road, Dewsbury Moor – The reference to the existing play area on the site should be strengthened to require the retention of the facility or its replacement with an equivalent or better facility. This will ensure recreation facilities are protected and the policy is consistent with the NPPF (**SD2-MM127**).

208. The site contains protected trees. In order to be effective and support their protection, the policy should refer to this constraint (**SD2-MM126**). The net site area should be amended to take account of this area, and the site capacity reduced from 62 to 53 dwellings (**SD2-MM124, SD2-MM125**).

Dewsbury and Mirfield Green Belt sites

209. H307, east of Long Lane, Earlsheaton – The site is well contained and lies between built development which limits its relationship with the open countryside. The site is small and clear defensible boundaries would be provided by the field boundaries. Therefore the integrity of the gap between Dewsbury and Wakefield would be retained and sprawl would be prevented. On this basis, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.

210. H559, east of Leeds Road, Chidswell – The site is identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, the site is contained by built form on three sides and its relationship to the wider countryside is limited. The gap between Chidswell and Wakefield would be narrowed but a physical break would remain, and a clear new defensible Green Belt boundary would be formed by field boundaries on the south-east edge. In order to further strengthen this boundary and deliver a soft attractive edge to the development, the policy should be amended to require a landscaped buffer in this vicinity (**SD2-MM111**).

211. Overall, taking account of housing needs and the limited impact on the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. The access road through the site to MX1905 would be provided via a new roundabout on Leeds Road, and the potential impact on the SRN should be assessed. The preparation of a masterplan is also necessary, given the scale of the scheme. These key constraints should be inserted in the policy in order to provide clarity and be effective (**SD2-MM111**). The number of potential dwellings should be adjusted from 279 to 280 to reflect the latest capacity work (**SD2-MM110**). Joint work will be necessary to deliver a roundabout and spine road, and therefore completions are unlikely to take place until 2020/21. The phasing table should be adjusted accordingly, as set out in **SD1-MM160**.

212. H661a, east of High Street, Batley – The site is identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, it is well contained and its relationship to the open countryside is limited by roads and built form on three sides. The site relates well to the settlement edge, and I consider that development would not harm the overall role and function of the Green Belt in this area. As such, and taking account of identified housing needs, I conclude that exceptional circumstances have been demonstrated to justify removal of the site from the Green Belt.

213. H46, Owl Lane, Shaw Cross – Planning permission has been granted for residential development on this site and building has commenced. Land which is not necessary to keep permanently open should not be included in the Green Belt. Therefore exceptional circumstances to justify the release of the site from the Green Belt have been demonstrated.
214. H2089, south of Ravensthorpe Road/Lees Hall Road, Dewsbury (Dewsbury Riverside) – The scheme involves a major urban extension to the south side of Dewsbury, providing some 4,000 dwellings and associated facilities. Part of the site lies within the Mirfield ward boundary and close to the settlement of Thornhill. However, the site adjoins the wider urban area of Dewsbury, and is separated from Mirfield and Thornhill by open countryside. As such it is reasonable to regard the site, both physically and functionally, as an extension to Dewsbury.
215. The site consists of an extensive series of fields, predominantly located in the Green Belt. Development would extend the built form of Dewsbury towards both Thornhill and Mirfield. However, a clear physical gap would remain, with rising ground to the south/south-west, and with woodland and existing field boundaries providing clear defensible boundaries. Development would, by virtue of its extent, be visible in the landscape and alter the rural and open character of the area. However, the site has a degree of containment on its southern and western boundaries, and is well related to the edge of Dewsbury. Development on the site would be seen against this urban backdrop. Existing pockets of woodland and vegetation would help to provide screening and mitigate visual impacts. This could be augmented by sensitive scheme layout, landscaping and buffer zones, particularly in the more prominent rising south/south-west section.
216. Technical work indicates that about 2,000 dwellings could be accommodated before strategic highway intervention is necessary. This may involve the provision of a strategic road link on the south side of Dewsbury, passing through H2089, although option testing is underway to identify a preferred solution. The revised phasing rates for H2089, as set out below, indicate that 1,868 dwellings are likely to be delivered up to 2031. On this basis strategic highway intervention may not be required within the Plan period, and there is a reasonable period of time to assess options, identify funding and secure delivery.
217. The initial transport work indicates that, up to the 2000th dwelling, impacts on the local highways network would not be severe and could be mitigated through off-site junction improvements and other work. The same conclusions are reached beyond the 2000th dwelling, assuming a link road or other strategic highway intervention is in place. Access is achievable from a number of points. The evidence before me is reasonable and proportionate to the Local Plan process. Highways England has indicated that, subject to the inclusion of wording in the policy which specifies that potential impacts on the SRN are assessed and addressed and impacts on the wider highway network are mitigated, they consider the proposal is sound. I therefore conclude that this wording, and reference to the 2000th dwelling position, is necessary to ensure the policy is effective (**SD2-MM130**). The potential strategic road link should also be referenced in Policy TS5 (**SD2-MM335**).

218. The site is in a sustainable location on the edge of the urban area, and close to Ravensthorpe railway station. Enhancement of the railway station and bus, walking and cycling links are proposed as part of the scheme. The provision of a new local centre, primary school provision and early years/child care provision would help to reduce the need to travel and meet the needs of new residents. The policy should be amended to specify provision of these facilities and other key services, in order to be effective (**SD2-MM130**). The requirement to undertake a sequential and impact assessment test in association with the new local centre provides protection for existing centres in absence of an indicative floorspace/hectarage within the policy.
219. Initial masterplanning work indicates there is sufficient capacity for 4,000 dwellings and necessary supporting facilities/infrastructure, including a potential link road, based on a net density of about 41 dph. This rate is reasonable in the context of historical completions evidence that a gross density of 36 dph has been achieved, as discussed in Issue 2.
220. A range of technical work and studies have been carried out, including ecology assessment, ground investigation, and flood risk and drainage work, and masterplanning work is progressing. This represents a suitable level of information for the Local Plan process, and has not identified any fundamental constraints that are likely to be incapable of resolution. The policy provides a framework for on-going masterplanning and the development of planning applications, and refers to further assessments and a range of mitigation measures.
221. Although the policy does not specify an Ecology Assessment, initial work has already been undertaken, and the policy refers to ecological constraints and related mitigation measures. As such I am satisfied that the policy, in conjunction with generic Policy PLP 30, provides a suitable framework for taking account of ecology issues and facilitating appropriate mitigation.
222. In conclusion, the site is sustainably located on the edge of Dewsbury and would deliver a significant number of new homes and jobs to meet identified needs. The scheme would, by virtue of its scale, support regeneration of the local area and transformational change in Dewsbury and help facilitate delivery of the Plan's vision and spatial strategy. Details of the initial viability work have not been released due to commercial sensitivities. However, there are positive signs as the first phase already has outline permission with active developer involvement. The scheme will result in the loss of an extensive area of countryside and alter the character of the locality. However, taking account of the above factors, identified housing needs, and the absence of suitable alternative options, on balance I conclude that there are exceptional circumstances to justify the release of the site from the Green Belt, and allocate the site for the proposed use. Masterplanning is a critical part of delivery and should be referenced in the policy, along with the need for a landscape buffer in the sensitive elevated southern section of the site (**SD2-MM130**). Subject to the above modifications through **SD2-MM130** I consider the proposal is soundly based.
223. Taking account of the scale and complexity of the scheme and the mix of landownerships, I consider that completions in a number of zones are likely to come forward later than anticipated by the Council. The phasing table in Part

- 1 of the Plan should be adjusted as set out in **SD1-MM160**, to show the delivery of a small number of dwellings within the five year supply period, linked to initial phases which have outline planning permission, and a total of 1,869 dwellings within the Plan period. A further 2,131 units would be delivered after 2031. In order to be effective the policy should clarify these figures through modification **SD2-MM129**. Although these rates will be challenging, the site is well connected and based on the evidence before me I am satisfied that there is a reasonable prospect of delivery. Detailed phasing and delivery issues would be subject to on-going monitoring by the Council.
224. H40, Granny Lane, Mirfield – The site lies between existing built development and within an area of sporadic development on Granny Lane. The southern boundary adjoins the wider countryside. However, a new defensible boundary would be provided by existing hedgerows, thereby preventing sprawl, and the loss of this site would not significantly harm the role and function of the Green Belt in this area. A new north-eastern boundary would be facilitated by an existing hedgerow and access road.
225. The net site area should be reduced to exclude a small section within Flood Zone 3 and an area identified as high significance to the setting of the adjoining listed building of Sheep Ings Farmhouse (**SD2-MM131**). Accordingly, the site capacity should be reduced from 74 to 70 dwellings (**SD2-MM132**). This is necessary to ensure flood risks and heritage matters are adequately taken into account, and align with national policy. For the same reason, the policy should be amended to include mitigation measures relating to heritage (**SD2-MM133**).
226. Overall, taking account of housing needs and the limited impact on the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
227. H205, east of Slipper Lane, Mirfield – The site is well contained by planting and field boundaries and is separated from the wider Green Belt by Slipper Lane. Removal of the site from the Green Belt would not harm the function and role of the Green Belt in this area, and Slipper Lane would provide a strong new defensible Green Belt boundary. As such, and taking account of identified housing needs, I conclude that exceptional circumstances have been demonstrated to justify removal of the site from the Green Belt.
228. H333, east of Northorpe Lane, Mirfield – The site is contained by residential development to the south and west, and a former railway line to the east. Development would be located in part of the gap between Mirfield and Ravensthorpe. However, it would not extend any further towards Ravensthorpe than existing built form, and encroachment would be prevented by the railway line forming a new defensible Green Belt boundary. Overall, taking account of housing needs and the limited impact on the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
229. MX1905, east of 932-1110 Leeds Road, Shaw Cross (Chidswell) - The site is allocated for a mix of housing and employment uses. The site lies in the M62 corridor and development of a major employment site in this strategic location

would help to meet the identified needs of businesses and generate new jobs. Chidswell is identified as an Employment Growth Area in the LCR SEP.

230. The site covers an extensive area of fields to the north-east of Dewsbury, and forms part of a strategic Green Belt gap between Dewsbury, Wakefield and Tingley. Although development would reduce this gap, a clear physical divide would exist. The eastern and southern site boundaries are marked by existing field boundaries and woodland, and are capable of providing defensible Green Belt boundaries, thereby preventing encroachment. The southern boundary appears on historic maps and therefore has a degree of permanence, and is distinguished by a stream and other existing features.

231. Development would, by virtue of its extent, be visible in the landscape and alter the rural and open character of the area. However, the site has a degree of containment on its southern and eastern boundaries, as described above, and adjoins residential development. Development on the site would be seen from open land to the north and east against this urban backdrop. Existing pockets of woodland and vegetation would help to provide screening and mitigate visual impacts, and could be augmented by sensitive scheme layout and landscaping.

232. The Interim Transport Assessment (ITA) for the proposal concludes that access can be achieved via a number of points, and some off-site mitigation measures are likely to be required to support future traffic levels. The ITA takes account of a significant range of data, and is based on extensive survey work and cooperation with neighbouring authorities. The method has been disputed but I am satisfied that the ITA is not fundamentally flawed to the degree that access cannot be achieved or future mitigation could not be provided. A full Transport Assessment would be required as part of the planning application process, and detailed mitigation matters would be addressed at that stage. In order to be effective, the policy should be amended to refer to potential mitigation relating to the wider highway network (**SD2-MM317**), the requirement to assess potential impacts on the SRN as identified above (**SD2-MM317**), and the need to achieve a key access point via site H559 (**SD2-MM318**).

233. A number of other modifications are necessary in order to provide further clarity and ensure effective delivery. This includes reference to the need to provide a buffer between built development and ancient woodland at Dum Wood/Dogloitch Wood, monitor the delivery of secondary school places, provide a new Local Centre, and prepare a masterplan (**SD2-MM318**).

234. The evidence before me indicates that there are no significant constraints that would prevent the site being delivered. This includes the Council's Air Quality Assessment (2017) which concludes that the overall effect of the Plan on local air quality will not be significant. The policy seeks further technical site work through the planning application process relating to issues such as ecology, drainage, flood risk and contamination and refers to mitigation measures. The site is sustainably located on the edge of Dewsbury and would deliver a significant number of new homes and jobs to meet identified needs and help facilitate the Plan's vision and spatial strategy. Overall, taking account the above factors and in the absence of suitable alternatives, I conclude that there are exceptional circumstances to justify the release of the site from the Green

Belt, and that subject to the aforementioned modifications the proposed allocation is soundly based. Due to the scale of the proposal I consider that on-site completions are unlikely to take place until 2021/22, and the phasing table should be amended as set out in **SD1-MM160**.

235. MX3394, Lees House Farm, Leeds Road, Dewsbury – The site is contained by built form and field boundaries, and development would not overly encroach into the open countryside. Taking account of identified housing and employment needs, I conclude that there are exceptional circumstances to justify its release from the Green Belt. In order to ensure effective connectivity and delivery, the policy should be amended to specify provision of access to adjoining site MX1905 (**SD2-MM315**).

Batley and Spen urban sites

236. H323, Lady Anne Road, Soothill – In order to be effective, the policy should be amended to refer to on-site protected trees and a noise source near the site (**SD2-MM140**).

237. H2647, Spafield Mill, Upper Road, Batley – In order to be effective, the policy should be amended to refer to the constraint of potentially contaminated land (**SD2-MM141**).

238. H760, Halifax Road, Staincliffe – The site frontage consists of a small grassed area which provides a break in the urban frontage and has some informal use. In order to be effective and consistent with the Plan's spatial strategy the policy should be amended to refer to the potential retention of this area (**SD2-MM142**).

239. H527, Staincliffe Hall Road, Staincliffe – Traffic safety issues have been identified on the surrounding network which would need to be assessed as part of a planning application. The policy should refer to this position, in order to be effective (**SD2-MM146**).

240. H138, south of Mill Street, Birstall – The policy seeks replacement provision of the on-site football pitch and associated facilities, and options are currently being investigated in the vicinity. In order to be consistent with paragraph 74 in the NPPF and ensure suitable mitigation, the policy wording should be amended to refer to the need for equivalent or better facilities in terms of quantity and quality (**SD2-MM147**).

241. The site is in a sustainable location on the edge of Birstall, and there are no identified fundamental constraints to development. Detailed Transport Assessment, Ecological Survey and other technical work would be required at application stage and direct any necessary mitigation measures. Taking account of the need to provide replacement facilities I consider that completions are unlikely to take place until 2021/22 and the phasing table should be amended as set out in **SD1-MM160**.

242. H172, Bradford Road, Birkenshaw – Part of the site contains an area of protected trees. In order to provide appropriate protection for these assets, the net site area should be amended to exclude this section (**SD2-MM148**) and the indicative capacity reduced from 55 to 30 dwellings (**SD2-MM149**).

243. H761, Raikes Lane, Birstall – The site adjoins and is close to a number of listed buildings, and is partly within the Birstall Conservation Area. Two sections of the site are identified in the Council's HIA as areas of moderate significance to the setting of heritage assets. The central section provides an open agricultural setting next to Birstall Old Hall, whilst the northern section of open space provides attractive views within the Conservation Area. The developable area has not been reduced to take account of these constraints, and as such I consider that the proposal would fail to facilitate sufficient areas of open land and cause considerable, albeit less than substantial, harm to the historic environment. Although additional housing would provide benefits it would not outweigh identified harm. Accordingly, in order to be effective and consistent with national policy the net site area and indicative site capacity should be reduced to allow the retention of open areas (**SD2-MM150, SD2-MM152**), and related constraints and mitigation referenced in the policy (**SD2-MM153, SD2-MM151**).
244. Subject to the above modifications I conclude that the policy is soundly based and provides scope to deal with detailed matters at application stage. Given the scale of the scheme and progress to date I consider that completions are unlikely to take place until 2020/21 and the phasing table should be amended accordingly through **SD1-MM160**.
245. H509, Brook House Mill, Balme Road, Cleckheaton – The Council has identified an error in the application of the standard density of 35 dph, which requires a reduction in the indicative site capacity from 25 to 21 dwellings (**SD2-MM165**). Drainage and other detailed matters could be appropriately addressed at planning application stage.
246. H810, Moorfield Avenue, Scholes – The landowner has confirmed that the site is no longer available for development within the Plan period. The allocation is therefore not developable and should be deleted (**SD2-MM167**).
247. H783, Dale Lane, Heckmondwike – The Council's assessment work indicates that the site has high value as an existing amenity greenspace, in terms of its qualitative function. This includes trees along the frontage, which provide an attractive vista when travelling along Dale Lane. In order to protect this facility and align with the Plan's spatial strategy the site should be deleted as a housing allocation (**SD2-MM171**) and identified as an extended part of adjoining UGS UGS1056.
248. H1772, Boundary Street, Heckmondwike – The Council has identified an error in the net site area which requires adjustment through modification **SD2-MM172**. The site capacity should also be amended, although as part of the site lies within a HSE Middle Zone site the capacity should be limited to 30 dwellings, in line with the Health and Safety Executive's (HSE) Land Use Planning Methodology (**SD2-MM173, SD2-MM174**). The policy requirement that no development should take place in Flood Zone 3 is superfluous and should be removed for clarity (**SD2-MM175**).
249. MX1907, Moorlands Business Centre and MX3349, Westgate, Cleckheaton – The sites contain existing employment premises that would be retained in development of the site. In order to provide clarity and ensure effectiveness,

the policies should be amended to refer to this position (**SD2-MM320, SD2-MM322**).

