

CALDERDALE LOCAL PLAN

Representations and Responses

Document

Chapters 10-23

Calderdale Metropolitan Borough Council

May 2019



Document Section: 10 Addressing Climate Change

Representations

Comment ID

Site ref (if applicable):

Person ID: **1176547**

Name: **Mr Conrad Thwaites**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The proposals do not sufficiently take into account the benefits of reducing energy consumption of existing buildings through enhancing insulation. The Grenfell Tower incident has caused disquiet regarding external cladding, but done properly it is a very valuable method of reducing energy consumption. There are similar techniques available for smaller domestic dwellings, and all such installations, large and small, should be encouraged. Similarly, encouraging town centre living (via building re-purposing) is THE best way of reducing the overall energy impact of people's lives. It reduces heating, travel etc.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1129567**

Name: **Mr Sanjit Chaggar**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Climate change is becoming more and more of an issue, due to the pollution of the environment. This is also causing global warming, and such other factors that are not great for Planet Earth as a whole. In regards to this local development plan, it seems extra pollution will be created by more traffic within this area, and with the apparent idea of a new motorway on the M62, also leading to more congestion, and more fumes. Air quality already needs to be improved in the Brighthouse area, as it is currently showing as one of the worst in England, so how is this problem ever going to get resolved if more routes for traffic are being created?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There is no consideration for the community already residing in the area. No solid plans on how to manage the already growing concern regarding air quality. No thought around supporting a healthy lifestyle, without the need for extra pollution, congestion and road safety issues from a new development. No solid plan for traffic control or the sustainable costs that would surround this.

Suggested Modifications:

Decreasing the number of houses proposed in the plan, as there is a lack of infrastructure to sustain this housing development. The number of houses proposed would require new roads and motorways for traffic control, which is also quite costly.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Climate Change is a significant issue, yet there are no firm plans to address air quality, support a healthy lifestyle and control traffic whilst certain large allocations will make the situation worse.
2. Energy usage could be reduced by enhancing insulation of existing buildings and encouraging town centre living.

Council's Response:

1. The Council acknowledges the significance of Climate Change and points to the policies on EN2 (Air Quality), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing to assist in addressing issues related to Climate Change. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites).

2. The insulation of existing buildings is not a matter that can be addressed directly through the planning system but more appropriately through initiatives such as those being pursued by the Council's Housing Energy Action Team.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Decreasing the number of houses proposed in the plan, as there is a lack of infrastructure to sustain this housing development.

Council's Response:

1. The Infrastructure Delivery Plan explains how the infrastructure requirements for new development will be met.
No modification required.

Document Section: 10.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Quote: Climate change "is one of the most serious environmental threats facing the world". Where are the policies requiring higher standards of insulation or the use of modern technologies for energy efficiency, e.g. solar heat/power, air and ground source heat pumps. Or is the Council afraid they will be too expensive for developers, who will claim loss of profitability and just resort to the standard requirements of building regulations. Why wait to be told what to do by Central Government, unless the Council takes a more robust approach to Climate Change and energy efficiency nothing will ever happen.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Where are the policies requiring higher standards of insulation or the use of modern technologies for energy efficiency, e.g. solar heat/power, air and ground source heat pumps?

2. The Council should take a more robust approach to Climate Change and energy efficiency otherwise nothing will ever happen.

Council's Response:

1. Whilst the Council is sympathetic to this point the Planning and De-regulation Act 2015, prevented energy efficiency measures being included in Local Plans. Micro generation has not been included due to the more stringent requirements of Central Government Guidance for including such policies in Local Plans. See EV 13 Renewable and Low Carbon Energy Technical Paper (2018).

2. The Council acknowledges the significance of Climate Change and whilst the Local Plan contains policies to help address this issue other initiatives are also being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)). The Planning and De-regulation Act 2015, prevented energy efficiency measures being included in Local Plans.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 10.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This issue is particularly discussed in our Overview Paper. We strongly welcome the emphasised focus on a response to climate change presented in this section. However, without justification or explanation, the information presented in previous LP versions to the Calderdale local carbon reduction target (e.g July 2017 'For the Local Plan period to 2032 ensuring compliance with the national reduction profile requires about a 43.7% reduction' accompanied by table 10.1 identifying 'greenhouse gas emission targets for Calderdale to 2050) has been omitted. This is unacceptable for two reasons, additional to the absence of an explanation for the removal: other consultees to the LP will most likely not be aware of the omission, and therefore will not comment on the absence of the local carbon reduction target; and the absence of the target means that it is no longer possible to interrogate other aspects of the plan from the strategic perspective of 'if action X is/is not taken, what will be the implications and consequences for the local carbon reduction target?'. The sequence of this argument is that since policy CC1 did not previously contain a local carbon reduction target - that's correct; it didn't, but it should have done - that the textual reference to a specifically local percentage reduction was not relevant, so it was removed. The text that remains however "" 'Calderdale Council, working with partners through the Energy Futures Panel have further refined the target to be more specific for the Borough and the information available. This used a 2005 base year resulting in the 2050 target being about 76% for Calderdale rather than the 80% established for the UK as a whole' - is largely inaccurate. As a member of the Energy Futures Panel myself I know that panel has never considered a local variation of the national 2050 target, nor would it serve any purpose for it to do so. Instead, all of the work of the panel over the last 6 years has been focused on delivering the 40% reduction target by 2020 set by the Council in 2012; and in the last year it discussed and agreed the need to extend the 2020 target to 2030/32 in order to align the period of the draft local plan. Beyond these details the much greater significance of either having a local carbon reduction target, or it being removed, is that it applies a carbon constraint to every aspect of the local plan. On the other hand, if it's absent, then any LP policy or development that resulted in an increase in carbon emissions would still be acceptable, thus undermining the council's own adopted carbon reduction strategy. With the target removed both the text and the defined objective of SO2 Climate Change is also neutered. The significance of the local target's removal also becomes clear when you consider the relationship between a carbon target and proposals that would generate road traffic and therefore additional carbon emissions. If it transpired that the approach of the LP to road traffic growth would be incompatible with a local carbon reduction target actually adopted within the Plan, then a constraint upon the extent of road traffic growth would be mandated by it. Since, as our comments elsewhere have demonstrated, it's precisely the case

that the Calderdale strategic transport model is indeed forecasting substantial road traffic growth, causally linked to the strategic transport interventions proposed in policy IM1 - but traffic growth also not disclosed within the plan - then in that situation the removal of the local reduction target becomes essential in order to permit the IM1 road interventions to proceed unimpeded and unconstrained. The removal of the single sentence in paragraph 10.2, combined with the failure to include a quantified local reduction target in policy CC1, therefore effectively collapses Calderdale's previous efforts in recent years to promote carbon reduction activity across many sectors, and also directly contradicts the commitments in the very next paragraph: "The challenge of Climate Change, including both the causes and effects of climate change, cuts across all policy topics with the Local Plan providing a framework to ensure that these are addressed. In doing so the Plan through its policies seeks to reduce greenhouse gas emissions ..." As a final irony, the section immediately afterwards 10.5 onwards, concerns Flood risk - exacerbated in Calderdale, as elsewhere by climate change - as the district has recently experienced to devastating effect.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Local carbon reduction target included in previous version of Local Plan omitted making it difficult to interrogate other aspects of the Plan from the strategic perspective regarding the implications for meeting the local carbon reduction target.
2. Qualified local carbon reduction target should also be included in Policy CC1.
3. Text largely inaccurate as the Energy Futures Panel never considered a local variation of the national 2050 target.
4. Without a local carbon reduction target there is no constraint on other aspects of the Local Plan, including those leading to traffic growth, thus undermining the Council's stated intentions in relation to Climate Change.