Batley and Spen Green Belt sites

250. E1831, Whitechapel Road, Cleckheaton – The site lies in the M62 corridor and development of a major employment site in this strategic location would help to meet the identified needs of manufacturing businesses and generate new jobs.
251. The site forms part of a strategic Green Belt gap between Scholes and Cleckheaton. However, although development would reduce this gap, a physical divide would remain to the west of the site. A landscaped buffer in the southern section of the site could help to provide mitigation and soften the edge of the development in this vicinity. The gap between settlements in Kirklees and Bradford would also decrease, but the remaining gap would be significant. Development would, by virtue of its extent, be visible and alter the open agricultural character of the site. However, the site is bounded by existing roads on three sides, including the M62 motorway to the east and the A58 to the north, which provide it with containment and limit its relationship with the open countryside. The sloping topography of the site curtails views of the open countryside beyond the site, as seen from the M62 and A58.
252. Highways England has confirmed that, notwithstanding postponement of the RIS scheme at junction 26 on the M62, the proposal is not considered to have potential to significantly impact on the SRN, based on a predominant B2/B8 mix of uses. Policy PLP 4 can be used to seek contributions towards mitigation measures linked to cumulative impacts, and relating to the local highway network. Air quality in the local area may be affected by the development, but this could be dealt with through appropriate mitigation measures at the planning application stage.
253. Overall, I consider that the proposal could be accommodated without harming the overall role and function of the Green Belt in this area. There are no identified fundamental constraints that would prevent development, and the policy refers to mitigation measures and detailed assessment as part of the planning application stage. The site would help to meet identified employment requirements. I therefore conclude that exceptional circumstances exist to justify removal of the site from the Green Belt.
254. The net developable area of the site and indicative capacity should be reduced in order to allow for provision of the landscaped buffer, and to take account of a gas pipeline across the site (**SD2-MM13, SD2-MM14**). The location of the landscaped buffer also needs to be clarified for reasons of effectiveness (**SD2-MM15**). The gross site area should be slightly adjusted to correct an error (**SD2-MM12**). The scale of the allocation necessitates the preparation of a Masterplan, and in order to be effective this should be referenced in the policy (**SD2-MM15**). The masterplanning process will provide an opportunity to finalise the precise position of the landscape buffer and developable area, and any adjustments which are necessary to the site boundary in the south-eastern corner adjoining land not within the Green Belt. Subject to the aforementioned modifications the proposal is soundly based.

255. E1985a, former North Bierley Waste Water Treatment Works, Cleckheaton – The site is brownfield land and has now gained outline planning permission for redevelopment for employment uses. The site is located in the M62 corridor, and development in this strategic location would help to meet the needs of businesses and generate new jobs. The site lies in part of the Green Belt gap between Hunsworth and Woodlands. However, the site is previously developed land which contains existing buildings and structures, and a clear physical gap would remain. The site is also contained by woodland and slopes to the east and by the M62 and the M606 to the west and south, and therefore has a limited relationship with the wider countryside. Taking account of these factors I conclude that exceptional circumstances exist to justify removal of the site from the Green Belt. In order to be effective, the policy should be modified to refer to the site capacity in the recent planning permission (**SD2-MM16**) and to require the preparation of a Masterplan (**SD2-MM17**).
256. E1832c, Leeds Road, Mirfield (Cooper Bridge) – The site comprises two distinctive areas. The northern part of the site is a series of open fields located in the Green Belt and adjoining the registered historic parkland of Kirklees Park. The section to the south of Leeds Road is brownfield land.
257. Kirklees Park contains the Grade I listed building of Kirklees Hall, and a number of other Grade I, Grade II* and Grade II listed buildings/structures and SMs, and other non-designated assets. The Park also contains a deer park and pleasure grounds, and has associations with the death of Robin Hood. Despite its location close to the M62 motorway and urban areas the setting of the Park has a rural character, with views of fields and woodland, particularly to the east. There are other designated and non-designated assets in the vicinity of the allocation site, including the Grade II listed Mock Hall and barn on Leeds Road.
258. The northern section of the proposal site adjoins the Park on its eastern and southern edge. As demonstrated in the Heritage Overview Report (2018), and as seen on my site visit, the site is visible from a number of points from within the Park and in views towards the Park from the east and south. The accuracy of the submitted visualisations and photomontages has been questioned but I am satisfied that they are adequate to inform the Local Plan process. Development of the site would introduce large industrial buildings and urban form within the rural setting of the Park. The loss of an extensive area of countryside adjoining the Park would harm the appreciation of the Park in its wider setting, and introduce urban form in views from the east, south and north. This includes from a number of PROWs including the Luddite Way, the Kirklees Way, and the Spen Heritage Trail. Overall I conclude the development would cause considerable harm, albeit less than substantial in planning terms, to the rural setting of the south part of the Park and the significance of the asset. Although landscaping and buffer areas could be provided, development would still be in close proximity to the asset and the visualisations, including over time, show that the scheme would still be clearly evident in the landscape. Similarly I consider that other mitigation measures relating to scheme design and layout may lessen impact but would not be sufficient to prevent considerable harm.
259. The Grade II listed Mock Hall and barn are located close to the southern boundary of the site. Mock Hall was previously a farmhouse, and the open

agricultural fields to the rear form part of its historic setting. There are attractive views of the buildings in their wider countryside setting as seen from Leeds Road. The proposed development of the northern part of the site would erode this rural setting and sever the listed buildings from the wider countryside. As such the proposal would cause considerable, albeit less than substantial, harm to the designated assets. Again, impacts may be lessened through landscaping, layout and design, but would not be sufficient to prevent considerable harm.

260. If the Grade II listed Roman Watchtower is restored and surrounding trees removed, there may be intrusive views of the development from the walkway. As such there could be potential for future harm to the significance of this asset, although the exact extent is unknown.
261. The open fields in the northern section of the site form part of a wider area of pleasant rolling countryside between Mirfield and Hartshead. Although the site is contained by woodland and existing field boundaries, there are clear attractive views of the site in its wider countryside setting from the south, east and north, and it forms an important belt of open land within an intensely developed part of Kirklees. As such I consider the scheme would encroach on the countryside and cause significant harm to Green Belt purposes. The submitted photomontages show that although landscaping and buffers would provide some mitigation, the scheme would still be clearly evident in the rural landscape, and detract from the open agricultural quality of the area.
262. Highway access would be required across an adjoining field in the Green Belt within Calderdale. There is industrial development on the west side of the A644, but the field to the east is open and provides an attractive rural setting for Kirklees Park as seen from the A644. Although building form is not proposed in this field, I consider that highway works would detract from its rural character, and cause considerable, albeit less than substantial, harm to the setting of the designated Park. Views across the field to the wider Green Belt are limited by adjoining woodland, but the field is an integral part of the structural Green Belt in and surrounding Kirklees Park. As such I consider that an access road in this highly visible location would harm its integrity, cause encroachment, and conflict with Green Belt purposes.
263. The site lies in the M62 corridor, and development would bring a range of economic and other public benefits. This includes meeting the needs of manufacturing businesses, boosting the economy, delivering new jobs and bringing related social benefits, and potentially facilitating investment in and management of heritage assets within Kirklees Estate. Cooper Bridge is identified as an 'Employment Growth Area' in the LCR SEP, and the scheme would help to deliver LCR SEP, KES and Local Plan objectives. In the context of identified harm I consider that additional landscaping would be a mitigation measure rather than benefit per se, and I have attached limited weight to this. The Council has indicated that the development would bring benefits in the form of investment in major transport infrastructure in this part of Kirklees, and linked air quality improvements. However, congestion in the area is a long-standing issue, and there is no evidence before me that the business case for major road improvements is wholly dependent on the Cooper Bridge site, or that removal of the northern part of the allocation from the Plan would

mean highway improvements cannot be delivered. As such this benefit is unclear and I have attached limited weight to it.

264. Kirklees Park, with its range of historic buildings and features, is an important heritage asset. Overall, having regard to the considerable harm to heritage assets outlined above, I consider that public benefits arising from the development would be insufficient to outweigh this harm. The scheme would also cause significant harm to the character and appearance of the countryside and Green Belt function. Therefore, notwithstanding identified benefits I conclude that exceptional circumstances have not been demonstrated to justify the release of the northern part of the allocation site from the Green Belt. The proposed development of the northern part of the site is therefore not justified or consistent with national policy.
265. There are no identified fundamental constraints that would prevent the southern section of the site being developed, and detailed matters would be assessed and addressed at application stage. The southern section is previously developed land, and development would provide economic benefits and jobs in a key strategic location. I therefore conclude that the proposed allocation should be reduced to exclude the northern part of the site, and be based on land to the south of Leeds Road. The reduced gross site area and net developable area should be reflected in the policy (**SD2-MM22, SD2-MM23**) and the indicative floorspace capacity lowered from about 162,000 sqm to some 15,000 sqm (**SD2-MM25**). Modifications are also necessary to alter the name of the allocation and omit constraints, report requirements and site-specific considerations which relate to the northern section (**SD2-MM21, SD2-MM24, SD2-MM26, SD2-MM27**). Consequential amendments are necessary elsewhere in the Plan to delete references to Cooper Bridge as a major employment site (**SD1-MM1, SD1-MM4, SD1-MM24**).
266. The scale of the proposal necessitates the preparation of a Masterplan, and modification **SD2-MM27** is necessary to refer to this.
267. H662, rear of 52 Upper Batley Low Lane, Batley – The site is screened by existing vegetation and has a different character to the adjoining open agricultural fields. The modest site size and contained character would limit encroachment. Accordingly, taking account of identified needs for housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. There is no evidence before me that the site is subject to a restricted covenant preventing development. The reference to a drainage masterplan in the policy is not substantiated and should be deleted (**SD2-MM137**).
268. H193, Oxford Road, Gomersal – The site is partly screened by trees along the road frontage, is well related to the urban edge, and is different in character to the adjoining open fields to the north. As such its relationship with the wider countryside is limited. Development would be in a key gap between Gomersal and Birkenshaw but a physical gap would remain, including the M62 motorway. The northern edge of the site follows a clear field boundary and would provide a new defensible Green Belt boundary. Accordingly, and taking account of the identified need for housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.

269. H531, Soureby Cross Way, East Bierley – The site is located in part of the strategic gap between East Bierley and Birkenshaw. However, it would follow the existing south-eastern edge of the village and not encroach onto Birkenshaw. Accordingly, and taking account of the identified need for housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
270. H218, Bluehills Farm, Birkenshaw – The site has a limited relationship with the open countryside due to nearby farm buildings and the adjoining M62 motorway. Recent development to the south of the road has further urbanised the character of the locality. The northern part of the site is elevated but nearby built development exists at this level, and sensitive scheme layout and landscaping could provide mitigation. Taking account of these factors, and the identified need for new housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. The site contains a PROW and in order to be effective the policy should include reference to this constraint (**SD2-MM155**).
271. H49a, Oddfellows Street, Scholes – The site is well related to the settlement edge, and is contained by dwellings on several sides. As such its relationship with the wider countryside is limited. There is existing built form on the opposite side of Oddfellows Street, and the eastern site edge is capable of forming a defensible Green Belt boundary. Taking account of these factors, and the identified need for new housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. There are a number of PROWs in the vicinity and in order to be effective the policy should include reference to this constraint (**SD2-MM157**).
272. H69, Merchant Fields, Cleckheaton – The site is contained by built development on three sides, and is well related to the settlement. Its rural character is reduced by containment and overlooking. The site has clear field boundaries along its eastern edge which would be capable of forming a new defensible Green Belt boundary and preventing sprawl. This could be augmented through a landscape buffer which would also provide an appropriate visual, ecological and amenity setting for the BAP Priority Habitat of Nann Hall Beck. In order to be effective the policy should be modified to refer to this buffer (**SD2-MM161**) and the PROW (**SD2-MM160**), and clarify the area to be removed for BAP Priority Habitat (**SD2-MM159**).
273. Transport modelling on the Local Plan has looked at cumulative effects and no fundamental constraints are identified. A detailed Transport Assessment for the site would be required at application stage. As specified in modification **SD2-MM161** above, this should include assessment of the scheme's impact on the SRN and the need for potential mitigation measures. Overall, taking account of the above factors and the identified need for new housing, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
274. H508, Whitechapel Road, Cleckheaton – The site's relationship with the wider countryside is restricted due to the presence of the nearby M62 motorway and local roads to the north and south. The motorway and existing buildings to the east would create strong new defensible Green Belt boundaries.

275. The Council's HIA identifies areas of high and moderate significance within the site which provide an important open setting to the adjoining listed Whitechapel Church. There are clear views of the listed building from these areas, with attractive vistas across the fields. I consider that built development in these areas would erode the rural character and open setting, causing considerable, albeit less than substantial, harm to the significance of the heritage asset. Mitigation through sensitive design and layout would not be sufficient to retain openness and ameliorate considerable harm. Although additional dwellings in these areas could provide social/economic benefits the modest amount would not outweigh the identified harm to the heritage asset. In order to protect the historic environment and accord with national policy, the policy should specify the retention of the Council's HIA areas of high and moderate significance as open, with only the provision of an access road across the area of high significance. These constraints and related mitigation measures should be included in the policy through **SD2-MM164**. Based on the retention of these areas as open, and having regard to average densities and other site constraints, the net site area should be lowered to 3.12 ha and the indicative site capacity reduced from 170 to 122 dwellings (**SD2-MM162, SD2-MM163**).
276. Due to the proximity of the site to the M62 it will be important to ensure noise and air quality issues are assessed and addressed through the planning application process. The policy refers to these constraints and related requirements, and there is scope for mitigation.
277. Taking account of these factors, including limited harm to the Green Belt and the identified need for new housing, and subject to the above modifications, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
278. H2066, Warren Cottage, Halifax Road, Scholes – The site contains residential development, and has a distinctly different character to the adjoining open agricultural fields. The outer edge is well planted and would provide a strong new defensible Green Belt boundary and prevent sprawl. Accordingly, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
279. H198, south of Second Avenue, Hightown – The site was previously occupied by a school which has since been demolished. The southern section of the site is currently in the Green Belt. On my site visit I was unable to discern a clear boundary between the south and north sections of the allocation. As such the two parts of the site are well related, whilst links between the southern section and the wider countryside are limited by a field boundary on the south-east edge. The proposal would provide an opportunity to strengthen the Green Belt boundary in this locality.
280. The site lies close to the listed building of Thornbush Farm, which has connections with the Bronte family. However, the site does not immediately adjoin the farmhouse, and there is an intervening open field between the allocation site and the asset. As such, I consider that the proposal would have little effect on the significance of the designated asset. Nonetheless, given its proximity potential mitigation measures relating to sensitive scheme design and layout and protection of an adjacent trackway should be included in the

policy, for reasons of effectiveness. The retention or replacement of the existing on-site MUGA should also be referenced, in order to ensure effective protection for community facilities and accord with paragraph 74 of the NPPF. These changes would be achieved through modification **SD2-MM176**.

281. Taking account of the above factors, and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. Based on progress to date I consider that completions are unlikely to take place until 2020/21 and the phasing table should be amended accordingly through modification **SD1-MM160**.
282. H242, Peep Green Road, Hartshead – The site is well contained, well related to the settlement and development would be small-scale. The northern boundary would provide a strong new defensible Green Belt boundary, thereby preventing sprawl. As such, and taking account of identified housing needs, I conclude that exceptional circumstances justify the release of the site from the Green Belt.
283. H278, Lands Beck Way, Liversedge – The site is on the edge of Liversedge and adjoins built-form on several sides. It is contained by existing hedgerows and planting, which limit the links to the wider countryside and would help to screen development on the slope from wider views. As such development would cause limited harm to the Green Belt, and taking account of identified housing needs I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
284. H442, Richmond Park Avenue and Sunnyside Avenue, Roberttown - The settlements of Roberttown and Liversedge are already merged, in the vicinity of Huddersfield Road/Leeds Road. However, the pinch point at the Lumb Lane/Norristhorpe Lane junction is narrow, with intervening fields providing a clear separation either side, and the two settlements retain a separate and distinct identity. Roberttown, although significantly expanded during the 20th century, is smaller with development focused around a historic elevated village core. Whilst some ribbon development exists along Roberttown Lane, this is partly dispersed and there are clear visual links to the wider countryside. As such I consider that coalescence has not occurred here.
285. The allocation site is located in part of the open gap between Roberttown and Liversedge, along one of the main roads between the settlements. The open sloping site can be clearly seen when travelling along Roberttown Lane, and provides a clear sense of physical and visual divide between the settlements. As such, notwithstanding the 'amber' rating in the Council's Green Belt edge review, I consider the site performs an important strategic Green Belt function, helping to prevent Roberttown and Liversedge merging into one another.
286. The site consists of attractive open agricultural fields, which despite the intervening presence of Roberttown Lane, are visually connected to the wider countryside by virtue of the topography and more dispersed pattern of development on the north side of the road. There are clear views from the site of the wider countryside. As such, and notwithstanding the presence of pylons and overlooking dwellings in the south/east sections, I consider that the site plays a role in preventing encroachment into the open countryside.