Council's Response:

1. Whilst the Council fully acknowledges the challenges posed by Climate Change and the logic of relating

proposals in the Local Plan to a carbon reduction target (for the reasons outlined in the representation by Friends of the Earth) such an approach would require carbon modelling of the Local Plan. Justifying a target and monitoring progress towards ensuring it is achieved would pose challenges under the current Planning System and is effectively beyond the scope of the current Local Plan. Whilst theoretically sound as an approach to addressing Climate Change, in reality incorporating a carbon reduction target in the Plan would also create potential tensions in terms of meeting other requirements of the NPPF. Other initiatives being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)) also form part of the Council's response in relation to Climate Change. The factors contributing to climate change are complex and the Council exercises varying degrees of control over them. In this respect climate change is influenced by numerous policy agendas at the local, national and international levels. The text in the revised paragraph 10.2 provides background contextual information relating to the 2050 target for both Calderdale and the UK. As the Plan does not contain a target for carbon reduction, showing the reduction required over the Plan period is not directly relevant and could be misunderstood as a target.

2. Whilst the Council fully acknowledges the challenges posed by Climate Change and the logic of relating proposals in the Local Plan to a carbon reduction target (for the reasons outlined in the representation by Friends of the Earth) such an approach would require carbon modelling of the Local Plan. Justifying a target and monitoring progress towards ensuring it is achieved would pose challenges under the current Planning System and is effectively beyond the scope of the current Local Plan. Whilst theoretically sound as an approach to addressing Climate Change, in reality incorporating a carbon reduction target in the Plan would also create potential tensions in terms of meeting other requirements of the NPPF. Other initiatives being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)) also form part of the Council's response in relation to Climate Change. The factors contributing to climate change are complex and the Council exercises varying degrees of control over them. In this respect climate change is influenced by numerous policy agendas at the local, national and international levels.

3. Should information be provided to confirm that the reference to the Energy Futures Panel refining the national target to produce a local variation be inaccurate the Council will amend paragraph 10.2 of the Local Plan (SD 01) accordingly.

4. The Council's reasons for not adopting a carbon reduction target are set out above in response to points 1 and 2. Local Plan Policies such as EN2 (Air Quality), IM4 (Sustainable Travel) are designed to assist in addressing issues related to Climate Change. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites). Furthermore the Plan has been subject to Sustainability Appraisal which includes Sustainability Objectives relevant to Climate Change issues.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Qualified local carbon reduction target should also be included in Policy CC1.

Council's Response:

1. Whilst the Council fully acknowledges the challenges posed by Climate Change and the logic of relating proposals in the Local Plan to a carbon reduction target (for the reasons outlined in the representation by Friends of the Earth) such an approach would require carbon modelling of the Local Plan. Justifying a target and monitoring progress towards ensuring it is achieved would pose challenges under the current Planning System and is effectively beyond the scope of the current Local Plan. Whilst theoretically sound as an approach to addressing Climate Change, in reality incorporating a carbon reduction target in the Plan would also create potential tensions in terms of meeting other requirements of the NPPF. Other initiatives being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)) also form part of the Council's response in relation to Climate Change. The factors contributing to climate change are complex and the Council exercises varying degrees of control over them. In this respect climate change is influenced by numerous policy agendas at the local, national and international levels.

No modification required.

Document Section: 10.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **816511**

Name: **Dr Lesley Mackay**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air and noise pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today (as I live alongside the A646), then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air and noise pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation

at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not only a local problem, but a regional and national one, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Comment ID **Lpp730**

Site ref (if applicable):

Person ID: **1183598**

Name: **Ms Nina Smith**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today, then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only

set to increase. This is not a local problem, but a regional and national, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Transport Model used by the Council shows the volume of road traffic increases substantially across the plan period to 2032 and carbon emissions produced by vehicles will consequently increase thus contributing to climate change.
2. Additional air and noise pollution will result on road corridors.
3. With specific reference to the Upper Valley Traffic increases will occur on the A646 main road running along the valley and on roads parallel or linked to the main road as a result of increased congestion.

Council's Response:

1. Paragraph 10.3 does not reference traffic growth specifically, but rather addresses emissions from all sources. Increases in road traffic will not only be accounted for by the growth proposed in the Local Plan but by a general background increase in traffic. The Calderdale Local Plan Air Quality Constraints Assessment (2016) (EV54.8) addresses traffic growth over the plan period and the implications for air quality. Measures to reduce carbon emissions resulting from road traffic are addressed in the Councils Low Emissions Strategy (2017) (EV03); Air Quality Action Plan (2018) (EV04); Transport Strategy (2016) (EV 58) and some policy approaches are included in the Local Plan's policies (see eg Section 13 on Infrastructure and Master Planning) and through the distribution and location of sites to enable use of other methods of transport and reduce the need to travel.

2. Measures to reduce the impacts of road traffic are addressed in the Councils Low Emissions Strategy (2017) (EV03); Air Quality Action Plan (2018) (EV04); Transport Strategy (2016) (EV 58). Additionally the Local Plan's policies (see eg Section 13 on Infrastructure and Master Planning) address the distribution and location of sites to enable use of other methods of transport including the active modes as well as reduce the need to travel.

3. Measures to reduce the impacts of road traffic are included in the Local Plan's policies (see eg Section 13 on Infrastructure and Master Planning) and through the distribution and location of sites to enable use of other methods of transport including the active modes as well as reduce the need to travel. Only a limited proportion of the growth in the Local Plan is allocated to the Upper Valley area.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Actively manage the quantity of road traffic/apply measures to stop proposed increase.
2. Consider reducing development levels to achieve this objective.
3. Proposed road schemes in Policy IM1 not be approved and traffic growth constrained if this would lead to an increase in carbon and air quality emissions.
4. Increase support for sustainable transport as per Policy IM4 and IM5.

Council's Response:

1. Paragraph 10.3 does not reference traffic growth specifically. Whilst there are measures in the Local Plan to both manage and reduce the quantity of road traffic, and especially that associated with the development proposals in the Local Plan, other measures are more appropriately being developed and implemented by the Council's Highways and Engineering Service to address transport issues across the district (an example being the improvements to the A629).

No modification required.

2. Development levels in the Local Plan have been determined in accordance with accepted methods for assessing the levels of eg new housing and employment growth (see EV 01 Employment Land Study (2018) and BP 01 Cabinet Report 12.2.18 Housing Requirements and Allocations) and in order to comply with the requirements of the National Planning Policy Framework.

No modification required.

3. The Strategic Transport Interventions in Policy IM1 are designed to assist in preventing an increase in emissions and are fundamental to achieving the objectives of the Plan.

No modification required.

4. Increasing the sustainability of transport is a fundamental objective of the Local Plan as demonstrated in Policies IM4 and IM5 and implementation of these policies is key to achieving this objective.

No modification required.

Document Section: Policy CC1 Climate Change

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336** Name: **Yorkshire Wildlife Trust** Organisation: **Yorkshire Wildlife Trust**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

We welcome Point 8 of Policy CC1 which states that ' Protecting and enhancing biodiversity habitats, taking care not to create barriers to the movement of wildlife over the wider landscape '. However, as with our comments above for Paragraph 5.7 and SD2, it is essential that the Wildlife Habitat Network is mentioned in the wording, as it will be an essential resource for wildlife to move and adapt in response to climate change.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The Wildlife Habitat Network be mentioned in the wording of the Policy (criterion 8).

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1028087** Name: **Mr Luke Axe MRTPI** Organisation: **Keyland Developments Ltd**

Agent ID: **962361** Name: **Mr Andrew Rose** Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Remove elements that conflict with national guidance

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1361**

Site ref (if applicable):

Person ID: **855708** Name: **Barratt Homes & David Wilson Homes** Organisation: **Barratt Homes & David Wilson Homes**

Agent ID: **1185784** Name: **Chris Atkinson** Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore The policy seeks to ensure that new development proposals contribute to mitigating the effects of climate change. In principle this is welcomed by our Client, however it is noted that the policy makes no reference to such mitigation measures being subject to feasibility. As such, our Client objects to the contents of the policy as it is not considered to be sound as it is not effective or positively planned, therefore fails to meet the tests as soundness as set out in paragraph 35 of the Revised Framework. Whilst providing climate change mitigation is important, this should not lead to situations where it jeopardises suitable developments from coming forward. We would advise that an additional caveat is added to the policy which states that the contribution towards climate change mitigation should be subject to feasibility.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1413**

Site ref (if applicable):

Person ID: **1183599** Name: **Mr Andrew Wood** Organisation: **Consultant Planner CPRE**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. The evidence paper attached explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy CC1 and Table 10.1 Climate Change We welcome the clarity given here about the Local Plan's role in addressing climate change; this is markedly better than a number of other Local Plans CPRE has responded to. The policy objectives set out in CC1 are all worthy of support. We also welcome the way that Table 10.1 identifies the other policies in the Plan that are relevant to the monitoring of progress on CC1. The problem for the soundness of CC1 arises from the key policies in the Plan that will render it ineffective, and are also not cross-referenced to it for monitoring purposes. Principally these are: SD3 and the Housing Trajectory, which create the conditions for excessive allocation, haste for housing delivery and a resulting inability to include brownfield sites within the land supply, all of which will compromise the locational sustainability and the design quality of development; SD4, which makes no connection between the type of employment growth being sought, its land-use implications and the consequences for increasing or reducing climate change impacts and resilience; SD5 and SD7, which regard the additional road traffic arising from development as a technical implication which can be addressed by road upgrades, rather than as any indication that the proposed location of development is unsound from a climate change perspective. Sustainable location of development to optimise climate change mitigation does not feature in Table 10.1 with quantifiable targets and indicators. Consequently, it is highly likely that the net effect of the Local Plan will be not amount to successful mitigation and adaptation for climate change, so CC1 is ineffective. It is changes to these other key policies and their monitoring that would address the problem.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp153**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We are staggered by the hypocrisy shown by the Council in this policy e.g. Quote: 'Locating development in areas accessible by public transport, and safe, attractive well linked cycling and walking routes,' The council's own various transport studies (WSP, StearDaviesGleave) have shown that LP0221, LP0782 and LP1543 in Shelf and Northowram are located well away from an accessible public transport route and will generate increased traffic on narrow country lanes used for walking. Quote: 'Creating, protecting and enhancing biodiversity habitats, taking care not to create barriers to the movement of wildlife over the wider landscape;' Likewise the sites listed above will destroy habitat and severely restrict movement of wildlife. Despite being aware of these contra indications the Council are still proposing these sites for development. Under Policy CC1 they would be required to refuse planning permission, unless of course they are relying on the weakness of subjective wording such as 'should' to provide a get out for developers.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp224**

Site ref (if applicable):

Person ID: **1121844**

Name: **Mr Henry Carter**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I agree wholeheartedly with the above comment. It is entirely paradoxical to implement a climate change policy which considers congestion a factor contributing to climate change, and then allow the building of myriad houses which will increase traffic congestion! Moreover, it is in the best interests of biodiversity and animal habitats NOT to build on green belt sites. I implore the council to make better use of existing brown-field sites, and leave the green belt land be.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Specify how 'congestion' is and will be tackled over the coming years.

Additional Evidence Link:

Comment ID **Lpp799**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The policy needs to include reference to the proposals of the local plan contributing to and being constrained by the local Calderdale carbon reduction target of 43.7% by 2032. The previous version of the target - a 40% reduction by 2020 - was adopted by Calderdale Council in 2012.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Key policies in the Local Plan such as SD3 (Housing Requirement), SD4 (Land for Employment Use), SD5 (Allocated Employment Sites) and SD7 (Allocated Housing Sites) will render Policy CC1 ineffective in achieving successful mitigation and adaptation in relation to climate change.

2. Sites allocated in the Northowram and Shelf Area are contrary to those elements of Policy CC1 regarding locating development in areas accessible by public transport and active modes and the need to create, protect and enhance biodiversity habitats.
3. Not building on Green Belt sites better for biodiversity whilst more brownfield sites should be used.
4. Wildlife Habitat Network should be mentioned specifically in Policy CC1 (criterion 8).
5. Policy CC1 needs to include reference to the proposals of the Local Plan contributing to and being constrained by the local Calderdale carbon reduction target of 43.7% by 2032.
6. Questionable if those elements of the Policy relating to renewable and low carbon energy are in line with Government Guidance.
7. Mitigation measures should be subject to feasibility (otherwise there is potential for the Policy to jeopardise otherwise suitable developments coming forward)

Council's Response:

1. Policies setting out growth requirements in the Local Plan are required to ensure that the Local Plan meets the requirements of the National Planning Policy Framework and therefore sound. Mitigating the impact on Climate Change is dependent on implementation in accordance with other relevant policies in the Local Plan.
2. As with all the other land allocations in the Local Plan the sites in the Northowram and Shelf area have been subject to a rigorous assessment - See EV 51.1 Site Allocation Assessment Methodology – Publication Draft (2018).
3. As with all the other land allocations in the Local Plan the sites in the Northowram and Shelf area have been subject to a rigorous assessment - See EV 51.1 Site Allocation Assessment Methodology – Publication Draft (2018) and EV 09 Exceptional Circumstances for the Release of Green Belt (2018).
4. Whilst this is theoretically already covered by the existing wording in Policy CC1 the Council accepts that specifically mentioning the wildlife habitat network would add clarity.
5. Whilst the Council fully acknowledges the challenges posed by Climate Change and the logic of relating proposals in the Local Plan to a carbon reduction target (for the reasons outlined in the representation by Friends of the Earth) such an approach would require carbon modelling of the Local Plan. Justifying a target and monitoring progress towards ensuring it is achieved would pose challenges under the current Planning System and is effectively beyond the scope of the current Local Plan. Whilst theoretically sound as an approach to addressing Climate Change, in reality incorporating a carbon reduction target in the Plan would also create potential tensions in terms of meeting other requirements of the NPPF. Other initiatives being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)) also form part of the Council's response in relation to Climate Change. The factors contributing to climate change are complex and the Council exercises varying degrees of control over them. In this respect climate change is influenced by numerous policy agendas at the local, national and international levels. Therefore a carbon reduction target is not included in Policy CC1.
6. The Local Plan does not include the elements referred to by the representor. See EV 13 Renewable and Low Carbon Energy Technical Paper (2018).