287. The proposed development would substantially erode a strategic and visually prominent gap between Roberttown and Liversedge, and detract from the setting and separate identity of the settlements. There would also be some harm to the character of the countryside arising from encroachment. Although additional housing would be provided this would not outweigh harm to the Green Belt. Accordingly, I conclude that exceptional circumstances to release the site from the Green Belt have not been demonstrated. The southern and eastern existing Green Belt edges are clearly marked by field and property boundaries and provide a reasonable defensible boundary. Taking account of these sensitivities, and all of the submitted evidence and representations before me, I conclude that the allocation should be deleted from the Plan for reasons of soundness, and the land retained as Green Belt (**SD2-MM177**).
288. Part of the site is identified in the Council's updated HIA as high significance to the setting of the adjacent listed building of Old Hall Farmhouse. The evidence shows the site had historical links to the building, and there are clear views of the designated asset across the open fields. Accordingly, I consider that development of the site for the density proposed in the policy would erode this open setting and cause considerable, albeit less than substantial, harm to the heritage asset. In heritage terms there may be some scope to reduce the site capacity in order to limit harm to the designated assets. However, this does not alter my overall conclusion regarding the site's deletion, as set out above.
289. H489, Church Lane, Gomersal – The site is identified in the Council's Green Belt Review as part of a strategic area separating Gomersal and Birstall. However, the site is small and well related to the urban edge, and is bounded by trees and vegetation which separates it from the wider countryside. As such development would not compromise the strategic role of the Green Belt in this vicinity. Accordingly, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt. No fundamental constraints relating to matters such as highways, access, biodiversity or subsidence have been identified, and the policy allows for mitigation measures.
290. H567, Stubble Farm, Leeds Road, Heckmondwike – The site is identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. I concur with this, having regard to the site's containment by surrounding development and therefore limited links with the wider countryside. Accordingly, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt.
291. H591, Cliffe Mount, Ferrand Lane, Gomersal – The site is well contained, with built development to the east and south, and Ferrand Lane to the north. Although there are views to and from the adjoining countryside, the site's containment and strong hedgerows on the northern edge limit this relationship. The northern and western site edges are marked by planting and would provide new defensible Green Belt boundaries.
292. Ferrand Lane is a pleasant rural road which contributes to the appearance of the nearby Gomersal Conservation Area and the setting of the nearby listed Methodist church, and forms part of the Spennings Heritage Trail. In order to

protect these special qualities and the significance of designated heritage assets the site policy should be modified to specify sensitive design and landscaping which maintains the rural character of Ferrand Lane (**SD2-MM181**). Hedgerows, field boundaries and other trees on the site would also be afforded protection under generic Policies PLP 30, 32 and 33.

293. At the hearing the Council confirmed that suitable access and visibility splays can be achieved from Cliffe Lane, through control of adjacent land. Changes to clarify this position should be included in the policy, for reasons of effectiveness (**SD2-MM179, SD2-MM181**). Although there will be some increase in traffic on nearby roads, the evidence indicates there is network capacity subject to suitable mitigation measures being identified at planning application stage. No nearby noise source was identified, and therefore the reference to this constraint should be deleted from the policy (**SD2-MM179**). The Council has confirmed that the site is located within a Coal Mining Risk Area, and accordingly, in order to be effective the policy should refer to this constraint (**SD2-MM180**).
294. On the basis of limited harm to the Green Belt and taking account of identified housing needs, I conclude that there are exceptional circumstances to justify the removal of the site from the Green Belt. The policy provides necessary mitigation, and subject to the above modifications is soundly based.
295. H2537, Halifax Road, Hightown, Liversedge – The site is a well contained small parcel of land on the edge of the settlement which is partly previously developed. As such, and due to planting on the south and west boundaries, its relationship with the wider countryside is limited. Although the site is sloping, any development on the upper slopes would be viewed in the context of a back-drop of surrounding development along the ridgeline. As such, the site could be removed from the Green Belt with minimal impact on its openness, or impact on the gap between Liversedge and Hightown and Roberttown. In conclusion, taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
296. A small adjoining area to the south is well contained, screened by trees from the wider countryside, and its removal would facilitate access to safeguarded land SL2181. The need to avoid prejudicing development on safeguarded sites and facilitating access to adjoining undeveloped land is highlighted in Policies PLP 6 and 7. There are no identified fundamental constraints, including access, that would prevent the overall scale of the development. Taking these factors into account, and having regard to identified housing needs, I conclude that exceptional circumstances exist to release this small additional area from the Green Belt for residential development. The site area for H2537 should be increased accordingly (**SD2-MM182, SD2-MM183**) and capacity raised from 23 to 42 dwellings (**SD2-MM185**). In order to ensure effective delivery the policy should specify provision of a linkage to SL2181 (**SD2-MM186**) and maintenance of a PROW crossing the site (**SD2-MM184**). Linked modifications relating to the adjoining safeguarded site are covered under Issue 8 below.
297. H2667, former Gomersal Primary School – The rear part of this former school site is located within the Green Belt, and in the strategic gap between

Gomersal and Birstall. However, the site is well related to the settlement form, has a different character to the open agricultural fields to the rear, and is separated by clear boundaries. As such I consider the area could be released from the Green Belt with minimal impact on openness, and new defensible boundaries would prevent encroachment. Accordingly, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt.

298. The original school buildings on the site are located within the Gomersal Conservation Area. Although not listed they are an attractive historic feature, and a key part of the streetscape along Oxford Road. As such, they make a significant contribution to the character and appearance of the Gomersal Conservation Area. A modification to the policy is necessary to specify the retention of the original buildings, walls and railings in order to protect the historic fabric and quality of the local environment. Mitigation measures relating to protection of the boundary wall and footpath to the adjoining listed church are also necessary for the same reasons. The amended wording refers to some flexibility, which is consistent with Policy PLP 35 and the NPPF. The site contains a previous playing pitch, and therefore mitigation measures consistent with paragraph 74 in the NPPF should be referenced for reasons of soundness. These changes are captured under modification **SD2-MM189**.

Kirklees Rural, Colne Valley urban sites

299. H738, west of Heathwood Drive, Golcar – The site adjoins a terrace of weavers cottages which are listed. The cottages are in an elevated position and prominent in the landscape as seen from the south/south-west. The cottages were occupied by weavers/farmers, and the site forms part of the open agricultural setting to the buildings. There are clear views across the site towards the cottages from Heathwood Drive, and longer distance views of the cottages and their setting from the south-west. I concur with Historic England that the undeveloped allocation site makes an important contribution to the setting of the cottages, and that the loss of the open site would erode the rural setting and cause considerable, albeit less than substantial, harm to the significance of the assets. Mitigation measures in the Council's HIA relating to height restrictions would do little to ameliorate harm to the open setting. I conclude that additional housing and other benefits arising from the scheme would, taking account of modest numbers, be insufficient to outweigh harm. Accordingly I conclude that the allocation is not justified or consistent with national policy, and should be deleted (**SD2-MM196**).
300. H763, Gordon Street, Slaithwaite – The site adjoins listed chapels to the north and west and is close to a Conservation Area. Subject to sensitive layout and landscaping the site could be developed without harming the designated assets. However, in order to allow sufficient capacity for mitigation and ensure effective protection for the historic environment, the site area should be reduced and the indicative number of dwellings lowered from 28 to 25 (**SD2-MM197, SD2-MM198**). The policy should also be amended to refer to related mitigation measures (**SD2-MM200**).
301. H1709, Upper Clough Linthwaite – The site is bounded by an attractive stone wall on its western edge. The policy should be modified to require the re-positioning and retention of this stone wall, in order to protect the character

and appearance of the streetscape (**SD2-MM204**). The listed noise and odour constraints no longer exist and therefore the policy should be amended to remove reference to these constraints and the need for associated reports, for reasons of effectiveness (**SD2-MM202, SD2-MM203**).

302. H2649, Victoria Terrace, Marsden – The site is in the Marsden Conservation Area and opposite the listed building of the New Inn. The Fire Station building within the site is identified in the Marsden Conservation Area appraisal as a key unlisted building of merit. The Council's HIA advises that the eastern area of the site should be developed sensitively with areas of landscaping, and the Fire Station and PROW within the site should be retained as part of a redevelopment scheme as they are of high significance to designated heritage assets. I concur with these conclusions. However, the net site area and indicative capacity do not provide sufficient scope to deliver these requirements. Accordingly, in order to avoid harm to the historic environment the net site area should be reduced and the indicative capacity lowered from 35 to 28 dwellings (**SD2-MM207, SD2-MM209**). The policy should also be amended to refer to heritage constraints and mitigation measures, including retention of the Fire Station and PROW (**SD2-MM208, SD2-MM210**).
303. MX1919, Bank Bottom Mills, and MX1920, New Mills, Marsden – The mill buildings on these sites are identified in the Marsden Conservation Area Appraisal as focal buildings, and contribute to the distinct identity of Marsden. New Mills is located within the Marsden Conservation Area and Bank Bottom Mills is close to it. Accordingly, in order to protect the historic environment and character of the town, and accord with Policy PLP 35 in the Plan, the policies should be modified to seek the retention of the mill buildings (**SD2-MM326, SD2-MM329**).

Kirklees Rural, Colne Valley Green Belt sites

304. H213, Black Rock Mills, Linthwaite – The site has planning permission and is under construction. As such the part of the site in the Green Belt no longer performs a clear Green Belt function. Accordingly exceptional circumstances are demonstrated to release this section from the Green Belt. In order to be effective the indicative site capacity should be amended to reflect the planning permission (**SD2-MM192**).
305. H1776, south of The Lodge, Linthwaite – The site is well contained, with built development to the north, west and south. Church Lane and field boundaries would provide defensible Green Belt boundaries. However, the south-east part of the site is steeply sloping and prominent, and I consider that the indicative capacity of 209 dwellings could not be accommodated without harming long distant views and character. Nevertheless, mitigation is capable of being provided through provision of an open buffer and a reduction in site capacity to 170 dwellings. Subject to modifications **SD2-MM205** and **SD2-MM206**, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. The proposed wording in SD2-MM205 is suitably flexible to allow the exact position of the buffer and open areas to be determined through the planning application process.

Kirklees Rural, Denby Dale urban sites

306. H358, east of Wentworth Drive, Emley – The site is contained between dwellings off Wentworth Drive and Warburton Road, and is well related to the built-up form of the village. The Council's highways evidence indicates the main site access can be achieved from Wentworth Drive, and no other fundamental constraints to development have been identified. The site contains a PROW and provides access to the adjoining Millennium Green, and this should be referenced in the policy for reasons of effectiveness (**SD2-MM213**). Subject to this modification, I am satisfied that the proposal is sound.
307. H454a and H498, west of Manor House Farm, Clayton West – The sites adjoin Clayton West Cricket Club, and mitigation in the policies relating to protective measures should help to ensure the operations of the club are not unduly affected and protect residential amenity. Site H454a contains the cricket club car park and access road. The policy for H454a should be amended to specify the retention of these features as part of any redevelopment scheme, in order to protect a valued community facility (**SD2-MM214**). The cricket ground itself is identified as UGS in the Plan.
308. At the hearing it was confirmed that land for the provision of visibility splays on Manor Road is within the control of the owner of site H498. As such, reference in the policy to access being required via site H454a should be corrected (**SD2-MM215**).
309. H690, Cliff Hall, Leak Hall Crescent, Denby Dale – The site is contained by dwellings on three sides and is well related to the core of the village. At the hearing the Council indicated that access may be facilitated via Leak Hall Lane, and this should be clarified (**SD2-MM220**). No fundamental constraints relating to heritage and other matters have been identified and, subject to the above modification, the allocation is soundly based.
310. H768, Willow Close, Skelmanthorpe – The site adjoins the village Conservation Area and the listed building of St. Aidan's church. The Council's HIA identifies an area of moderate significance close to the heritage asset and concludes that loss of open land immediately adjoining the church boundary would cause less than substantial harm. Additional housing in this area would not outweigh harm, and accordingly, the policy should be amended to specify the provision of open space in this area and the retention of protected trees on the western boundary to safeguard the character of the Conservation Area (**SD2-MM223**). The policy should also refer to the presence of the Conservation Area (**SD2-MM222**).
311. H1784, land east of Denby Dale railway station – The site adjoins the railway station and small station car park, and is a sustainable location on the edge of the village. Given its proximity to the station, the policy should seek to secure the provision of additional cycle and car parking for the station through the scheme (**SD2-MM224**).

Kirklees Rural, Denby Dale Green Belt sites

312. E2333a, east of Park Mill, Clayton West – The site is in the Green Belt on the eastern edge of the village, and straddles both sides of the A636. The open

fields provide an attractive green setting for the village, and form part of a wider verdant river valley. The proposal would introduce industrial buildings at this key entrance point, and would significantly extend the built-up form of Clayton West into the open countryside along both sides of the road. The site is bounded by built development to the south/south-west and by the River Dearne and existing field boundaries, with only a short undefined section in its northern boundary. Some visual mitigation could be provided through measures such as landscaping, buffer zones and terracing. The settlement is also a sustainable location with a range of services and facilities. However, an industrial estate in this open location, particularly on the prominent sloping northern section, would be highly visible on the approach towards and out of the village, the nearby Kirklees Way, and in longer distance views from the surrounding countryside. The proposal would appear incongruous and encroach into the countryside, resulting in significant harm to the character of the area and the setting of the river and the village.

313. Development would provide a number of economic and social benefits, as outlined in the submitted Public Benefits Statement. This includes meeting the needs of local businesses, boosting the economy, and providing jobs. I consider that environmental benefits linked to the provision of landscaping and buffer zones and connections to the PROW network are mitigation measures rather than benefits. Notwithstanding this, I conclude that the identified benefits would not outweigh the significant harm to the Green Belt, local character and the setting of the village identified above, and therefore exceptional circumstances do not exist to justify the release of the site from the Green Belt. As such the proposal is not justified or consistent with national policy. Accordingly, I conclude the allocation should be deleted from the Plan and the site retained within the Green Belt (**SD2-MM28**). The reference to employment allocations in the Dearne Valley should consequently be deleted from Part 1 of the Plan (**SD1-MM9**) and the allocation removed from the key diagram (**SD1-MM162**). In the context of this harm there is no justification for an extension to the northern boundary of the site.
314. The site is visible from several points within the Registered Park and Garden of Bretton Hall, located to the north-east. However, the distance of the site from the asset would limit the visual impact, with development seen from a distance within a wide area of countryside. As such I consider that harm to the significance of the designated asset would be limited and less than substantial, and could be partly mitigated by landscaping, terracing and layout. However, my views on this matter do not alter my conclusions above regarding the deletion of the site. The distance and lack of visibility from the nearby SM at Bentley Grange means that the impact on this designation and its setting would be negligible.
315. H17, Park Mill House, Clayton West – The site adjoins the village, contains built form and is separated from the wider Green Belt by Kiln Lane. As such it has a markedly different character to the surrounding countryside. Although the upper part of the site is more prominent, screening is provided by trees and hedgerows, and I consider the site could be developed without causing encroachment. Kiln Lane would form a new strong defensible Green Belt boundary. In this context, and taking account of identified housing needs and the sustainability of the village, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.

316. H72, Station Road, Skelmanthorpe – The site is well related to the settlement and contained by residential development to the west and part of the northern and southern boundaries. Field boundaries to the east/north-east would provide new defensible Green Belt boundaries. In this context, and taking account of identified housing needs and the sustainability of the village, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
317. H233 and H634, Barnsley Road, Denby Dale – The sites are identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. Taking account of their containment and the urban fringe character of Barnsley Road, I concur with these findings. In this context, and taking account of identified housing needs and their proximity to the village, I conclude that exceptional circumstances exist to justify the release of the sites from the Green Belt.
318. H502, Huddersfield Road, Skelmanthorpe – The southern part of the site is located within the Green Belt. It is an open field on the edge of the village, and is visible on the approach to the village from the west. However, the site is well related to the built-up part of the village, and development represents a modest extension and would be seen against an urban back-drop. Much of its western boundary is marked by a hedgerow, and could be continued to the road to provide a clear new defensible Green Belt boundary. In this context, and taking account of the site's sustainable location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the southern section from the Green Belt. In order to secure suitable landscaping on the sensitive western edge the policy should specify provision of a landscaped buffer in this vicinity (**SD2-MM217**).
319. At the hearing the Council indicated that access to the site may be deliverable from Bedale Drive and Heather Fold, and via Cumberworth Road subject to changes in speed limits. A full Transport Assessment would be required through the planning application process, and detailed access and highway matters would be dealt with at that stage. The reference in the policy to suitable visibility splays is incorrect and should be deleted to provide clarity and effectiveness (**SD2-MM218**). The indicative dwelling capacity should be adjusted to take account of the latest layout and design work, with a reduction from 203 to 189 dwellings (**SD2-MM216**). Subject to the above modifications I am satisfied that the policy is soundly based.
320. H3325a, Park Mill, Manor Road, Clayton West – Most of the site is currently in employment use, and is not within the Green Belt. The building stock is old, and redevelopment of the site for employment use is constrained by the junction of Manor Road and Wakefield Road which has insufficient width to facilitate safe HGV access. Options to widen the junction are limited by the presence of nearby buildings, a listed bridge and an adjoining watercourse. The Council's site assessment work indicates that suitable access is capable of being achieved for residential development, albeit the planning application stage would provide an opportunity to explore this matter in detail. In this context, I consider that the proposed allocation for residential use is reasonable and pragmatic.

321. A small section of the site, to the north of the employment land, is undeveloped and within the Green Belt. The open field is highly visible as you drive towards Clayton West on the A636, and provides part of an attractive setting to the village. It is separated from the main allocation site by the River Dearne. Taking account of the deletion of allocation E2333a, as set out earlier in this section, I consider this part of H3325a plays an important Green Belt role in preventing encroachment and has visual and physical links to the wider countryside. As such I conclude that exceptional circumstances have not been demonstrated to justify releasing this area of the allocation from the Green Belt. This area should therefore be excluded from the site and retained within the Green Belt. The gross and net site area in the policy should be reduced accordingly (**SD2-MM225, SD2-MM226**) and the indicative site capacity lowered from 122 to 91 dwellings (**SD2-MM227**).

322. At the time of the hearing the business was still on the site. Taking account of proposed re-location plans, I consider that completions are unlikely to take place until 2021/22, and the phasing table should be amended accordingly in **SD1-MM160**.

Kirklees Rural, Golcar urban sites

323. H814, Grove Street, Longwood – The site is an attractive sloping area of woodland along the edge of Grove Street. The site is identified as BAP Priority Habitat and contributes to the character and appearance of the valley. The previous planning permission on the site for 12 dwellings has expired. Development would result in the loss of trees and habitat and significantly harm the character of the area. Accordingly, I conclude that the allocation is not justified, and should be deleted from the Plan (**SD2-MM232**).

Kirklees Rural, Holme Valley North urban sites

324. E1829, New Mill Road, Brockholes – The site contains a playing pitch and the policy refers to replacement provision as part of redevelopment. The policy wording needs to be adjusted to refer to equivalent or better quantity or quality in order to be consistent with paragraph 74 in the NPPF (**SD2-MM32**). A slight reduction in the net area and indicative site capacity is necessary in order to provide sufficient protection for the adjoining River Holme and BAP Priority Habitat (**SD2-MM29, SD2-MM30**).

325. E1900, west of Honley Business Centre, Honley – In order to be effective the adjoining BAP Priority Habitat should be referenced in the list of constraints (**SD2-MM35**), and the net area and indicative capacity should be adjusted to take account of a recent planning permission (**SD2-MM34, SD2-MM36**).

Kirklees Rural, Holme Valley North Green Belt sites

326. H48, Travel Station Yard, Honley – The site lies between the settlement edge and the railway line, and has a limited relationship with the wider Green Belt. The site already contains built form, and could be developed without causing harm to Green Belt purposes. As such, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.

327. H178, Southwood Avenue, Honley – The north-western part of the site is located in the Green Belt, and would provide access to the remainder of the site from Southwood Avenue. The north-western section is elevated and sloping, but is well related to the settlement edge and does not extend down the hillside. The existing trackway could provide a new defensible Green Belt boundary.
328. The topography of the site means engineering solutions may be required to achieve access via Southwood Avenue, potentially involving construction of part of the access road in the Green Belt. This would be close to the edge of the site, and subject to sensitive design could be capable of being accommodated without significant visual harm. Conversely, dwellings in this area and further down the hillside would introduce buildings onto a prominent slope, be clearly visible from the surrounding countryside, and cause encroachment.
329. Taking account of the above factors and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the allocation site from the Green Belt. However, due to the topography of the site, I consider that a lower density would be more realistic and achievable. Accordingly, the indicative site capacity in the policy should be reduced from 23 to 17 dwellings (**SD2-MM234**). The policy should also refer to the potential extension of the access road outside the site boundary, in order to be clear and effective (**SD2-MM236**).
330. H2586, Thirstin Mills, Honley – A narrow strip of the site on the western edge is located in the Green Belt, forming part of the retaining wall for the mill development. As such its Green Belt role is limited and it could be released without harm to the Green Belt function. Accordingly, I consider that exceptional circumstances exist to justify the release of this area from the Green Belt. The mill site has planning permission for residential development.
331. H584, Gynn Lane, Honley – The site is contained by built development, woodland and a railway line, thereby limiting its relationship with the wider countryside. Development would reduce the gap between Honley and Hall Ing. However, a physical gap would remain, and the railway line, woodland and field boundaries to the south would form strong new defensible Green Belt boundaries, preventing encroachment.
332. Two Grade II listed weaver cottages are located close to the north-west corner of the site. In order to avoid harm to the historic environment the policy should be amended to require suitable mitigation measures, as referenced in the Council's HIA. This includes the retention of the northern woodland belt and stream, and retention of open land adjoining the tree belt and in the north-west corner (**SD2-MM241**). Reference to the existence of protected trees on the northern boundary should also be included, for reasons of effectiveness (**SD2-MM240**). The policy refers to appropriate mitigation measures relating to the loss of trees in order to achieve suitable access.
333. In the context of limited harm to the Green Belt and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. The SA results have been disputed but I am not persuaded that significant changes to the scores are justified to the extent

that would alter overall conclusions regarding the sustainability and suitability of the site. I therefore conclude that, subject to the above modifications, the policy is soundly based.

334. H664, Scotgate Road, Honley – The site adjoins residential development to the south and east, and is contained by sloping woodland to the north. It therefore has limited visual relationship with the wider countryside, and new defensible Green Belt boundaries could be formed.
335. The site contains a listed farmhouse and barn. The open fields adjoining these buildings are of particular significance to the setting of these assets. In order to avoid harm to the historic environment the policy should be amended to clarify that no development takes place in the areas of 'high' and 'considerable' significance, as identified in the Council's HIA. Reference to mitigation measures relating to design and layout should also be inserted. These changes would be effected through modification **SD2-MM244**. The areas of moderate significance in the HIA are located further from the listed buildings, and I am therefore satisfied that any impacts could be mitigated through sympathetic layout and landscaping. The policy adjoins rather than contains a Habitat of Principal Importance, and this should be corrected for reasons of effectiveness (**SD2-MM242**).
336. In the context of limited harm to the Green Belt and identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt. Subject to the above modifications, the policy is soundly based.

Kirklees Rural, Holme Valley South urban sites

337. E1871, north-east of Bottoms Mills, Holmfirth – The existing use is listed as 'UDP allocation'. Deletion of this reference through **SD2-MM38** is necessary to avoid confusion and ensure effectiveness.
338. H50, Bridge Mills, Holmfirth – The mill buildings are part of the district's industrial heritage and contribute to the distinct character and identity of the locality. Accordingly, in order to protect the historic environment and character of the area, and accord with Policy PLP 35 in the Plan, the policy should be modified to seek the retention of the mill buildings (**SD2-MM249**).
339. H597, Sandy Gate, Scholes – The site consists of a series of open sloping fields on the edge of the village, divided by traditional stone walling. There are views across the site towards the nearby listed building of Sandy Gate Farmhouse and to the wider countryside, and the site provides an attractive setting to the village.
340. The Council's HIA identifies areas of moderate significance within the site which form part of the agricultural setting of Sandy Gate Farmhouse and another nearby listed building (The Olde House). I concur with Historic England that the HIA underplays the significance of other parts of the site, as these form part of the historic field system, and there are clear views towards Sandy Gate Farmhouse from along much of Scholes Moor Road. The HIA indicates that views towards the asset are of 'high significance'. I therefore conclude that development across much of the site would cause considerable,

albeit less than substantial, harm to the listed farm, and detract from the character and setting of this part of the village. Although additional housing would provide public benefits, this would be insufficient to outweigh harm to heritage assets. The southernmost field adjoining Moorlands could, however, be developed without causing undue harm to the assets or setting of the village, by virtue of the intervening distance to the asset and its containment by residential buildings to the south and west. The allocation area should therefore be reduced accordingly, and the indicative site capacity lowered from 141 to 28 dwellings (**SD2-MM254, SD2-MM255, SD2-MM256**).

341. The boundary walls of the site are key features of the field system, and therefore the policy should specify their retention, with access being provided via Moorlands (**SD2-MM258**).
342. H626, west of Bankfield Drive, Holmbridge – The highway network in the local area has a number of constraints, including narrow carriageways, steep topography and the presence of buildings close to the road. I recognise the concerns of local residents regarding highway safety in the locality. However, the Council's site assessment work indicates that access can be taken from Laithe Avenue, and that additional traffic arising from this scale of scheme is capable of being accommodated on the highways network. Detailed assessment would be undertaken through the planning application process.
343. Views towards the wider countryside and National Park can be seen from across the site. However, the National Park boundary is over half a kilometre away and there is intervening development. The site is well related to the settlement edge, contained by dwellings to the north and east, and is not located within the Green Belt. The National Park Authority has not objected to the proposal. Detailed matters relating to landscaping and layout could be dealt with at planning application stage and could help to ensure a sympathetic form of development. I am satisfied that development of this modest sized site would not have a detrimental visual impact in terms of views to or from the National Park.
344. Overall, taking account of all the evidence and representations before me, I conclude the site is capable of being developed for housing without resulting in significant highway safety issues, or harming the National Park. The planning application stage would provide an opportunity to consider detailed matters relating to ecology, transport, drainage, design and layout, and potential mitigation measures. Accordingly, the proposal is soundly based. In reaching this conclusion I have had regard to an appeal that was refused in the early 1990s on the site. However, it also covered adjoining land and was larger than the allocation. A PROW adjoins the site, and should be correctly referenced in the constraints section for reasons of effectiveness (**SD2-MM259**). The insertion of mitigation relating to the nearby SPA is also necessary, as referred to earlier.
345. H715, Wesley Avenue, Netherthong – The site adjoins the Netherthong Conservation Area. The northern section of the site, as identified in the Council's HIA, is elevated above Miry Lane and provides an attractive landscaped aspect which contributes to the character of the locality. In order to avoid harm to the heritage asset and the appearance of the streetscape, the policy should be amended to require retention of this area as open land

(**SD2-MM263**). The site area should be reduced accordingly and the number of dwellings lowered from 43 to 38 (**SD2-MM261, SD2-MM262**).

346. H729, Tenter Hill Road, New Mill – Options for providing upgraded football/rugby facilities are currently being explored in the Holmfirth area, including on playing fields adjoining the allocation. Access to upgraded facilities may need to be facilitated via site H729 and the policy should be modified to refer to this position (**SD2-MM265**).
347. H730, Royds Avenue, New Mill – The site adjoins the Wooldale Conservation Area. The Council's HIA identifies open areas of high and moderate significance in the northern part of the site which contribute to the setting of the Conservation Area and views along key historic approaches. I concur with this assessment. As such the policy should be amended to require retention of the northern part of the site as open land, and existing walls within the site (**SD2-MM269**). The net site area should be reduced accordingly, and the site capacity lowered from 74 to 53 dwellings (**SD2-MM266, SD2-MM268**). The presence of nearby listed buildings and protected trees in the north part of the site should also be referenced (**SD2-MM267**). These modifications should help to avoid harm to the historic environment, in line with national policy, and ensure effectiveness.
348. H2587, former Midlothian Garage, New Mill Road, Holmfirth – The site contains an area of trees which are BAP Priority Habitat. In order to protect these features the policy should be amended to exclude the habitat from the developable area (**SD2-MM273**). The site capacity is based on the outline planning permission and takes account of constraints.

Kirklees Rural, Holme Valley South Green Belt sites

349. H727a, Miry Lane, Thongsbridge – The far western section of this site is located within the Green Belt. However, the site is largely contained by urban form on three sides and adjoins a cricket ground to the west. Its containment limits the relationship of the western section to the open countryside. The current Green Belt boundary in this vicinity is poorly defined on the ground, and the proposal would provide an opportunity to create a new defensible boundary. On this basis, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify releasing the western part of the site from the Green Belt.
350. H2585, Water Street, Holmbridge – Part of the site is in the Green Belt and was occupied by an industrial building. It is separated from adjoining agricultural land by changes in topography. The allocation site has planning permission for residential development. Overall I consider that removing this small area from the Green Belt would have minimal impact on openness. As such, and taking account of identified housing needs, I conclude there are exceptional circumstances which justify its removal from the Green Belt.
351. The remaining mill buildings on the site form part of the industrial heritage of the district and contribute to the distinct character and identity of Holmbridge and the Conservation Area. In order to protect the historic environment and character of the settlement and accord with Policy PLP 35 in the Plan, the policy should be modified to seek the retention of the mill buildings (**SD2-MM272**).

352. MX1912a, Dobroyd Mills, Hepworth – Part of the site is in the Green Belt and contains substantial mill buildings. Redevelopment is therefore capable of being accommodated without impacting on openness or increasing the urban appearance of the locality. There is a clear separation between this site on the edge of Hepworth and Jackson Bridge to the north. Taking account of these factors, and identified housing and employment needs in the area, I conclude that exceptional circumstances exist to justify the removal of this area of the site from the Green Belt.
353. The site has recently gained outline planning permission for up to 75 dwellings and 880 sqm of employment floorspace. In order to be effective the policy should be modified to refer to these amended quantities (**SD2-MM331** and **SD2-MM332**). The mill buildings are part of the district's industrial heritage and contribute to the distinct identity of Hepworth. In order to protect the historic environment and character of the settlement and accord with Policy PLP 35 in the Plan, the policy should be modified to seek the retention of the mill buildings (**SD2-MM333**).

Kirklees Rural, Kirkburton Green Belt sites

354. H2576, south of Red Deer Park Lane, Bristfield – The site adjoins residential development to the south and is contained by a tree belt to the east. It has a different character to the open agricultural fields to the east, and its containment means that sprawl would be prevented. As such, the site could be released without harming the strategic function of the Green Belt in this locality. On this basis, and taking account of identified housing needs and the sustainability of the settlement, I conclude that exceptional circumstances have been demonstrated to justify removal of the site from the Green Belt.
355. H120, Park Farm, Farnley Tyas – The site is largely located within the built-up part of the village, and only a small strip of land is located in the Green Belt. The site has planning permission for housing and was under construction at the time of my site visit. The strip is included within the scheme, does not protrude into the open countryside, and new defensible Green Belt boundaries will be created through the permitted scheme. As such, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt.
356. H339 and H652, Abbey Road North, Shepley – Site H339 is occupied by industrial buildings. The woodland area to the rear is excluded from the developable area, and therefore development on this site would have little impact on openness. Adjoining site H652 mainly comprises a series of open fields, but is contained by development on three sides, and by a railway line and strong field boundaries to the north. As such its relationship with the open countryside is limited. In this context, and having regard to the sustainability of the location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of these sites from the Green Belt. The employment uses on H339 are not identified as a PEA.
357. H518, Yew Tree Farm, Farnley Tyas – A small area of the site, currently occupied by a farm building, is in the Green Belt. The impact of development on openness would be limited, and the scheme would provide a clearer and more defensible Green Belt boundary. As such, and taking account of

identified housing needs, I conclude that exceptional circumstances exist to justify the release of the small area from the Green Belt. The new boundary would be in line with other development on the south side of Butts Road. The inclusion of further land beyond this would intrude into the countryside and detract from the setting of the village.

358. The policy provides sufficient mitigation to ensure that development could be accommodated without harming the significance of the listed buildings on the site and the village Conservation Area.
359. H638, Tinker Lane, Lepton – The site is identified in the Council's Green Belt Review and site assessment work as having a less important Green Belt role and where development would have limited impact on Green Belt function. The site is well contained by field boundaries, Tinker Lane and residential development, and I concur with these findings. Clear defensible Green Belt boundaries could be achieved, thereby preventing sprawl. On this basis, and in the context of identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt.
360. H1774, east of Manor House Farm, The Village, Thurstonland – The site is located in the village Conservation Area, and is partly within the Green Belt. The Conservation Area comprises the historic core of the village, and is characterised by a mix of urban form surrounded by open fields which contribute to its agricultural history.
361. The southern section of the site adjoining The Village provides a gap in the built-up frontage, and despite the presence of a wall, affords extensive views towards the surrounding countryside and to the church. These views extend over the middle section of the site which lies within the Green Belt. These open areas allow the agricultural setting of the village to be appreciated, provide a visual link to the countryside, and make an important contribution to the setting of the Conservation Area. The attractive traditional stone wall on the southern boundary contributes to the historic appearance of the streetscape. Development in the open southern and central parts of the site would erode the rural setting, detract from Green Belt function, sever key views, and cause considerable, albeit less than substantial, harm to the character and appearance of the Conservation Area. Additional housing would provide public benefits, but would not outweigh the identified harm to heritage assets. Taking account of these factors I conclude that exceptional circumstances do not exist to justify the release of the section within the Green Belt.
362. The eastern section of the site adjoining Marsh Hall Lane also provides views to the adjoining countryside, but these are less extensive due to topography and include views of more modern housing off The Green. Marsh Hall Lane is characterised by dwellings set back in larger plots and has a mix of older and more modern development. I therefore consider that sympathetic landscaping, layout and design could help to mitigate the impact of new dwellings, and that development in the eastern section of the site could potentially be accommodated without causing harm to the significance of heritage assets. This area corresponds to 'Area 1' as shown in figure 10 in the Council's HIA.