7. Such a change would undermine the Local Plan including Policy CC1 and given the importance of addressing the issue of Climate Change further flexibility would not be appropriate, particularly given the fact that the Plan does not contain a carbon reduction target as proposed by Friends of the Earth.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. It is changes to other key Local Plan policies and their monitoring that will make Policy CC1 sound.
2. Reference to Wildlife Habitat Networks in criterion 8.
3. Specify how 'congestion' is and will be tackled over coming years.
4. Remove elements that conflict with national guidance
5. Add caveat to policy stating contribution towards climate change mitigation should be subject to feasibility.
6. Policy CC1 needs to include reference to the proposals of the Local Plan contributing to and being constrained by the local Calderdale carbon reduction target of 43.7% by 2032.

Council's Response:

1. Policies setting out growth requirements in the Local Plan are required to ensure that the Local Plan meets the requirements of the National Planning Policy Framework and therefore sound. Mitigating the impact on Climate Change is dependent on implementation in accordance with other relevant policies in the Local Plan.

No modification required.

2. Whilst this is theoretically already covered by the existing wording in Policy CC1 the Council accepts that specifically mentioning the wildlife habitat network would add clarity.

MODIFICATION:

Policy CC1 criterion 8 – re-draft as follows:

- Creating, protecting and enhancing biodiversity habitats including the wildlife habitat network, taking care not to create barriers to the movement of wildlife over the wider landscape;

3. Details on addressing traffic growth are contained in specific policies in Section 13 (Infrastructure and Master Planning) of the Local Plan (SD 01) whilst Policy CC1 is an over-arching policy relating to Climate Change.

No modification required.

4. Policy CC1 does not include the specific requirements referred to by the representor. See EV 13 Renewable and Low Carbon Energy Technical Paper (2018).

No modification required.

5. Such a change would undermine the Local Plan including Policy CC1 and given the importance of addressing the issue of Climate Change further flexibility would not be appropriate.

No modification required.

6. Whilst the Council fully acknowledges the challenges posed by Climate Change and the logic of relating proposals in the Local Plan to a carbon reduction target (for the reasons outlined in the representation by Friends of the Earth) such an approach would require carbon modelling of the Local Plan. Justifying a target and monitoring progress towards ensuring it is achieved would pose challenges under the current Planning System and is effectively beyond the scope of the current Local Plan. Whilst theoretically sound as an approach to addressing Climate Change, in reality incorporating a carbon reduction target in the Plan would also create potential tensions in terms of meeting other requirements of the NPPF. Other initiatives being pursued by the Council such as the Energy Future strategy (See EV 13 Renewable and Low Carbon Energy Technical Paper (2018)) also form part of the Council's response in relation to Climate Change. The factors contributing to climate change are complex and the Council exercises varying degrees of control over them. In this respect climate change is influenced by numerous policy agendas at the local, national and international levels. Therefore the Council does not consider it currently appropriate or practicable to include a carbon reduction target in Policy CC1.

No modification required.

Document Section: Table 10.1 Monitoring: Policy CC1 - Climate Change

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. The evidence paper attached explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy CC1 and Table 10.1 Climate Change We welcome the clarity given here about the Local Plan's role in addressing climate change; this is markedly better than a number of other Local Plans CPRE has responded to. The policy objectives set out in CC1 are all worthy of support. We also welcome the way that Table 10.1 identifies the other policies in the Plan that are relevant to the monitoring of progress on CC1. The problem for the soundness of CC1 arises from the key policies in the Plan that will render it ineffective, and are also not cross-referenced to it for monitoring purposes. Principally these are: SD3 and the Housing Trajectory, which create the conditions for excessive allocation, haste for housing delivery and a resulting inability to include brownfield sites within the land supply, all of which will compromise the locational sustainability and the design quality of development; SD4, which makes no connection between the type of employment growth being sought, its land-use implications and the consequences for increasing or reducing climate change impacts and resilience; SD5 and SD7, which regard the additional road traffic arising from development as a technical implication which can be addressed by road upgrades, rather than as any indication that the proposed location of development is unsound from a climate change perspective. Sustainable location of development to optimise climate change mitigation does not feature in Table 10.1 with quantifiable targets and indicators. Consequently, it is highly likely that the net effect of the Local Plan will be not amount to successful mitigation and adaptation for climate change, so CC1 is ineffective. It is changes to these other key policies and their monitoring that would address the problem.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Sustainable location of development to optimise climate change mitigation be included in Table 10.1.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Monitoring: Table 10.1 (Monitoring Policy CC1) does not include the sustainable location of development to optimise climate change mitigation with quantifiable targets and indicators.

Council's Response:

1. The sustainable location of development is the key factor behind the selection of the land allocations along with other factors such as deliverability. Unlike the other monitoring indicators in Table 6.1 of the Local Plan (SD 01) the sustainable location of development is not linked to any particular policy but rather the outcome of a number of factors including the site assessment methodology (See EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018)) as well as Sustainability Appraisal. There would also be practical problems in term of definitions and quantifiable targets for sustainable locations.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Sustainable location of development to optimise climate change mitigation be included in Table 10.1.

Council's Response:

1. The sustainable location of development is the key factor behind the selection of the land allocations along with other factors such as deliverability. Unlike the other monitoring indicators in Table 6.1 of the Local Plan (SD 01) the sustainable location of development is not linked to any particular policy but rather the outcome of a number of factors including the site assessment methodology (See EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018)) as well as Sustainability Appraisal ensuring that the most sustainable locations for allocations are included in the Local Plan. Development additional to the allocations will generally be constrained to the existing settlements by the policies in the Local Plan such as those relating to Green Belt. There would also be practical problems in term of definitions and

quantifiable targets for sustainable locations whilst the locations.
No modification required.

Document Section: Flooding and Water Resource Management

Representations

Comment ID

Site ref (if applicable):

Person ID: **1176547**

Name: **Mr Conrad Thwaites**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As shown by the flooding of 2015/16 throughout the Calder valley, and wider afield downstream, there is the potential for very serious incidents. This potential will only increase into the future as global warming takes effect. I consider plans based on estimations of "one in a hundred year events" or similar calculations to be erroneous. The only sensible route is to take a worst case outcome, and remove it. This can be done. In the 2015 flooding, the city of Leeds came close to catastrophe, which could have cost the UK hundreds of millions of pounds, possibly billions. Against this, spending £50 or £100 million now is chickenfeed, and Calderdale council needs to persuade central government of this reality. The current alleviation schemes will not work in a serious event. They focus on speeding the water downstream, a very foolish thing to do as I have just described. Exporting the water is just plain wrong. What needs to happen is that the water needs to be held up on the high ground, and slowly released into the rivers over time. this can be done, but needs a very different approach to the current one. The high Pennines need to be re-forested to a very great extent, and large areas of wetland created. This was the ecosystem centuries ago before the trees were felled for ship building and agriculture. To achieve this, land usage needs to be changed from rearing grouse and sheep to forest. To do this, the laws need to be changed to reflect current risks (hence, local and central governments need to co-ordinate), and funds (primarily the Common Agricultural Policy funds) re-directed to paying farmers to grow trees instead of sheep, and compensating (to a fair extent) the owners of grouse moors.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Local Plans based on estimations of 1 in 100 year events or similar calculations are erroneous.
2. Current alleviation schemes will not work in a serious event. Focus should be on techniques to slow the flow such as reforestation and the creation of wetlands, rather than speeding the water downstream.

Council's Response:

1. Flood Risk Management policies in the Local Plan are considered to be in conformity with the NPPF. Specifically, Local Plan Policy CC2 requires new development to follow a sequential risk based approach and be directed away from flood zones 2 and 3 in accordance with the principles of the National Planning Policy Framework. Policy CC2 also requires development to have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data.

The Council considers that the evidence submitted supports and justifies the content of the Local Plan.

2. The Council recognises that not only people and development need protecting from flood risk, but that there is a role for the management of the catchment of the River Calder to reduce run-off, river flow and hence flood risk. Using Policy CC4 Catchment Management, the Council will work with stakeholders to manage run-off and "Slow the Flow" through proposals for natural flood management such as targeted land and vegetation management and planting in upper catchments and along river and canal banks.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Local Plan should be based on worst case flooding scenarios.

Council's Response:

1. Flood Risk Management policies in the Local Plan are considered to be in conformity with the NPPF. Specifically, Local Plan Policy CC2 requires new development to follow a sequential risk based approach and be directed away from flood zones 2 and 3 in accordance with the principles of the National Planning Policy Framework. Policy CC2 also requires development to have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data.

The Council considers that the evidence submitted supports and justifies the content of the Local Plan.

No modification required.

Document Section: 10.12 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1125815**

Name: **Mrs K Boothroyd**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Plan suggests that there have been no drainage issues reported in the vicinity. This statement is not correct. Thornhill Beck floods on many occasions and is indeed frequently closed by the council. Boxing Day 2015 showed the devastation that flooding brought across Calderdale. Brighouse itself was hugely affected. By destroying the valuable land throughout Thornhills, Clifton by development you are putting Brighouse at more risk of flooding. It is well known factor that anything that increases runoff speed, like excessive pavement or ditching of farmland, will contribute to floods. Where is the environmental evidence that has investigated this? Development on the Thornhills, Clifton Green Belt area is not appropriate as ground stability and drainage is vital. The fields regularly become water logged and flooded. Therefore the Green Belt land in Thornhills, Clifton is not suitable for development on these grounds. What evidence has been provided by the Council to substantiate their claim that the land is suitable?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Further studies to substantiate claims that this area will not lead to increased flooding in the immediate vicinity and in the Brighouse area. Investigate other more suitable areas for housing development.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan has failed to demonstrate that it has investigated the potential flooding impacts on the Brighouse area caused by substantial development.

Council's Response:

1. Document EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018) details the process the Council has followed in relation to the site assessment process. The document outlines the various stages of assessment from initial site identification to the implementation of the Sequential Approach.

All sites assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Research required to substantiate claims that development in this area will not lead to increased flooding.

Council's Response:

1. Document EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018) details the process the Council has followed in relation to the site assessment process. The document outlines the various stages of assessment from initial site identification to the implementation of the Sequential Approach.

All sites assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1).

No modification required.

Document Section: Policy CC2 Flood Risk Management (Managing Flood Risk in New

Representations

Comment ID

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy CC2 states that the Council will require new development to follow a sequential risk based approach in line with the principles of the Framework. The Policy goes on to state the proposals within flood zone 3ai will be assessed against the requirements of the Framework but with additional restrictions. Gladman continue submit that as currently drafted, the policy is inconsistent with national policy and could act to preclude otherwise sustainable development opportunities from coming forward.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached The new NPPF is now clearer that the Sequential Test, with includes a wider sequential approach,

and should include future flood risk from all sources, including the predicted impacts of climate change. This change will need to be reflected in this policy, rather than just state Flood zone 2 and 3 Areas. We are pleased to see the changes made to the policy as suggested in our previous response.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109653>

Comment ID **Lpp629**

Site ref (if applicable):

Person ID: **1183504**

Name: **Ms Penny Eastwood**

Organisation: **Co-ordinator SOURCE Partnership**

Agent ID: **1183503**

Name: **Ms Penny Eastwood**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Pleased to support point 5 in particular - suggest a minor rewording to use 'must' instead of 'should':

Additional Evidence Link:

Comment ID **Lpp879**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp923**

Site ref (if applicable):

Person ID: **1183576**

Name: **Mr John Bradshaw**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The draft plan is unsound because it is difficult to see how its aspirations to manage flood risk in the Calder valley are compatible with the scale of housing and other developments envisaged in the plan. The December 2015 flooding in the lower valley showed the flood risk is increasing even with the existing level of development. Further large scale development in the Calder basin and, probably, more extreme weather events are likely to significantly increase the risk of both run-off and river flooding. Making large-scale hydrological impact assessments is complex and fraught with uncertainty. But, in my opinion the plan is too sanguine in its view that large scale development can go hand in hand with reducing the valley's flood risks. This issue is so fundamental that the Council should commission an independent expert review of the of the likely impact of the proposed developments on the valley's flood risk.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The policy is inconsistent with national policy and could preclude otherwise sustainable development coming forward. The policy needs minor rewording to reflect changes between the 2012 NPPF and the 2018 NPPF.
2. The flood risk management policy is incompatible with the scale of housing and other development in the plan (Calder Valley reference).
3. Development in the Calder basin and more extreme weather events are likely to significantly increase the risk of both run-off and river flooding.

Council's Response:

1. The Council has prepared the Plan in accordance with NPPF 2012 because the revised NPPF with its transitional arrangements was not published until July 2018, after the Council took the formal decision in June 2018 to publish the Plan in August.
2. Local Plan Policy CC2 requires new development to follow a sequential risk based approach and be directed away from flood zones 2 and 3 in accordance with the principles of the National Planning Policy Framework. Policy CC2 also requires development to have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data.
3. Flood Risk Management policies in the Local Plan take into account and fully respond to the challenges of climate change.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy needs minor rewording to reflect changes between the 2012 NPPF and the 2018 NPPF.
2. Council should commission an independent expert review of the likely impact of proposed development on the (Calder) valley's flood risk.
3. Suggest a minor rewording to use 'must' instead of 'should'.