363. Taking account of the above factors I conclude that development in the southern and middle sections of the site is not justified. The site allocation area should be reduced to correspond to Area 1, and the number of dwellings lowered from 42 to 14 dwellings (**SD2-MM283, SD2-MM284, SD2-MM286**). In order to provide suitable protection for the historic environment the policy should also refer to the site's location within the Conservation Area (**SD2-MM285**), and specify the retention of existing boundary walls (**SD2-MM288**). Thurstonland has some services and facilities, and is a sustainable location for this scale of development.
364. MDGB2134, Storthes Hall, Kirkburton – The site is previously developed land in the Green Belt. The southern section has planning permission for 300 dwellings and a care home. The northern section is currently occupied by student halls of residence, and as such may provide an opportunity for redevelopment without having a greater impact on openness or Green Belt purpose, in line with Policy PLP 59 in the Plan and paragraph 89 in the NPPF.
365. Storthes Hall is located in the countryside south of Huddersfield, and does not adjoin a settlement. However, the northern section of the site is already in residential use and the proposal for its redevelopment to provide 205 dwellings would make use of brownfield land. Additional housing and affordable housing would also contribute towards identified needs. Taking account of the above factors, I conclude that the proposal for potential redevelopment of this Green Belt site is soundly based. However, the policy should be amended to refer to additional constraints and mitigation measures, including the retention and protection of BAP Priority Habitats and heritage assets, and the production of Masterplans (**SD2-MM368, SD2-MM369, SD2-MM370**). This should ensure the policy is effective and help to avoid harm to ecology, the historic environment and the Green Belt. Evidence in EX64 indicates that completions in the southern section are likely to take place from 2018/19.

Conclusion on Issue 7

366. The site assessment process has been reasonable and robust. Exceptional circumstances have been demonstrated to release the individual site allocations from the Green Belt, subject to the aforementioned modifications. Therefore, taking account of my conclusions on the principle of release in Issues 2 and 4, I am satisfied that exceptional circumstances have been fully demonstrated to release land from the Green Belt for employment, housing and mixed use allocations as modified. Overall, the housing, employment and mixed use allocations are justified, effective and consistent with national policy, subject to aforementioned modifications. In this context, and having regard to my conclusions reached under Issues 2 and 4 on housing and employment supply, I have not considered it necessary to give further consideration to any additional site allocations (omission sites) within this report.

Issue 8 – Are the safeguarded land designations justified and consistent with national policy, and does the Plan make appropriate provision for longer-term housing needs beyond the Plan period? Are other adjustments to the Green Belt boundary justified and consistent with national policy?

Approach to safeguarded sites

367. The Plan identifies a total of 51 safeguarded sites that, through application of Policy PLP 6, would be considered for development via a future review of the Plan. Given the extensive Green Belt coverage in Kirklees, the designation of safeguarded land could be particularly beneficial in helping to provide Green Belt boundaries with a degree of permanency beyond the Plan period and limit the scale of future review. There is some uncertainty regarding the extent of future housing needs in Kirklees beyond the Local Plan period, but it is reasonable to surmise that there may be some future land requirements and a need to review Green Belt boundaries at some point in time, as permitted by the NPPF. I therefore consider that the designation of safeguarded land in the district is, in principle, an appropriate and pragmatic approach.

368. The safeguarded sites in the Plan are proposed on the basis of identified site-specific constraints which are unlikely to be resolved within the Plan period, but where solutions in the longer term have some prospect. Eight of the sites involve the release of land from the Green Belt. The sites have been assessed using the Local Plan site assessment methodology and subject to SA, and the Green Belt release sites have also been informed by the Green Belt Review.

369. A number of safeguarded sites are on land within the built up urban areas of Kirklees, rather than between the urban area and the Green Belt. This is not consistent with paragraph 85 of the NPPF which states that safeguarded land may be identified between the urban area and the Green Belt. Furthermore, if constraints are overcome before 2031, preventing the release of such sites for development could fail to accord with the Plan's strategy to deliver additional housing in sustainable locations and support urban regeneration. Accordingly, in order to be effective and consistent with national policy, modifications are necessary to delete the safeguarded sites that are located in the built-up urban areas of Kirklees (site SL2177 in **SD2-MM372**, SL2193 in **SD2-MM373**, SL2292 in **SD2-MM375**, SL2194 in **SD2-MM376**, SL2268 in **SD2-MM377**, SL2271 in **SD2-MM378**, SL3363 in **SD2-MM379**, SL2273 in **SD2-MM380**, SL2201 in **SD2-MM381**, SL2198 in **SD2-MM382**, SL2302 in **SD2-MM383**, SL2171 in **SD2-MM384**, SL2202 in **SD2-MM385**, SL2169 in **SD2-MM388**, SL2187 in **SD2-MM391**, SL2188 in **SD2-MM392**). Site SL2271 is designated for housing (H641a in **SD2-MM108**), as planning permission has been granted for residential development subject to resolution of a S.106 agreement, and it appears that access constraints are capable of being overcome. At this stage there is no firm evidence before me to confirm that the site is unavailable for this use. It is not wholly clear whether the constraints relating to the other sites are capable of being resolved within the Plan period, and therefore alternative allocations for these sites are not justified.

Specific safeguarded sites between the urban area and the Green Belt

370. Turning to the remaining safeguarded sites, evidence indicates that constraints relating to several are capable of being resolved within the Plan period. This includes site SL2181 in Liversedge, where the adjoining landowner has confirmed access can be made available via an extension to H2537. As set out under Issue 7, the adjoining area is within the Green Belt but is well contained and I have concluded that exceptional circumstances are demonstrated to justify its release from the Green Belt. SL2181 is in a sustainable location on non-Green Belt land, and should be deleted as safeguarded land (**SD2-MM386**) and allocated for housing (H709 in **SD2-MM191**).
371. Outline planning permission has also been approved for residential development on SL3396 in Golcar and SL2186 in Meltham, and on part of site SL2161 at Upper Quarry Road in Huddersfield where it appears that access issues may be capable of resolution. These safeguarded land designations should therefore be deleted for reasons of soundness (**SD2-MM389**, **SD2-MM390**, **SD2-MM374**). The allocation of SL3396 and SL2186 for housing is justified on the basis that planning permission relates to the whole site (H119a in **SD2-MM290** and H628 in **SD2-MM291**).
372. Site SL2284 at Lower Busker Farm in Scissett is an attractive sloping open field on the edge of the village. Although there is nearby built development the site is well connected to the open countryside, and is visible from a distance due to its elevation and sloping aspect. As such I consider that development could harm the character and appearance of the wider countryside and cause sprawl, and that exceptional circumstances have not been demonstrated to justify release from the Green Belt. The site also has potential constraints linked to a presence of a Listed Building which is likely to constrain capacity. The site should be deleted as safeguarded land and retained as Green Belt land (**SD2-MM387**).
373. In other cases I am satisfied that the safeguarded land designations, including consequential changes to ensure robust Green Belt boundaries, are soundly based. The safeguarded sites have identified constraints which are unlikely to be resolved within the Plan period, but where solutions in the longer term cannot be wholly ruled out and sites have some prospect of delivery. The Green Belt release sites have individually demonstrated exceptional circumstances to justify the alteration of the Green Belt, as set out below. There is no evidence before me that other constraints would wholly prevent development coming forward, and prior to allocation detailed matters relating to site capacity and issues such as heritage, landscape character, biodiversity, and infrastructure capacity would be appraised and addressed. However, in order to provide clarity and ensure the Plan is effective, reference to this assessment process should be inserted in Policy PLP6 (**SD1-MM14**) and a cross reference to Policy PLP 6 included in Part 2 of the Plan (**SD2-MM371**). An overview of my reasoning in relation to the Green Belt release sites, and a small number of other sites, is set out below.
374. SL2277, Snelsins Road, Chain Bar (Green Belt release) - The site adjoins built development and its relationship to the wider countryside is significantly curtailed by the presence of the M62 motorway and associated sliproads. As

such I am satisfied that any impact on views from the Green Belt would be limited and largely mitigated through landscaping and tree planting, and that overall the site does not perform a strong Green Belt function. I conclude that exceptional circumstances have been demonstrated to release the site from the Green Belt. The highway network in the vicinity has constraints but there is a reasonable prospect that solutions may be found beyond the Plan period.

375. SL2290, Cambridge Chase, Gomersal (Green Belt release) - The site is well contained by the built-up area of Gomersal, does not appear part of the wider countryside, and development would have limited effect on the strategic gap between Gomersal and Birstall as other parts of the two settlements are closer. I conclude that exceptional circumstances have been demonstrated to release the site from the Green Belt. The removal of long gardens in Summerbridge Crescent is also necessary to create a new defensible Green Belt boundary. There is a reasonable prospect that access issues relating to SL2290 are capable of being resolved beyond the Plan period.
376. SL2297, Mill Lane, Flockton (Green Belt release) – The site is open farmland on the edge of the village, with visual links to the wider countryside. However, the site is well contained by development to the north, a trackway to the east, and field boundaries to the south, and I consider that development on the site would not cause significant encroachment and that the resulting Green Belt boundary would be defensible. I conclude that exceptional circumstances have been demonstrated to release the site from the Green Belt.
377. The Local Highways Authority has indicated that, despite a number of properties on The Paddocks being in the same ownership as the site, it would not be possible to facilitate development of the site as a whole via this point, due to visibility issues and conflicting movements. On the balance of evidence before me I consider there is some uncertainty regarding deliverability in the short term, but a reasonable prospect that third party land and solutions may be secured beyond the Plan period.
378. SL2173 and SL3356, Far Bank, Shelley (first site non-Green Belt release, latter site Green Belt release) – The sites are contained by built development to the north and west. Although they slope, the relationship to the wider countryside is limited and development would be well related to the built form of the village. As such, I conclude that exceptional circumstances have been demonstrated to release site SL3356 from the Green Belt. It is unclear whether access to either site is capable of being resolved during the Plan period, but in the longer term it may be possible to secure third party land. There is no firm evidence before me to suggest that sites in their entirety are undeliverable on the basis of other matters, including heritage and biodiversity. Therefore designation as safeguarded land is robust.
379. SL3357, Fulstone Road, Stocksmoor (Green Belt release) – The site is contained and well related to the built-up framework of the village. There would be minimal impact in terms of encroachment or impact on the character and function of the Green Belt, and I conclude that exceptional circumstances have been demonstrated. Third party land is needed to provide access but there is a reasonable prospect of securing this beyond the Plan period.

380. SL3358, Shepley Road, Stocksmoor (Green Belt release) – The site is extensive in size and sloping, but is well contained. Therefore development would not cause significant encroachment or sprawl, and I am satisfied that impacts on the nearby wood could be dealt with as part of the process of option assessment in the next Local Plan review. Exceptional circumstances have been demonstrated to release the site from the Green Belt. Third party land is needed to provide access but there is a reasonable prospect of securing this beyond the Plan period.
381. SL2163, Balderstone Hall Lane, Mirfield (non-Green Belt) - The north-western part of site was subject to a pending planning application for housing at the time of the hearing and has since been refused. However, this related to a small section of the site, and notwithstanding the proposal, there is considerable uncertainty whether highway network and access constraints can be resolved within the Plan period to enable delivery of the site as a whole. Nevertheless, highway solutions cannot wholly be ruled out in the longer term. The site is partly surrounded by built development and relatively well-contained, and there is no evidence that the presence of Balderstone Hall and other nearby heritage assets would wholly prevent development. Overall I consider that the safeguarded land designation is soundly based.
382. SL2166 and SL2331, Holmbridge (non-Green Belt) - The highway network in Holmbridge has a number of constraints, including narrow carriageways, sloping topography and the presence of buildings close to the road. However, whilst solutions to enable housing development on the sites are unlikely to be readily forthcoming, I am unable to wholly rule out potential highway solutions being found at some point beyond the Plan period. The impact of development and highway works on landscape character and heritage assets would be assessed as part any allocation process in a future Plan review. Overall, although there is some doubt regarding deliverability, I am satisfied that, on balance, designation as safeguarded land is justified.
383. SL2170a and SL2170b in Hade Edge, SL2191 in Holmfirth and site SL3359 in Scholes (non-Green Belt) – Odour issues relating to site SL2170a may be capable of resolution if the nearby chicken farm ceases operation. There is no evidence of this occurring in the short term, but there may be some prospect beyond the Plan period.
384. In the same vein I consider that identified constraints relating to land availability and highways issues for site SL2170b, highways issues for SL2191, and access for SL3359 may be resolvable at some future point. The HRA identifies that impacts on the SPA are capable of being mitigated through additional wording in policies. This matter, along with infrastructure capacity, sustainability and other issues, would need to be assessed when looking at options in the next Plan review. Although Hade Edge and Scholes are modest in size they have a number of amenities. Overall I consider the safeguarded land designations are justified.

Provision for longer-term needs

385. The Plan as modified identifies a total of about 2,300 dwellings on the remaining safeguarded sites. Whilst this represents less than 2 years of housing supply, the Plan as modified identifies a further 2,900 or so dwellings

that would come forward on allocated sites beyond 2031 and help to meet longer-term development needs. It is also reasonable to assume that additional windfall supply is likely to be realised. Accordingly, and in the absence of national guidance on the amount of safeguarded land that should be identified, I am satisfied that the scale of safeguarded land identified in the Plan, based on the revised total, is sound. Based on longer term needs and individual assessment above, I conclude that exceptional circumstances have been demonstrated to justify the release of the Green Belt sites for safeguarded land, as modified.

386. The revised total supply from safeguarded sites and allocations beyond the Plan period should be clarified for reasons of effectiveness through modifications **SD1-MM15** and **SD1-MM16**.

Other Green Belt alterations

387. A number of minor changes to the Green Belt boundary have been proposed to take account of mapping errors, planning permissions, and changes in physical features. These are detailed in the Green Belt Boundary Changes document (2017) and shown on the Policies Map, and would ensure the boundary is logical and robust. Consequently exceptional circumstances exist to justify these boundary changes.

388. An extensive area of additional Green Belt land is proposed at New Laithe Hill, Newsome. The land is an open and undeveloped series of fields, and when viewed from nearby residential areas appears an integral part of the open elevated countryside south of Huddersfield. A strong new defensible Green Belt boundary could be formed by residential development to the north and west, and would prevent further encroachment of the built-up area. The area also forms part of the foreground to the Castle Hill SM, and is identified in the Castle Hill Setting Study (2016) as critical to the historical legacy and setting of the SM. Whilst this study focuses on the SM, it has highlighted the importance of the openness of these fields to the wider landscape and setting of the town. Overall, the area performs an important Green Belt function, and the Council's Local Plan evidence represents a material change of circumstances since the last Green Belt review was undertaken. I therefore conclude that exceptional circumstances have been demonstrated to justify altering the Green Belt boundary, as shown on the Policies Map, to include this site within the Green Belt.

Conclusion on Issue 8

389. Subject to the above modifications, including the deletion of a number of sites, I am satisfied that the safeguarded land designations in the Plan are justified and consistent with national policy. The Plan, subject to the above mentioned modifications, makes appropriate provision for longer-term development needs beyond the Plan period. Other alterations to Green Belt boundaries referenced in the above sub-section are justified and consistent with national policy.

Issue 9 – Are the open space designations in the Plan justified, effective and consistent with national policy?

Assessing Urban Green Space

390. The Plan designates a number of UGS within towns and villages, which are identified as providing an important function for sport, recreation, wildlife and/or visual amenity. This includes some extensive tracts of natural/semi-natural greenspace which are surrounded by built-up development and which have identified value as UGS. The Council's approach has focused on potential UGS sites in built-up areas, rather than the open countryside. This appears reasonable and proportionate, in the context that sites in the open countryside benefit from Green Belt protection.

391. Some of the UGS allocations in Kirklees are not publicly accessible, or have limited access via a PROW(s). However, the NPPF does not specify that open space should have public access, and the Council's evidence indicates that some sites have other UGS values linked to wildlife, visual amenity or landscape function. As such these sites may contribute to the quality, character and appearance of the district and/or to the health and well-being of local residents. In the case of Kirklees the designation of UGS sites without public access is therefore justified in principle.

392. The UGS are based on an extensive review of sites, informed by the Council's Open Space Study (2016), Playing Pitch Strategy (2015) and other evidence documents. The process has involved looking at both qualitative and quantitative data, and assessing whether a site is important in meeting local needs. In addition to ward level benchmarking against quantity and accessibility standards, the 'scarcity value' of a site has been assessed, based on distance to other open spaces of the same typology. Although open countryside (Green Belt) has not been factored into the benchmarking of natural/semi-natural greenspace, the Council's evidence in EX42 shows that designation of natural/semi-natural greenspace is based on other determinative factors including the qualities and UGS function of a site and its setting.

393. Overall I am satisfied that the Council's UGS site assessment process and general methodology, including the applied open space standards and typology definitions, has been appropriate and robust. The Council's approach is also consistent with the NPPF as whole, which seeks to protect green infrastructure, biodiversity and landscape character, as well as formal open space and sports provision, and promote healthy communities. In reaching my conclusions I have had regard to recent Inspector decisions relating to the loss of open space in Kirklees¹ Specific UGS allocations are considered below.

Urban Green Space designations

394. Since the Plan was submitted a number of housing developments have been approved on UGS. The following changes to Part 2 of the Plan are therefore necessary; deletion of UGS at Rumble Road, Dewsbury (UGS2151 in **SD2-MM398**) and allocation of the site for housing (H357 in **SD2-MM136**);

¹ APP/Z4718/W/16/3147937, APP/Z4718/W/16/3162164.

deletion of UGS on land south of Lancaster Lane, Brockholes (UGS909 in **SD2-MM402**) and allocation of the site for housing (H331 in **SD2-MM289**).