Council's Response:

1. The Council has prepared the Plan in accordance with NPPF 2012 because the revised NPPF with its transitional arrangements was not published until July 2018, after the Council took the formal decision in

June 2018 to publish the Plan in August.

No modification required.

2. As part of the Local Plan site assessment process, Site Screening Flood Risk Assessments were carried out on all potential development sites in order to identify flood risk issues. The site screening process identified 12 potential development sites where further, more detailed site-specific assessment, was required to confirm the potential suitability of the potential development sites with respect to flood risk. The site-specific assessment for the 12 sites is contained in the Strategic Flood Risk Assessment Level 2 (Evidence Document EV 20).

No modification required.

3. Where the word 'should' has been used, policy requirements are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.

No modification required.

Document Section: 10.22 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183504**

Name: **Ms Penny Eastwood**

Organisation: **Co-ordinator SOURCE Partnership**

Agent ID: **1183503**

Name: **Ms Penny Eastwood**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Comments This point is welcome but should be worded to specify that 'soft' (green) surface treatments are preferred. Suggested re-wording: 'Sustainable Drainage Systems (SuDS) that contribute to Green Infrastructure (GI) must be installed where possible (e.g. green roofs, swales, rain gardens, detention basins, trees). Where infiltration type SuDS are inappropriate due to ground conditions (soil type, contaminated land issues etc.), non-infiltration type SuDS such as green roofs and ponds may be appropriate. Where 'soft' SuDS solutions are inappropriate, 'hard' SuDS solutions such as permeable paving and rainwater harvesting may be appropriate. The Council will only regard SuDS as inappropriate in exceptional circumstances, where it can be demonstrated.'

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Comments This point is welcome but should be worded to specify that 'soft' (green) surface treatments are preferred. Suggested re-wording: 'Sustainable Drainage Systems (SuDS) that contribute to Green Infrastructure (GI) must be installed where possible (e.g. green roofs, swales, rain gardens, detention basins, trees). Where infiltration type SuDS are inappropriate due to ground conditions (soil type, contaminated land issues etc.), non-infiltration type SuDS such as green roofs and ponds may be appropriate. Where 'soft' SuDS solutions are inappropriate, 'hard' SuDS solutions such as permeable paving and rainwater harvesting may be appropriate. The Council will only regard SuDS as inappropriate in exceptional circumstances, where it can be demonstrated.'

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Paragraph supported but should be worded to specify that 'soft' (green) surface treatments are preferred.

Council's Response:

1. The requirements listed in paragraph 10.22 are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Suggested re-wording:

'Sustainable Drainage Systems (SuDS) that contribute to Green Infrastructure (GI) must be installed where possible (e.g. green roofs, swales, rain gardens, detention basins, trees).

Where infiltration type SuDS are inappropriate due to ground conditions (soil type, contaminated land issues etc.), non-infiltration type SuDS such as green roofs and ponds may be appropriate. Where 'soft' SuDS solutions are inappropriate, 'hard' SuDS solutions such as permeable paving and rainwater harvesting may be appropriate. The Council will only regard SuDS as inappropriate in exceptional circumstances, where it can be demonstrated.'

Council's Response:

1. The requirements listed in paragraph 10.22 are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.

No modification required.

Document Section: Policy CC3 Water Resource Management

Representations

Comment ID

Site ref (if applicable):

Person ID: **11803** Name: **Mr Abdul Gaffar
Environment Agency** Organisation: **Environment Agency**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached We generally support the text within this policy. However, whilst the policy mentioned water efficiency measures, we feel it could be strengthened by specific reference to water efficient features such as rain water harvesting and grey water recycling.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183504** Name: **Ms Penny Eastwood** Organisation: **Co-ordinator SOURCE
Partnership**

Agent ID: **1183503** Name: **Ms Penny Eastwood** Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Add 'Proposals incorporating tree planting and green roofs are particularly encouraged.'

Additional Evidence Link:

Comment ID **Lpp881**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp918**

Site ref (if applicable):

Person ID: **1183629**

Name: **Mr Geoff Sweaney**

Organisation: **Trustee Calder Rivers Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This policy currently does not adequately address the need to improve the quality of rivers in order to meet "good" status by 2021 (Monitoring Policy CC3). It currently looks to influence development only to avoid deterioration.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The policy could be improved by the addition of the line "favouring development which enhances the quality of water resources by improving river habitat by the restoration of a more natural river corridor", along with some explanation as to the sort of measures that may be appropriate. This would support your commitment in paragraph 10.20 to secure Section 106 funding for enhancement of water resources where possible.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The policy could be strengthened by specific reference to water efficient features such as rain water harvesting and grey water recycling.
2. Policy fails to address the need to improve the quality of rivers in order to meet "good" status by 2021.

Council's Response:

1. The requirements listed in Policy CC3 are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.
2. The EU Water Framework Directive requires that all inland waters reach at least 'good' chemical and ecological status by 2015. This target has been updated by the Humber River Basin Management Plan, 2015 which now requires that all water bodies meet good status or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status by 2021. The narrative for policy CC3 acknowledges and makes full reference to this. Further, the Environment Agency is responsible for the management plan's implementation and Policy CC2 clearly states that development should have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data. It is therefore not considered necessary to include a reference to the requirements of the EU Water Framework Directive in Policy CC3.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add

'Proposals incorporating tree planting and green roofs are particularly encouraged.'

2. The policy could be improved by the addition of the line "favouring development which enhances the quality of water resources by improving river habitat by the restoration of a more natural river corridor", along with some explanation as to the sort of measures that may be appropriate. This would support your commitment in paragraph 10.20 to secure Section 106 funding for enhancement of water resources where possible.

3. Make specific reference to water efficient features such as rain water harvesting and grey water recycling.

Council's Response:

1. The requirements listed in Policy CC3 are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.

2. The EU Water Framework Directive requires that all inland waters reach at least 'good' chemical and ecological status by 2015. This target has been updated by the Humber River Basin Management Plan, 2015 which now requires that all water bodies meet good status or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status by 2021. The narrative for policy CC3 acknowledges and makes full reference to this. Further, the Environment Agency is responsible for the management plan's implementation and Policy CC2 clearly states that development should have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data. It is therefore not considered necessary to include a reference to the requirements of the EU Water Framework Directive in Policy CC3. No modification required.

3. The requirements listed in Policy CC3 are intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.

Document Section: Policy CC4 Catchment Management

Representations

Comment ID

Site ref (if applicable):

Person ID: **11803** Name: **Mr Abdul Gaffar**
Environment Agency Organisation: **Environment Agency**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached We are pleased to see the inclusion of the sentence "'Proposals should aim to deliver multi benefit projects enhancing water quality, habitat and biodiversity'".

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183504** Name: **Ms Penny Eastwood**
Co-ordinator SOURCE Organisation: **Partnership**

Agent ID: **1183503** Name: **Ms Penny Eastwood** Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Needs to be more specific. e.g. 'Proposals could include moorland restoration including sphagnum inoculation, new woodlands, attenuation ponds, leaky dams and soil aeration. They should aim to deliver multiple benefits, enhancing water quality, habitats, carbon sequestration and biodiversity.'

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Needs to be more specific. e.g. ' Proposals could include moorland restoration including sphagnum inoculation, new woodlands, attenuation ponds, leaky dams and soil aeration. They should aim to deliver multiple benefits, enhancing water quality, habitats, carbon sequestration and biodiversity.'

Additional Evidence Link:

Comment ID **Lpp882**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We support the existing wording of this policy but at the moment it does not include an attempt to encompass potentially harmful development activity in the upland or moorland areas, including its carbon sequestering peat bogs, which could weaken or erode their ability to retain or slow the flow of water down into the valley bottom. Between this policy and GN3 Natural Environment a stronger effort needs to be made to extend the ability of the local plan to shape upland land management, so that it has the necessary powers to prevent harmful activity.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp989**

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?:

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5078786>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Consideration of impacts of natural flood management be extended to locally designated sites including local wildlife sites and the Calderdale Wildlife Habitat Network.
2. The policy fails to attempt to encompass potentially harmful development activity in the upland or moorland areas, including its carbon sequestering peat bogs, which could weaken or erode their ability to retain or slow the flow of water down into the valley bottom.

Council's Response:

1. The wording of Policy CC4 is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.
2. Local Plan Policy CC2 manages flood risk in new development and states that development should have full regard to and compliance with the advice of the Environment Agency, the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data. Policy CC2 applies to all areas of the district to include upland and moorland areas and the protection it provides from potentially harmful development has not been repeated verbatim in policy CC4.

Duty to Co-operate

Main Issues:

main issues:

Council's Response:

Suggested Modifications

1. Policy needs to be more specific. E.g.
“Proposals could include moorland restoration including sphagnum inoculation, new woodlands, attenuation ponds, leaky dams and soil aeration. They should aim to deliver multiple benefits, enhancing water quality, habitats, carbon sequestration and biodiversity.”

Council's Response:

1. The specific catchment management measures suggested are not precluded by Policy CC4. The wording of Policy CC4 is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers.
No modification required.

Document Section: Policy CC5 Supporting Renewable and Low Carbon Energy

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

YWT welcomes the wording within these policies to protect sites of nature conservation importance. Such is in line with Paragraph 118 of the NPPF. However, as stated in our comments to Paragraphs 10.40 and 10.43, wind turbines can have significant impacts on bat and bird populations. At present there is no policy wording with Policies CC5 and CC6 to safeguard bat and bird populations that are not linked to a designated nature conservation site from wind turbine developments. We therefore advise that the policy wording is amended to include wording for the protection of populations of key species, in particular bats and birds.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Policy wording be amended to include for the protection of key species, in particular bats and birds.

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. No wording in Policy CC5 to safeguard bat and bird populations not linked to designated nature conservation sites from wind turbine developments.

Council's Response:

1. This representation was initially made in response to the Local Plan Initial Draft (2017) with the supporting text to Policy CC5 amended accordingly prior to issuing the Publication version of the Local Plan. Paragraph 39 of the Local Plan (SD 01) makes it clear that the issue of harm to bats and birds extends to areas beyond protected nature conservation sites (sentences 2 and 3). Whilst the Council supports the objective of protecting bat and bird populations from wind turbines, Policy CC5 is a high level policy in that it refers to 'no unacceptable adverse environmental effects, including to areas of bio-diversity importance' rather than detailing individual threats. It is the purpose of the supporting text to explain and justify the policy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy wording be amended to include for the protection of key species, in particular bats and birds.

Council's Response:

1. Whilst the Council supports the objective of protecting bat and bird populations from wind turbines, Policy CC5 is a high level policy in that it refers to 'no unacceptable adverse environmental effects, including

to areas of bio-diversity importance' rather than detailing individual threats. It is the purpose of the supporting text to explain and justify the policy. Should the Inspector consider the policy wording be amended as per the representor's proposed modification the Council would accommodate this addition. No modification required.

Document Section: 10.35 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Paragraph 10.35 et seq: Castle Hill, to the south of Huddersfield, is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. Castle Hill is designated as a Scheduled Monument, with Victoria Tower designated as a Grade II Listed Building. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. That document, 'The Castle Hill Setting Study' also examined current features which detract from this setting, outlined particularly sensitive aspects of the asset's setting and identified future risks and issues related to the impact of further development in the surrounding area. The study built upon the 'Castle Hill Conservation Management Plan' (2006) which identified the need for careful management of the setting of Castle Hill over the coming decades to ensure that the key characteristics and features of this setting are appropriately conserved, and that new developments are appropriate in terms of scale, mass and design. The Castle Hill Setting Study makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill's setting and notes, in particular, the potential harm which tall structure, such as wind turbines could have upon the setting of the monument. The Proposals Map identifies a number of areas as potential locations for small and very small turbines. Several of these locations (especially to the east of Brighouse) are identified in the Castle Hill Setting Study as being areas where even very small wind turbines are likely to be visible from the monument. Consequently, in order to alert potential developers that they may need to assess the impact which their proposals might have upon the setting of Castle Hill, an additional Paragraph needs to be included in this Section.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Insert the following additional Paragraph following Paragraph 10.40:- 'Castle Hill, in Kirklees, is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top,

accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. The 'Castle Hill Setting Study' makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill's setting and notes, in particular, the potential harm which tall structure, such as wind turbines could have upon the setting of the monument. Wind turbine proposals, therefore, will also be expected to take into account of their potential impacts upon Castle Hill.'

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Castle Hill Setting Study (Kirklees Council) highlights the potential harm tall structures such as wind turbines could have on the setting of Castle Hill.
2. Proposals Map identifies several potential locations for wind turbines which could harm the setting of Castle Hill and therefore potential developers need to be aware they may need to assess the impact of their proposals on Castle Hill.

Council's Response:

1. The Council accepts the points made by Historic England regarding the need to ensure the protection of the setting of Castle Hill.
2. The Council accepts the points made by Historic England regarding the need to ensure the protection of the setting of Castle Hill.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Insert the following additional Paragraph following Paragraph 10.40:-

“Castle Hill, in Kirklees, is one of the most distinctive and prominent landscape features in the region. It is

visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. The 'Castle Hill Setting Study' makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill's setting and notes, in particular, the potential harm which tall structure, such as wind turbines could have upon the setting of the monument. Wind turbine proposals, therefore, will also be expected to take into account of their potential impacts upon Castle Hill."

Council's Response:

1. The Council accepts the proposed wording from Historic England designed to ensure the protections of the setting of Castle Hill and therefore proposes the following modification.

MODIFICATION:

Insert the following after paragraph 10.40 of the Local Plan (SD 01):

"Castle Hill, in Kirklees, is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. The 'Castle Hill Setting Study' makes it clear that the extensive wide-ranging views from the hilltops across the surrounding landscape are a critical component of Castle Hill's setting and notes, in particular, the potential harm which tall structures, such as wind turbines could have upon the setting of the monument. Wind turbine proposals, therefore, will also be expected to take into account their potential impacts upon Castle Hill."