395. Other small changes in area size are necessary to correct errors, including a slight reduction in the size of sites UGS1264 (**SD2-MM395**), UGS948 (**SD2-MM400**), UGS884 (**SD2-MM403**) and UGS914 (**SD2-MM404**). Part of site UGS1251 in Meltham includes land used as a tree surgery business and private garden land, which does not perform an open space function, and a reduction in site area is therefore necessary for the Plan to be sound (**SD2-MM401**).
396. Elsewhere in this report I have recommended that housing allocation sites H783 in Heckmondwike and H764 in Huddersfield are deleted, on the basis that they have value as open space. Accordingly, adjoining UGS sites UGS1056 and UGS1199 respectively should be extended to include these areas (**SD2-MM396, SD2-MM399**). I have also recommended that housing allocation site H442 in Roberttown is deleted, and consequential changes for the Green Belt boundary place the cricket ground UGS (UGS3333) outside the built-up area in the Green Belt. The Plan seeks to identify UGS within towns and villages, and therefore a modification is needed to delete the UGS designation of the site (**SD2-MM397**).
397. Having regard to the evidence before me, I am satisfied that the other UGS designations in the Plan are justified. An overview of my reasoning in relation to a number of these is set out below. In order to be effective a link should be inserted alongside the list of UGS sites in Part 2 of the Plan to clarify that they are designated sites under Policy PLP 61 (**SD2-MM393**). Whilst UGS designations may be revisited as part of the next review of the Local Plan, Policy PLP 61 also provides some flexibility to deal with changing circumstances and proposals as they arise. Policy PLP 61 is covered later in this report.
398. UGS1240 (part of), Celandine Avenue Recreation Ground, Huddersfield – Although the University playing field section of the UGS is not currently in active University use, the Council's evidence shows a shortfall in playing pitches in the area. On this basis, and in the context that there is no proposal before me for replacement sports provision to mitigate loss, I conclude that its designation as UGS is justified. Policy PLP 61 provides some flexibility to respond to changing circumstances.
399. UGS851, Thewlis Lane, Crosland Hill – The Council's evidence shows that the site has high value on the basis of its recreational, biodiversity, landscaping and visual amenity function. Although nearby housing allocation H1783 is proposed, it would be possible to ensure that the UGS value is not unduly diminished through appropriate mitigation measures at planning application process.
400. UGS1219, Ballroyd Clough and Cliffe Road, Quarmby - The Open Space Study shows that the site overall has high value in terms of wildlife and its contribution to the character and appearance of the area, and on this basis I conclude it is justified as UGS.
401. UGS1804, south of the Beeches, Birkenshaw – The Council's evidence shows the site has high scarcity value as natural/semi-natural greenspace with

protected trees on its northern boundary, and is one of only two areas of natural/semi-natural UGS within the built-up area of Birkenshaw. On this basis I conclude it is justified as UGS.

402. UGS1477, land adjacent to Victoria Street allotments, Birstall – The natural/semi-natural section of this site is rated as low value in the Open Space Study. However, further assessment by the Council identified that the site has value as part of a larger open space and in providing a connection between existing allotments and grassland to the north. I am therefore satisfied that the site's designation as UGS is justified.
403. UGS1068, Springfield, Upper and Lower Blacup Farms, Cleckheaton – Housing has been approved on a small part of the UGS and therefore modifications to reduce the UGS area (**SD2-MM394**) and insert new housing allocation H2590a (**SD2-MM190**) are required. The remainder of the site is an attractive mix of fields and grassland, and makes an important contribution to the landscape and the character and appearance of the local area. The site is surrounded by built development and does not immediately adjoin the Green Belt, and does not appear to perform a Green Belt function. I am satisfied that the UGS designation, as modified, is robust and justified.
404. UGS973, land at Field Head Farm, Batley – The site consists of several typologies of open space, including natural/semi-natural greenspace and amenity greenspace, and provides a large tract of open land within a built-up and highly urbanised area of the district. The site includes attractive open fields which can be seen from the surrounding area, contribute to the character and appearance of the locality, and are partly crossed by a number of public footpaths. The site is surrounded by built development and does not immediately adjoin the Green Belt, and does not appear to perform a Green Belt function. Although some of the site is classed as medium UGS value in the Open Space Study, these areas form part of a wider open space and the bulk of the site is high value UGS with important recreational, landscaping and visual amenity functions. Accordingly, the overall rating of 'high' is justified. In conclusion, based on the evidence before me and observations from my site visit, the designation of the site as UGS and the boundaries of the site are justified and effective. In reaching this conclusion I have had regard to a recent Inspector's decision appertaining to part of the UGS.²
405. UGS1214, Golcar Flatts, Moorcroft Avenue, Golcar – The site comprises a mix of playing fields, natural/semi-natural greenspace, amenity greenspace and allotments, and forms an attractive open area within this part of Golcar. The natural/semi-natural section provides opportunities for informal recreation via a PROW on part of its western boundary and other informal paths, whilst the site as a whole provides visual, recreation and health benefits within a dense urban area. The northern section of the natural-semi-natural greenspace is grassland and is less open as the site is narrower in this locality. However, despite the presence of housing on two sides the grassland provides an open setting for the nearby allotments and amenity greenspace, an attractive visual break in the urban area, and despite the presence of boundary treatment forms part of a wider area of natural/semi-natural habitat to the south.

² APP/Z4718/W/16/3162164.

Although it does not contain a PROW, there is evidence of informal paths crossing the site from adjoining residential areas. Taking account of the above factors and setting aside the issue of open space deficiencies, the UGS designation of the northern natural/semi-natural section of the site, and the UGS designation as a whole, is justified.

406. UGS886, Sands Recreation Ground, Holmfirth – Part of the UGS site is within the private curtilage of residential properties and has a 'low' rating in the Open Space Study. However, as covered above, UGS can be in private ownership, whilst the Council's evidence indicates that this section forms an integral part of a wooded embankment which adjoins woodland, and contributes to the Kirklees Wildlife Habitat Network, the River Holme corridor and is part of the Holme Valley Strategic Green Infrastructure Network. Taking account of the evidence before me, I am satisfied that this section of the UGS, and the UGS as a whole, is justified and soundly based.
407. UGS936, Clayton West Cricket Ground – The site includes an area of grazing land and access track on its eastern side, which is identified as natural/semi-natural habitat in the Open Space Study. Although this area is not part of the current cricket ground or adjoining play area, it is part of a wider green space which contributes to the character and setting of the locality. Accordingly the designation of the UGS is justified.

Other open spaces

408. The Plan designates a small number of Local Green Spaces (LGS). The Council's evidence indicates that potential LGS sites were subject to a robust assessment, in line with criteria in paragraphs 76 to 78 of the NPPF. I am satisfied that the allocated LGS sites are demonstrably special with particular local significance, and consistent with national policy. However, in order to be effective a link should be inserted alongside the list of LGS in Part 2 of the Plan to clarify that they are designated sites under Policy PLP 62 (**SD2-MM405**).
409. The Plan identifies a Strategic Green Infrastructure project (SGI), Mirfield Promenade, in a text box in Part 2 of the Plan. The project is an on-going project with community involvement, and the boundaries take account of intended environmental improvements and footpath routes. There is an overlap with housing site H2089, but the allocation box for H2089 recognises that development would need to take account of the SGI. However, in order to provide suitable protection and be effective, a new policy in the Plan is required which specifically allocates the SGI site, provides a link to the Policies Map, and establishes the general approach to development proposals in this area (**SD2-MM406**).

Conclusion on Issue 9

410. On the basis of the evidence before me, and subject to the above modifications, I am satisfied that the open space designations in the Plan are justified, effective and consistent with national policy.

Issue 10 - Does the Plan set out positively prepared detailed policies on growth delivery, sustainable travel, design, climate change, the natural and historic environment, community facilities, environmental protection, Green Belt and open spaces which are justified, effective and consistent with national policy?

Growth delivery

411. Policy PLP 3 sets a broad framework to secure a sustainable pattern and form of development in the district. Whilst some aspects of the policy could be more precise and measurable, overall I am satisfied that it provides sufficient clarity and clear links to the spatial strategy, and that the general aims are in line with the Plan's vision and objectives. Although the policy refers to the re-use of brownfield land early in the Plan period, this is a broad aspiration rather than a requirement and is qualified by reference to the need to deliver five year housing supply and overall housing and job requirements.

412. Policy PLP 5 recognises that Masterplans can provide important detailed design and planning for some schemes, but may not be appropriate for all developments. However, additional wording to clarify this position, provide some general examples of when masterplans will be sought, and highlight responsibilities, would ensure the policy is effective and sound, whilst providing flexibility (**SD1-MM11, SD1-MM12, SD1-MM13**). The policy is complemented by site-specific policies in Part 2 of the Plan as modified which specify when Masterplans are required for specific allocations. I am satisfied that other aspects of the policy are suitably flexible, and do not impose specific standards or unreasonable requirements. The submission of an indicative phasing and implementation plan and a management plan would allow early consideration of these matters and assist in infrastructure planning and securing local involvement in running community assets.

413. Policy PLP 7 seeks to make efficient and effective use of land and buildings. In order to allow adjoining undeveloped land to be developed in the future, the policy should be modified to require proposals to factor in potential access (**SD1-MM17**). Reference in the supporting text to a 'brownfield first' approach in the policy should also be deleted, as this does not accurately reflect the policy approach and is inconsistent with the priority that national policy places on housing delivery and the need for both greenfield and brownfield developments in Kirklees (**SD1-MM18**). These changes are necessary for reasons of effectiveness and to make the policy sound. The minimum net density requirement of 35 dph incorporates suitable flexibility to respond to local circumstances. It is also supported by evidence which shows that an average gross density of 36 dph was achieved on new build sites in Kirklees between 2006 and 2016 (excluding apartment-only schemes), indicating that a minimum of 35 net dpa would be deliverable.

Sustainable travel

414. Changes are necessary to Policy PLP 20 to highlight that Travel Plans will be sought where a development has potential to generate significant amounts of transport movement (**SD1-MM72**). Modifications are needed to Policy PLP 21 to clarify that new development will only be prevented on transport grounds where cumulative impacts of development are severe (**SD1-MM73**). These

changes are needed for reasons of effectiveness and to ensure consistency with the NPPF.

415. The Plan does not establish specific parking standards and the Council has confirmed that it seeks to promote sustainable travel and ensure the efficient use of land on a case by case basis. This is a reasonable approach which is capable of achieving sustainable development. Nevertheless, in order to be effective the Council's position should be specified in Policy PLP 22 through modification **SD1-MM74**.
416. In order to effectively protect PROWs across the district Policy PLP 23 should be amended to seek the protection and enhancement of the PROW network (**SD1-MM75**). To ensure consistency with paragraph 10.103 of the Plan I have suggested a slight re-wording of the Council's published draft proposed modification to refer to all PROWs, in addition to those within the Council's 'core walking and cycling network'. As this position is already established in paragraph 10.103 this does not significantly alter the Council's approach.

Design

417. The Council has confirmed that it is not intending to impose additional local technical standards relating to the construction, internal layout and performance of new dwellings. Accordingly, modifications **SD1-MM76, SD1-MM77, SD1-MM78** are necessary to Policy PLP 24 to clarify that particular sustainable design features are encouraged rather than required, and to establish a positive and proportionate approach. This will ensure the policy is justified, effective and in line with national guidance.
418. The provision of electric charging points, as established in Policy PLP 24, is supported by the Council's viability evidence. However, adjustments to the wording are necessary to clarify these are required rather than encouraged (**SD1-MM79, SD1-MM81**), and thereby ensure the policy is effective. Additional detail on the Council's approach to design in the Green Belt is also needed to ensure effectiveness and appropriate protection (**SD1-MM80**).

Climate change

419. Policy PLP 26 establishes a criteria-based approach to renewable and low carbon energy proposals. However, the Plan does not identify areas of suitability for wind energy development. Therefore, in order to comply with national policy³, Policy PLP 26 should be amended to exclude its application to this form of development (**SD1-MM82, SD1-MM83, SD1-MM84, SD1-MM85, SD1-MM86, SD1-MM87**).
420. The Plan does not include a specific carbon reduction target. However, this is not a requirement, and the Plan provides a range of measures to reduce carbon including the renewable energy policy, the sustainable spatial strategy and other policies.
421. In order to be effectively applied and consistent with national policy, Policy PLP 27 on water management should be amended to clarify that not all

³ Written Ministerial Statement – 18th June 2015.

development proposals will be required to undergo a sequential test in relation to site location (**SD1-MM88, SD1-MM89**). In the case of Local Plan allocations the locational sequential test has already been applied, but other aspects of flood risk management in Policy PLP 27 would need to be satisfied.

Natural environment

422. Policy PLP 30 establishes the Council's approach to biodiversity and geodiversity, and provides protection for a range of habitats, sites and species. However, in order to be consistent with the NPPF and sound, the test for locally designated sites should be based on whether benefits outweigh the need to safeguarded conservation value, rather than on whether development is of 'overriding public interest'. The modifications in **SD1-MM90** will ensure a clear distinction in the hierarchy of international, national and locally designated sites. To ensure consistency with the NPPF, modifications are also needed to clarify that compensatory measures are a last resort after avoidance and mitigation (**SD1-MM91**).
423. The environmental designations listed in Part 2 of the Plan also need to be updated to reflect the latest evidence from West Yorkshire Ecology Service's records on quality and boundaries. This necessitates the deletion of Local Geological Site LGS12 (**SD2-MM338**), and amendments to the size of the following Local Wildlife Sites; site LWS8 in **SD2-MM339**, LWS10 in **SD2-MM340**, LWS29 in **SD2-MM341**, LWS36 in **SD2-MM342**, LWS39 in **SD2-MM343**, LWS47 in **SD2-MM344**, LWS57 in **SD2-MM345**, LWS60 in **SD2-MM346**, LWS64 in **SD2-MM347**, LWS73 in **SD2-MM348**, LWS77 in **SD2-MM349**, LWS87 in **SD2-MM350**.
424. Amendments are also required to Policy PLP 30 to clarify that, for development proposals within 2.5 kilometres of the SPA, further surveys will be required at planning application stage to assess detailed impacts on SPA birds and necessary avoidance and/or mitigation measures will be sought (**SD1-MM92**). This reflects the findings of the Council's HRA work, and is necessary for the policy to be clear and therefore effectively applied. The associated issue of legal compliance is covered later in this report.
425. Policies PLP 31, 32 and 33 provide a positive framework for protecting the Strategic Green Infrastructure Network, landscape character and trees.
426. Policy PLP 34 seeks to conserve and enhance the water environment, including all forms of watercourses and water bodies. A number of modifications are needed to make the policy effective and sound, including the insertion of the words 'where practicable' in relation to seeking enhancements to water courses/bodies, recognising there may be circumstances where this is difficult to achieve. The Council has confirmed that other improvements to water quality and efficiency would be encouraged rather than required, and modifications are needed to reflect these positions (**SD1-MM93, SD1-MM94**). Additional text relating to groundwater protection is also necessary to provide clarity and ensure effectiveness (**SD1-MM95**).

Historic environment

427. Policy PLP 35 seeks to protect and enhance the historic environment. A number of changes are needed to ensure consistency with the NPPF and make

the policy sound. This includes reference to the enhancement of historic assets, clarification of when substantial harm or loss may be permitted, and clearer distinction between and strengthening of the approach to designated and non-designated heritage assets. The approach to Conservation Areas also needs to be widened to enable the conservation of significant elements in all Conservation Areas, and not just those where Conservation Area Appraisals have been undertaken. Subject to these changes (**SD1-MM96** and **SD1-MM97**) I am satisfied that the policy would be sound and provide an appropriate framework for protecting the range of heritage assets in Kirklees.

428. Historic designations are listed in Part 2 of the Plan, including SMs, historic battlefields, historic parks and gardens, and archaeological sites. However, a modification to the supporting text is necessary to make it clear that the list and the Policies Map are not definitive, and do not, for example, include listed buildings (**SD2-MM351**). This is necessary in order for the Plan to be effectively applied. West Yorkshire Archaeology Advisory Service records are referenced within Part 1 of the Plan.

Communities

429. Chapter 17 includes a range of positive policies which seek to protect and enhance the provision of community facilities and sports facilities and open space, and support healthy communities. A number of changes are needed to make the policies effective and sound. Firstly, modifications to avoid overlap and provide a clear distinction between Policy PLP 48 on community facilities and PLP 50 on sports facilities and open space (**SD1-MM107**, **SD1-MM108**, **SD1-MM109**, **SD1-MM111**). Secondly, amendments to the supporting text in Policy PLP 48 to clarify the need to protect facilities which are critical to the role and function of a centre (**SD1-MM107**). Thirdly, adjustments to Policy PLP 48 to ensure that options for alternative community uses and compliance with Community Asset regulations are considered when assessing proposals for the loss of a community facility (**SD1-MM106**). New wording in Policy PLP 50 referring to replacement facilities in terms of 'quantity and quality' is also needed to ensure compliance with paragraph 74 in the NPPF (**SD1-MM110** and **SD1-MM112**).

430. Although criterion c in Policy PLP 50 refers to 'an alternative sport use', I am satisfied that, in the context of the plural reference in the supporting text and the Council's past application of policy, that the criterion is broadly consistent with paragraph 74 in the NPPF and would be reasonably applied to schemes involving more than one alternative sport use. Overall, despite other slight differences in wording and subject to the above modifications, I am satisfied that Policy PLP 50 is broadly consistent with the NPPF.

Environmental protection

431. The policies in chapter 18 provide a positive framework for protecting and improving environmental quality. In order to be effective Policy PLP 51 should be amended to refer to the West Yorkshire Low Emission Strategy 2016 to 2021 and associated Technical Planning Guidance, as these documents provide key details on the assessment of impact and evidence required to support applications (**SD1-MM114**). Wording relating to 'nuisance' and 'unsafe levels' should also be removed for reasons of soundness (**SD1-MM113**). Nuisance is

not a measure of air quality, and focusing on development which reaches unsafe levels would fail to improve air quality across the district or accord with the Low Emission Strategy (**SD1-MM113**).

432. The Council's Air Quality Assessment document indicates that the Plan could have a moderate or slight adverse effect on air quality in some areas. However, the assessment concludes that the overall effect of the Plan on air quality will not be significant, and that effects would be negligible in identified Air Quality Management Areas in Kirklees. Furthermore, there are policies and measures embedded in the Plan that will help to provide mitigation, including transport and design policies and the spatial strategy. Policy PLP 51 also requires development schemes to demonstrate that they will not result in air pollution increases that cause unacceptable impacts, and seeks sustainable mitigation measures.

Green Belt

433. Chapter 19 includes a range of detailed policies relating to different forms of development in the Green Belt. These policies, in conjunction with national policy and subject to the modifications below, will enable the Council to effectively deal with proposals that come forward.

434. In order to be effective, modifications are needed in Policies PLP 54 and 57 to provide a clearer approach to design which seeks to avoid harm to Green Belt function (**SD1-MM115, SD1-MM116, SD1-MM120**). Other changes are needed to ensure consistency with Green Belt policy in the NPPF, including substitution of the word 'buildings' in Policy PLP 56 with the term 'appropriate facilities' in association with outdoor sport and recreation proposals, and requiring schemes to preserve openness and ensure no conflict with Green Belt purposes (**SD1-MM117** and **SD1-MM118**). References to 'host building' in Policy PLP 57 also need to be replaced with the term 'original building' (**SD1-MM119, SD1-MM121, SD1-MM144**). The impact of outdoor areas on openness would be assessed as an integral part of the decision-making process on applications for extensions/alterations, and consequently this aspect of Policy PLP 56 is sound.

435. Policy PLP 59 deals with infill and redevelopment of brownfield sites in the Green Belt. Criterion c which seeks to restrict the height of new structures is insufficiently flexible to allow the effect on openness to be considered on a case by case basis. It is also unclear how the requirement to avoid cumulative impacts on openness in criterion e would be measured or achieved. These criteria therefore need to be deleted to make the policy effective (**SD1-MM124**), whilst clarification on the definition of 'infill' is required (**SD1-MM125**). Other changes are needed to bring the policy in line with the approach established in paragraph 89 of the NPPF. This includes deleting reference to 'environmental improvements' and other circumstances in criterion b (**SD1-MM124, SD1-MM126**), and amending the wording on Storthes Hall to clarify key tests (**SD1-MM124, SD1-MM127**).

436. Reference to infilling in villages in the Green Belt (overwashed settlements) in the supporting text to Policy PLP 59 should be placed in a separate section, to provide a clear distinction with between this matter and the purpose of Policy PLP 59 (**SD1-MM122, SD1-MM123**). To make the new section effective and

allow for changing circumstances, amendments are needed to allow the assessment of whether a settlement is a village to be made on a case by case basis (**SD1-MM122**). The definition of 'limited infilling' as comprising up to two plots within a continuously built-up frontage is reasonable and should be inserted for the policy to be effective (**SD1-MM122**).

Urban Green Space

437. Policy PLP 61 seeks to protect UGS identified on the Policies Map, and also applies to small open spaces (less than 0.4 hectares) identified as valuable in the Council's Open Space Study (2016) or Playing Pitch Strategy (2015). In order to provide sufficient clarity and make the policy effective, these valuable small sites should be referenced in the Plan (**SD1-MM161**). A number of small sites in the Open Space Study were not assessed, and the Council has confirmed that it would undertake an assessment of value at the time of a planning application. This position needs to be inserted into the policy to make it effective and sound (**SD1-MM129**).
438. Criterion a in the policy states that loss of UGS will only be permitted where a site does not meet local needs for open space, sports or recreational facilities, in line with the first bullet in paragraph 74 in the NPPF. However, the Council's evidence shows that, in addition to recreational value, some sites in Kirklees have significant visual, landscape and/or biodiversity value, and/or may not have public access. As established elsewhere in this report, these sites can contribute to the quality, character and appearance of the district and contribute to the health and well-being of local residents, in line with aims in the NPPF. Accordingly, in order to be effective, word changes are needed to recognise these other contributions, extend beyond the issue of open space standards and deficiencies, and clarify the Council's approach in relation to the full range of UGS in Kirklees (**SD1-MM128, SD1-MM130, SD1-MM143**).
439. Other changes are needed to Policy PLP 61 to ensure consistency with paragraph 74 in the NPPF, including deletion of the requirement that replacement facilities are equivalent or better in terms of accessibility and type (**SD1-MM128, SD1-MM131**). Criteria d and e should also be deleted as these are additional exceptions which go beyond paragraph 74, and would be appropriately assessed through the planning application process (**SD1-MM128, SD1-MM132, SD1-MM133**).
440. The remaining exceptional circumstances where loss of UGS may be permitted, as set out in criteria a, b and c, are expressed as options. As such, although not all criteria may be applicable in every case, I am satisfied that the policy as modified provides some flexibility for all forms of UGS, and allows for changing circumstances or replacement/alternative provision. In reaching this conclusion I have had regard to a number of recent Inspector decisions in the district relating to proposals on UGS, which have been drawn to my attention⁴.

⁴ APP/Z4718/W/16/3147937, APP/Z4718/W/16/3162164, APP/Z4718/W/16/3162164, APP/Z4718/W/16/3147937.

Open spaces – other aspects

441. Policy PLP 62 seeks to establish the circumstances in which development on Local Green Spaces may be permitted as an exception, but does not cover the full range of Green Belt exceptions in paragraphs 89 and 90 in the NPPF. In order to be clear and consistent with national policy, the text should be simplified to specify that proposals on these sites will be assessed having regard to Green Belt policy (**SD1-MM134, SD1-MM135**).
442. Policy PLP 63 seeks the provision of new open space in association with development proposals. However, although a standards table is contained in the Plan, a link to the table is required within Policy PLP 63 itself in order to clarify these standards will apply (**SD1-MM136**). The open space standards in the table have been informed by a range of local and national evidence and are broadly robust. However, in order to provide sufficient information and ensure effectiveness, standards for play provision and the amount required per dwelling for different typologies should be included (**SD1-MM137**).

Conclusion on Issue 10

443. In conclusion, subject to the above modifications, the Plan's detailed policies relating to growth delivery, sustainable travel, design, climate change, the natural and historic environment, community facilities, environmental protection, Green Belt and open spaces are justified, effective and consistent with national policy.

Issue 11 – Does the plan make appropriate provision for the steady and adequate supply of minerals?

444. Minerals of importance found in the district are: aggregates, sandstone and clay/shale. Coal is also present in the east of the district and provision also needs to be made for hydrocarbons, in accordance with the NPPF and PPG.
445. In terms of aggregates, regional guideline supply figures have been set by Government, most recently in 2009. Although the Yorkshire and Humber Regional Aggregates Working Party was dissolved in 2011 for a temporary period, it was reinstated in 2013 and aggregate supply continues to be monitored through the annual West Yorkshire Local Aggregates Assessment, which is the level at which assessment is set. The NPPF requires a minimum landbank of 7 years for sand and gravel and 10 years for crushed rock. Sand and gravel supplies in the district are limited, although a further allocation is proposed, and, on 2015 data, there is a landbank of 8 years 3 months for sand and gravel and 30 years and 2 months for crushed rock.
446. The supply of crushed rock is relatively healthy, being a by-product of the sandstone block/dimension stone but I accept that the quality is generally quite poor which results in the import of aggregates to Kirklees and therefore the larger landbank indicated for crushed rock is not unreasonable. The calculation of the 10 year sales supply figures has been uplifted by 25% to reflect growth in demand and a return to the levels prior to the economic downturn in 2008, considered by some to be an overestimate. However, the increase reflects the Council's economic and housing aspirations for the area, reflected in the other areas of the Plan. With the minerals allocations in place,

there could be a large landbank of 80 or so years for crushed rock but it is unlikely that all this would be worked at any one time but would depend on the market. In any event, it is dependent on sandstone/ dimension stone working, for which no specific targets for landbanks have been set in the NPPF. The Council has taken into account the opportunities for recycling of aggregate but these are often not recorded in construction, demolition and excavation waste data since the recycled material does not leave the site but used for redevelopment. Whilst the national and regional guidelines envisage greater use of recycled material (up to 31%), local data estimates that this is much lower, at about 7.5%, although I consider that the Plan allocates sufficient recycling sites for processing at higher rates.

447. The current estimated landbank for sandstone block/ dimension stone is about 18 years in the Council's estimate. The stone in this area is considered to be of national and local importance in new building projects and the restoration of older buildings and areas. Paragraph 143 of the NPPF states that Councils should plan for the continued supply of such minerals and this would contribute to the maintenance of the many listed buildings in the area as well as prestige projects nationally. Whilst some of the stone might not be used locally, the NPPF recognises national resources need to be reserved since minerals can only be worked where they occur. Given the local variability of the quality of the stone, even on the same site, a significant allowance needs to be made for the quality stone required. The Minerals Site Methodology (LE100) recognises that there are sufficient blockstone allocations for the plan period but that further allocations for sites and areas need to be made as the current reserves would be severely depleted by the end of that period. As such, I consider that the various allocations made allow for a reasonable reserve of the resource.
448. Clay and shale has a landbank of 18 years and the NPPF says that this needs to cover 25 years, since the use for clay pipes makes it similar to the use of brick clay, which the NPPF defines as a national resource mineral. Two large production plants blend the mineral from more than one source to produce the pipes and the location of the resource is important in respect of the plants. As such, further sites need to be allocated in the Plan to ensure a 25 year landbank over the Plan period.
449. The policies of the Plan are consistent with those in the NPPF and the minerals section of the PPG. Policy PLP 36 sets out criteria against which applications for the exploration and extraction of minerals will be scrutinised. This includes heritage repair which I consider important in site selection. The Council has taken the view that minerals development is not inappropriate in the Green Belt. However, consideration has to be given to the openness of the Green Belt and the reasons for including land in the Green Belt when determining whether this is the case. In examining the allocated sites I have taken these criteria into account. A MM (**SD1-MM98**) is required to ensure that landscape character is taken into account in assessing the impact of the development. In addition, a MM (**SD1-MM99**) is needed to the policy to ensure that it includes an assessment of need for the mineral concerned, which would be looked at in the light of the allocations in the Plan and the size of the landbank at the time of the application.

450. Policy PLP 37 concerns site restoration and aftercare. A MM (**SD1-MM100**) is needed to ensure that landscape character is assessed as part of any proposals for restoration and aftercare. The policy also needs to be split into two parts to ensure that mineral working will only be allowed where the site can be restored and aftercare managed to a high standard, including a reference to landscape character, and a second part which covers the criteria for site restoration, including enhancement benefits. Although concerns have been raised that the original character and biodiversity of sites could not be restored, since they are rarely the same in terms of their appearance, there are good examples of sites where biodiversity has been improved and landscape character is not adversely affected after restoration.
451. Policy PLP 38 covers minerals safeguarding areas. The background papers, especially Minerals Safeguarding Report and Policy Options paper (LE102), set out the reasoning and the policy options available on safeguarding. Paragraph 143 of the NPPF requires Councils to adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by new non-mineral development, whilst not creating a presumption that resources defined will be worked. The Council has chosen to use British Geological Society (BGS) mapping and DCLG resources to define the mineral resource and follows BGS guidance in safeguarding the whole of the resource, on which consultation will take place when non-mineral applications are received. This ensures that the whole of the known mineral resource is safeguarded and does not need to be site specific, which has been suggested as an alternative. The exemption of various types of minor development works from consultation is also a sound approach to safeguarding the resource.
452. The Safeguarding Report also covers buffer zones around sites. However, this is within the context of preventing new, sensitive development from sterilising mineral development, rather than defining the minerals allocations for the Plan, when constraints are considered when allocating sites. Whilst other minerals authorities might have accepted buffer zones around sites, this is a broadbrush approach which might lead to sites not being permitted when constraints could be overcome.
453. Policies PLP 39 and PLP 40 cover the protection of minerals infrastructure, and alternative development on these sites, with a 100m buffer is drawn around them. The buffer has been drawn to prevent any problems with noise and dust from these sites which might occur if there were any sensitive uses nearby. Whilst some developers might want to build closer to these sites than the buffer would allow, 100m represents a point at which such problems would decline. The policies are intended to be flexible and PLP 40 sets criteria for alternative development on these sites.
454. Policies PLP 41 and PLP 42 cover the exploration, appraisal and production of hydrocarbons. The processes that are covered by these policies can involve the transportation of large volumes of water and equipment, which result in high volumes of HGV traffic. As such I consider that a MM (**SD1-MM101**) is necessary to PLP 41 to ensure that the highway impacts of such development are taken into account when decisions are made on planning applications. The wording of PLP 42 is such that it refers to impacts in general, which would include the highways impacts and impacts on designated areas.

Conclusion on Issue 11

455. Therefore I conclude that, subject to the afore-mentioned modifications, the plan makes appropriate provision for the steady and adequate supply of minerals, as required in the NPPF and PPG.

Issue 12 – Are the proposed minerals site allocations effective, deliverable, justified and soundly-based and do they properly address site and infrastructure requirements, mitigation measures and environmental, traffic and other considerations in accordance with national policy?

Site selection process

456. The Council has allocated sites in accordance with the PPG paragraph 27-008-20140306 in respect of each specific type of mineral. The sites have been categorised as minerals extraction sites, Preferred Areas or Areas of Search, depending on whether there was evidence of supportive landowners, mineral presence and the viability of the reserve. They were the subject of SA and reasonable alternatives were considered and consulted on, including through the Site Options report. Buffer zones were used around constraints in earlier iterations of the plan documents. However, the Council has chosen to take a more site specific approach in setting out the constraints for each of the sites in the submitted Plan. In accordance with NPPF, extensions were sought to existing sites, which might increase the length of working in certain areas, but which reduces the need for other areas to be brought forward.

Minerals site allocations policies

457. The minerals site allocations are set out in text boxes in Part 2 of the Plan, but are not incorporated within an actual policy. In order to provide sufficient weight and clear direction for developers and the community, new policies (PLP 68-71) are required which specify that sites are allocated and identified on the Policies Map, and establish the general approach that will apply. These modifications relate to sites in Areas of Search – Policy PLP 68 (**SD2-MM352**), Minerals Extraction sites – Policy PLP 69 (**SD2-MM353**), Minerals Preferred Areas Policy PLP 70 (**SD2-MM360**), in addition to Minerals Infrastructure sites – Policy PLP 71 (**SD2-MM362**). The new policies for the allocation of the minerals sites are positively-worded and set criteria for their development in the box below the policy.

Minerals sites in the Green Belt

458. A number of non-operational minerals sites are in the Green Belt. In Plan order these are: ME1965b, ME2248a, ME2259 ME2267a, ME2312a&b, ME2314, ME1965a, ME2248c, ME2263, ME2265, ME2568, ME1966, ME1975 and ME3324. In examining these sites I have taken into account the effects on the openness of the Green Belt and the reasons for including land in the Green Belt, in accordance with the relevant paragraphs of the NPPF. In all of the cases I have found that there would be no harm to the openness of the Green Belt or the reasons for including land in the Green Belt. Any built ancillary development could be controlled through any subsequent planning

application and the proposal would not encroach on the countryside, since it would be restored following the quarrying to an appropriate use.

Areas of Search

459. These are sites with a likely resource which is relatively unconstrained, which have not been promoted by landowners or the quantity and quality of the mineral has not been confirmed through evidence.
460. ME1965b - This site has been identified as being likely to have viable quantities of sandstone block, which is a nationally significant resource. It is close to an existing operational quarry (ME2263), through which it could be worked and processed, although improvements would be required to the access. There are residential properties nearby and any application would need to assess the impacts on the occupiers, and appropriate mitigation, where necessary.
461. ME2248a - This site has been identified as being likely to have viable and significant quantities of clay and shale. It is close to an existing operational quarry (ME2248b) and would effectively be an extension to it. There are residential properties nearby and any planning application would need to assess the impacts on the living conditions of their occupiers as well as the other identified constraints on the site, with mitigation where appropriate.
462. ME2259 - The site is for sand and gravel extraction in the Calder valley from river gravels, which are relatively scarce in this area, and therefore the site would perform a useful role, despite being on higher quality agricultural land. There are a number of constraints on the site including the management of flood risk and the impact on wildlife and heritage assets. However, any impacts would be assessed as part of the planning application and at that stage it would be considered whether any mitigation would be required.
463. ME2267a/ME2312a&b - The site was previously safeguarded and is considered to contain good reserves of clay and shale, being next to an active clay and shale quarry (ME2247), to which it would be a large extension, along with sites ME2312a&b. The sites are within an area of open countryside with scattered dwellings and it will be necessary to assess the impacts on both of these when any planning application is submitted for their development. However, the character of the local area ensures that there is scope for mitigation measures to protect the local landscape and the amenities of local residents, if necessary.
464. ME2314 - This is a large site close to an existing minerals operation for clay and shale (ME2248b) and known reserves at ME2248c and would continue existing working in the area. Whilst the site is large, the allocation of sites in this area would help to provide reserves for a mineral of national importance. There are residential properties nearby and any planning application would need to assess the impacts on the living conditions of their occupiers, as well as the other identified constraints on the site, together with mitigation where appropriate.

Mineral extraction sites

465. These are sites which likely to be acceptable in planning terms, with a willing land owner in place, and minerals operators having also supplied the Council with evidence demonstrating the existence of the mineral in sufficient quantity and quality, providing a greater degree of certainty to the viability of the mineral resource. Only those sites which are not already operational or did not have planning permission at the time of the examination are assessed in this section.
466. ME1965a - would be a large new site close to an existing quarry with processing facilities (ME2243) and would produce blockstone, a nationally significant resource. The need for this mineral has already been discussed under the need for a steady and adequate supply of minerals and that need remains despite the recent planning permission on site ME2568 and a small windfall of blockstone at Peace Wood. The site is close to an Area of Search (ME1965b), but this is a much smaller site, which contains only a little of the reserve. It could not compensate for this site in terms of production and is properly allocated as an Area of Search, rather than a mineral extraction site.
467. There are a number of constraints on the site. There are residential properties nearby at Park Head and Deane Grange and the large site is open, with a traditional agricultural landscape, including dry stone walls. The landscape would be changed by the quarrying operation but the Council would need to assess whether the proposed restoration and aftercare scheme for the site was appropriate, in terms of landscape and biodiversity, when considering any planning application. There are currently some views of the site uphill from Park Head and across Park Head Lane and the visual impact of the proposal, together with the impact of dust and noise on the occupiers of these properties, would also need to be addressed in any future planning application.
468. The River Dearne is on one side of the site and the Park Dike also crosses it. A document used to inform the former Core Strategy suggested a buffer zone of 250m should be drawn around watercourses. However, no justification for this distance is offered in the document, which, in any event, has not been used to inform this Plan. The Environment Agency's latest consultation response requires only an 8m standoff from these watercourses. In order to inform the size of the working areas and pollution prevention measures necessary in this case, a hydrological assessment is required. This would also examine other water environment impacts, including any wells in or near the site, and the protection of water infrastructure, such as that belonging to Yorkshire Water. MMs **SD2-MM354** to **MM357** would be necessary to address these matters and correct the name of the site. The nearby archaeological site would be the subject of an assessment prior to the determination of any planning application and Historic England has no objection to this approach. Other impacts, such as those on the users of nearby footpaths and long distance trails, would also need to be taken into account in the assessment of any subsequent application.
469. ME2248b&c - Site ME2248c is in the Green Belt and was previously a minerals safeguarded site in the UDP. The site is adjacent to an existing quarry at ME2248b and to proposed extensions to the north (ME2314) and to the west (ME2248a), both of which are Areas of Search. Two MMs (**SD2-MM358** and

SD2-MM359) are required to correct the gross and net sizes of site ME2248b to 28.69ha. Together these sites, for clay and shale, represent a national reserve for material for clay pipes. There are residential properties nearby and these sites might be worked over long periods of time. Any planning application for the sites would need to assess the impacts on the living conditions of their occupiers, as well as the other identified constraints on the site, together with mitigation where appropriate.

470. ME2265 - This site is for the extraction of clay and shale and is in the Green Belt. The site is close to an existing operational quarry for clay and shale (ME2249) to which it would form an extension and the allocation of the site would ensure that sufficient reserves are available for this important mineral. Any planning application for the sites would need to assess the impacts of the proposed development and the matters identified in the policy box, together with mitigation where appropriate.
471. ME2568 - At the time of the hearings the Council had resolved to grant planning permission for the site, subject to a suitable S106 agreement being agreed. Full planning permission was subsequently granted on 18 October 2018 for the quarrying of blockstone. However, this matter and any other constraints have been considered as part of the planning application process.

Preferred Areas

472. The Preferred Areas represent known, relatively unconstrained sites with a viable quantity of reserve for the target mineral, but with no willing landowner. Once these sites are allocated then it becomes more likely that the landowner would allow quarrying.
473. ME1966 - This site is immediately adjacent to site ME2246, which includes high quality blockstone stone and processing facilities. It could be accessed through the existing quarry and use the existing facilities there. MM (**SD2-MM361**) is required to ensure that reports are produced on the impacts on the habitats which are important for off-site foraging by South Pennine Moors SPA qualifying bird species birds in accordance with policy PLP30. The site has a number of other constraints, including recreational uses, and site specific considerations which will require reports and further information, should a planning application be made to work the site.
474. ME1975 - The site is next to an existing operational quarry (ME2251), which produces good quality blockstone, a nationally significant resource. This site would represent an extension to it and would be able to use existing processing facilities. The site has a number of constraints and site specific considerations which will require reports and further information, should a planning application be made to work the site.
475. ME3324 - The site has a good quality viable blockstone reserve, which is a nationally significant resource, and is adjacent to site ME2568, to which it would form an extension. The access to the site would use the junction of Black Lane/Intake Lane/Nopper Road and Arborary Lane. Although six accidents were reported over a 5-year reporting period at this junction, only one of these was reported as serious. The allocation notes the need for

highways improvements as well as the assessment of other impacts, including those on heritage assets, hydrology and noise.

476. There are a number of areas which have been the subject of quarrying in the past and at present and where further allocations are being made in the plan. Residents in and around these areas, for example, around Shelley, Upper and Lower Cumberworth and Crosland Moor, are concerned about the concentration of minerals development and the cumulative impact on them over the years. However, it has to be borne in mind that minerals can only be worked where they occur and these areas are likely to represent the best reserves of relevant minerals which operators wish to develop.

Minerals infrastructure sites

477. The safeguarding of minerals infrastructure sites, including those for processing and distributing the minerals is important and assists in the use of sustainable means of transport for minerals, in accordance with the NPPF and PPG.

478. Site MI3403 is an area of sidings and other railway land owned by Network Rail. However, they have said that the site is operational railway land and is not available for minerals infrastructure uses. Therefore, MM **SD2-MM363** is required to delete this undeliverable site from the plan.

479. There are a number of minerals infrastructure sites which have been safeguarded in the Dewsbury and Ravensthorpe area, notably sites MI3398, MI3399 and MI3404, which are near to areas proposed for regeneration. Under policies PLP39 and PLP40 these sites have 100m buffer zones around them to protect any new development proposed. It would be for a developer to show through a submitted planning application that mitigation for any adverse impacts could be provided, to ensure the continued operation of these minerals infrastructure sites.

Conclusion on Issue 12

480. Therefore I conclude that, subject to the afore-mentioned modifications, the proposed minerals site allocations are effective, deliverable, justified and soundly-based and properly address site and infrastructure requirements, in accordance with national policy in NPPF.

Issue 13 – Do the waste policies included in the Plan ensure that the waste needs of the district can be sustainably managed?

481. The waste policies of the plan, PLP 43 and PLP 44, are supported by a Waste Needs Assessment (WNA) for the borough (LE105 and 106), set within the regional context. The assessment evaluates the likely need arising for each type of waste over the plan period and the capacity of the existing facilities available to deal with it. The Council is committed to meeting national recycling targets in accordance with the National Planning Policy for Waste (NPPW) and the local Municipal Waste Management Strategy through the waste hierarchy. MM (**SD1-MM102**) is required to update and correct the existing waste hierarchy diagram (Fig 8) in the plan. A further MM (**SD1-MM103**) is required to include a number of new paragraphs which set out the

position in the Borough for each type of waste and the outcome of the capacity assessment and the resulting land requirement. These paragraphs are necessary to give a complete picture of the wastes arising in the Council's area, the existing capacity for their management and indicate any further capacity required over the plan period.

482. The WNA modelled 12 different scenarios and then determined that a growth scenario, based on likely population growth and increases in waste, together with a median recycling rate, would provide for waste needs planning. I agree that this scenario is the most appropriate for examining the likely capacity gap.
483. In terms of landfill, for Local Authority Collected Waste (LACW), there would be only a small shortfall which could be accommodated through the restoration of mineral workings, and covered by Policy PLP 46. Sufficient capacity for Commercial and Industrial (C&I) landfill already exists for most of the plan period, with reliance placed on external facilities for both this and a small gap for hazardous waste landfill. Having regard to the outcome of the DtC discussions, I am convinced that there will be external capacity for those elements of the provision which cannot be accommodated within the District for the plan period and beyond.
484. There is currently an Energy from Waste (EfW) plant, with an expected life to 2028. A capacity gap of about 100,000t of waste would result from its closure at that time, although if it operated to the end of the plan period this would reduce to 30,000t. In order to make the plan sound an allocation is required to ensure that there is an appropriate site for an EfW plant available in the event of a decision to replace the existing plant. A significant amount of recycling provision is needed for LACW, together with some capacity for C&I, Agricultural and Construction, Demolition and Excavation waste. I consider that the allocated site and sites coming forward under Policy PLP 44, with existing transfer stations, would give sufficient capacity for the plan period. Recycling of hazardous waste depends on external provision and I consider that the external capacity secured through the DtC discussions would be sufficient to deal with this.
485. There is a need for a composting facility within the district, with Policy PLP44 providing opportunities for this type of facility. The policy also allows for the development of waste transfer capacity on appropriate sites, if needed. There is no need for the plan to provide other types of capacity, for example, low level radioactive waste.
486. The strategy which has evolved includes the allocation of one strategic site (W1), which would address the significant capacity gap identified for the recycling of LACW, alongside a network of transfer stations. The plan also sets more flexible policies for the development of further waste facilities in sustainable locations on appropriate employment land. The range of locations is such that it would provide for a number of sites in different areas of the Borough close to arisings suitable for the management of waste of different types through a range of technologies. As such, I consider that the analysis of need and the strategy selected provides a sound and positive basis for the planning of waste management in the borough and is in accordance with NPPW and PPG.

487. The Plan contains strategic policies which set out its relationship to the waste management hierarchy locally. Policy PLP 44 sets out the criteria for the development of sites for waste uses, including taking into account the natural and historic environment. Policy PLP 45 covers the safeguarding of waste facilities identified on the Policies Map. MM (**SD1-MM104**) is required to the text of Policy PLP45 to clarify that existing waste management facilities will be safeguarded for their operational period, subject to decommissioning and any revocation processes of any permits or licences, after which they would no longer be safeguarded, provided an equivalent replacement facility was provided. The policy also seeks to ensure that new development around existing or planned waste management sites does not compromise the operation of the waste site. Concerns have been raised that this might impede new development, especially housing, in regeneration areas along the Calder valley, for example, but with sufficient safeguards in place, there is no reason why new development cannot be provided in such areas. A further MM (**SD1-MM105**) is required to the text accompanying this policy, which clarifies the role of waste facilities, like anaerobic digesters, on agricultural holdings and the need for their monitoring.

Conclusion on Issue 13

488. Therefore I conclude that, subject to the afore-mentioned modifications, the waste policies included in the Plan make proper provision for the district's waste needs to be sustainably managed, complying with national policy in the NPPW and PPG.

Issue 14 – Is the proposed waste allocation in a suitable and appropriate location and is it effective, deliverable, justified and soundly based? Together with the safeguarded sites, does the Plan provide sufficient land for waste management needs?

489. The waste site allocation is set out in a text box in Part 2 of the Plan, but is not incorporated within an actual policy. In order to provide sufficient weight and clear direction for developers and the community, new policies are required which specify that sites are allocated and identified on the Policies Map, and establish the general approach that will apply. A new policy, PLP 72, is required, through MM **SD2-MM364**, in order to allocate the new strategic waste management site W1, with criteria for its development set out in the box below the policy.

490. The remainder of waste development will come forward through the market under the criteria-based policies, set out in the Strategies and Policies section of the Plan. I consider that these measures, together with agreed external capacity and the safeguarding of existing waste sites, will create the necessary provision to manage the waste needs of the district over the plan period.

491. In addition, further text is required on safeguarded waste management sites as set out in MM **SD2-MM365**, to give proper reference back to policy PLP45, the policy which covers safeguarding waste sites.

492. Site WS16 was allocated as a safeguarded waste site in the submitted plan. It covered a waste management site at Clayton Hall Farm, where renewable

energy is being produced from imported and farm-based waste. Following on from the changes to the text in MM SD1-MM105, this allocation is no longer required. MM **SD2-MM366** is required to delete the allocation.

493. There are a number of waste sites which have been safeguarded in the Dewsbury and Ravensthorpe area, notably sites WS27, WS33, WS34 and WS36, which are near to areas proposed for regeneration. I consider that the safeguarding of the sites would not unduly restrict development on nearby sites. It would be a matter for the design and layout of the new development proposed at planning application stage to ensure that the new development complied with Policy PLP 45, which covers this issue. A number of other issues were drawn to my attention but these mainly concern the accuracy of the boundaries of waste sites shown on the policy maps, which is a matter for the Council.

Conclusion on Issue 14

494. Therefore I conclude the proposed waste allocation is in a suitable and appropriate location and, together with the safeguarded sites and sites coming forward under policies PLP 44 and PLP 45 would provide sufficient land for waste management needs and is effective, deliverable, justified and soundly based, in terms of waste management, and complies with national policy in NPPW and PPG.

Issue 15 – Does the Plan set out a robust monitoring and implementation framework?

Minerals and waste

495. The Council has taken a pragmatic approach to the monitoring of minerals and waste development, given the difficulties with data collection for certain minerals and types of waste, some of which would be collected regionally and sub-regionally. The indicators selected for minerals and waste development are appropriate and the monitoring of the landbanks for relevant minerals would ensure that a review of the plan would be triggered, should they fall below the required level. The allocations also provide for development beyond the plan period which gives flexibility should requirements change or sites fail to come forward, which represents a sound approach to the implementation and monitoring of these sections of the Plan. MM **SD1-MM138** is necessary to ensure that all relevant information sources are taken into account, including those available locally. This provision also relates to the minerals and waste sections of the Plan.

496. Appendix 2 of the Plan, which comprises the Monitoring Framework, requires MMs to ensure the effective monitoring of the Plan in terms of minerals and waste policy. MM **SD1-MM153** is required to ensure that the 25-year landbank for clay and shale, a nationally important mineral, is maintained for the Plan period. MM **SD1-MM154** is necessary to make it clear that the Plan allocations for aggregates will contribute positively to the sub-regional apportionment for aggregate minerals, in accordance with national policy. MMs **SD1-MM155, SD1-MM156 and SD1-MM158** are required to make it clear that only those proposals which are contrary to policy are used as indicators for the loss of safeguarded minerals infrastructure and waste

management facilities to other uses. MM **SD1-MM157** is necessary to correct the target for policy PLP40a to zero, rather than saying that this part of the policy has no target.

Other matters

497. The remainder of the monitoring framework in the Plan captures a broad range of indicators and targets. In order to ensure effective monitoring of policies a number of additional indicators are required as follows; number of apprenticeship schemes or training programmes secured, linked to the encouragement of such schemes in Policy PLP 9 (**SD1-MM146**); total amount of comparison retail, convenience retail and leisure floorspace completed and levels of pedestrian footfall, linked to the delivery of retail needs and viable centres, as identified in Policy PLP 13 (**SD1-MM147, SD1-MM148, SD1-MM149**); loss/additions to designated and non-designated heritage assets, linked to protection of the historic environment in Policy PLP 35 (**SD1-MM152**).

498. The indicator and target for Policy PLP 24 on design looks at the percentage of appropriate applications, and in order to facilitate effective monitoring should be altered to focus on decisions/outcomes through modifications **SD1-MM150** and **SD1-MM151**.

Conclusion on Issue 15

499. In conclusion, subject to the above modifications, the Plan provides a robust monitoring and implementation framework.

Public Sector Equality Duty

500. During the course of the examination we have had due regard to the aims set out in Section 149(1) of the Equality Act 2010. This includes consideration of the Plan's provision to meet the accommodation needs of gypsies and travellers, and the need for accessible and adaptable housing and inclusive design.

Assessment of Legal Compliance

501. The examination of the legal compliance of the Plan is summarised below.

- The Local Plan has been prepared in accordance with the parameters and timetable set out in the Council's updated LDS (2018). Although the adoption date is later than anticipated the delay is not significant.
- As set out above, consultation on the Local Plan and the MMs was carried out in compliance with the Council's SCI.
- SA has been carried out and is adequate.
- As set out above, the HRA (2017) and HRA of the MMs (August 2018) identify that, subject to mitigation measures in the Local Plan through MMs, no significant adverse effect on the integrity of European protected sites is likely.

- The Local Plan includes policies designed to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change, and this issue is covered by a number of objectives in the SA work.
- The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

502. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

503. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix, the Kirklees Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Katie Child

Elizabeth Hill

Inspectors

This report is accompanied by an Appendix containing the Main Modifications. The Appendix is divided into two sections, covering Parts 1 and Parts 2 of the Plan.