Document Section: 10.40 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

We note that biodiversity impacts have not been added to the strategic priorities when determining the impacts of wind turbine proposals. Wind turbine developments can have significant impacts on bats and birds. This is of a particular concern given the large areas of the South Pennine Moors SSSI/SPA/ SAC within the Calderdale boundary, an internally designated sites for its important bird populations. So far such impacts have not been mentioned in the paragraphs supporting the wind turbine policy. We therefore advise that this is added in order to better safeguard biodiversity and designated sites.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Biodiversity impacts be added to the strategic priorities when determining the impacts of wind turbines in order to better safeguard biodiversity and designated sites.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. In determining impacts of wind turbine proposals no mention of biodiversity impacts such as the

significant impact on bats and birds.

Council's Response:

1. Paragraph 10.39 of the Local Plan (SD 01) specifically addresses this issue.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Biodiversity impacts be added to strategic priorities when assessing impacts of wind turbines

Council's Response:

1. Paragraph 10.39 and Policies CC5 and CC6 of the Local Plan (SD 01) address the issue raised in the representation.
No modification required.

Representations

Comment ID **Lpp1017**

Site ref (if applicable):

Person ID: **1121682** Name: **Ms Carol Cosens** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Building of wind turbines is not acceptable - it's ruining our conservation area and wildlife corridors. There is no explanation for the wildlife corridor reduction and/or removal.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1104**

Site ref (if applicable):

Person ID: **957088** Name: **Mrs Thelma Hodgkinson** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Wind turbine policy CC6 proposed site marked * on the enclosed map under "Recreation Grounds." I object to this proposal on the grounds that this area's correct name is Stainland memorial ground and the land in total was originally bought by the then Stainland urban district council and gifted in its entirety to the people of Stainland as a lasting commemoration to those people of Stainland who died in World War 1. To designate even a small portion of this area as a proposed wind turbine mass is a travesty. (See map *). Also why has this area been highlighted for a potential wind turbine mass when it is adjacent to a local

wildlife site & close to a conservation area?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

It is of vital importance that we protect and do not erode our wildlife areas (Which have been vastly altered under this plan) that we maintain our conservation area and that we continue to protect and provide our memorial park in its entirety for the benefit of our community.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082357>

Comment ID **Lpp1362**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Part 3 of the policy sets out the Council's aspirations that all larger scale development should consider the opportunities to provide different and innovative heating to occupiers. The policy defines larger scale developments as being of 1,000sqm or 10 dwellings or more. It is noted that the policy requires such developments to connect to an existing district heating network, or to provide a site wide district heating network served by a low carbon heat source, where technically viable. It is not simply a case of technical viability, but also one of financial viability and this should be acknowledged within the policy. Our client objects to the policy as currently drafted as it is unsound and does not meet the tests of soundness as set out at paragraph 35. The policy also requires all development proposals to demonstrate how sites have been designed to allow for connection to a future district heating network, in areas where district heating is currently not viable, but where there is potential for future district heating network. Our Client considers this requirement to be unreasonable as they should not have to plan for a proposal that may never come forward. As noted above this may also lead to financial viability issues which could affect the delivery of the authority's development needs.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp322**

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support the intention that renewable energy and low-carbon development proposals will be assessed against the potential harm they might have upon the District's heritage assets. This will help to ensure that any renewable energy developments take place in a manner which safeguards the distinctive character of the District and conserves Calderdale's historic environment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp404**

Site ref (if applicable):

Person ID: **1182962** Name: **Stainland District Parish Council** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Wind Turbines Policy CC6 objection Stainland & District Parish Council is concerned about the proliferation of potential wind turbine sites within its area. Many of these potential sites will have a large negative impact on Stainland Conservation Area. One of the proposed sites crosses Stainland Memorial Park. The location of the sites does not appear to acknowledge their proximity to Stainland Conservation Area or the closeness of 25 metre high turbines to the settlement. Overall, The Parish Council objects to: the close proximity of potential wind turbines to Stainland Conservation Area and the high negative impact the wind turbines would have on the setting of the Conservation Area and important views both into and out of it; a

potential wind turbine site across Stainland Memorial Park, which is inappropriate; the close proximity of wind turbines to existing properties and the high number of potential sites in the Parish Area.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

We are sure the Inspector will be able to decide the best way forward based on the comments.

Additional Evidence Link:

Comment ID **Lpp473**

Site ref (if applicable):

Person ID: **1182866**

Name: **Fieldhouse**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I object to the large number of potential windturbine sites in the area. Many of these potential sites will have a large negative impact on Stainland Conservation Area. One of the proposed sites crosses Stainland Memorial Park. The location of the sites does not appear to acknowledge their proximity to Stainland Conservation Area or the closeness of 25 metre high turbines to the conservation area

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Green belt should be retained around the conservation area of Stainland

Additional Evidence Link:

Comment ID **Lpp724**

Site ref (if applicable):

Person ID: **11797**

Name: **Mr & Mrs Mark & Amanda
Tattersall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We object to the proliferation of potential wind turbine sites within the Stainland & District Parish Council area. The spread, number, location and distance of proposed wind turbine areas does not reflect the aim of Policy CC6. They do not adhere to The South Pennines Wind Energy Landscape Study and the locations also conflict with Policy HE1 for the Historic Environment. Many of the potential sites will have a high negative impact on Stainland Conservation Area. One of the proposed sites crosses Stainland Memorial Park. Our comment also refers to wind turbines up to 18 metres, as this size of turbine is still potentially large enough to also have a high negative impact. The potential wind turbine locations were not included within the 2017 Draft Local Plan map at last year's consultation. They have therefore not been previously consulted on before this Published version. A large area of turbines is proposed on Stainland Moor. The Local Plan currently proposes to remove this area of land from the Special Landscape Area. We have commented separately on this. The location of the sites does not appear to acknowledge their proximity to Stainland Conservation Area or the closeness of 25-metre-high turbines to the settlements. Overall, we object to: the close proximity of potential wind turbines to Stainland Conservation Area and the high negative impact the wind turbines would have on the setting of the Conservation Area and important views both into and out of it; a potential wind turbine site across Stainland Memorial Park, which is inappropriate. The park was gifted to the people of Stainland in commemoration of those who died in the 1st World War; the close proximity of wind turbines to existing properties and the high number of potential sites

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The potential wind turbine areas on the Local Plan policies map should first reflect the aims of policy CC6, HE1 and the South Pennines Wind Energy Landscape Study.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. No reference in the policy to financial viability regarding connections to district heat networks.
2. Requiring development proposals to demonstrate how sites have been designed to allow for connection

to a future district heating network is unreasonable as they should not have to plan for a proposal that may never come forward.

3. No wording in Policy CC6 to safeguard bat and bird populations not linked to designated nature conservation sites from wind turbine developments.

4. Policies Map: Potential wind turbine site shown which is located on Stainland Memorial Ground and which was gifted to the people of Stainland as a lasting commemoration to those people of Stainland who died in WW1.

5. Policies Map: Potential site on Stainland Memorial Ground is adjacent to a local wildlife site and close to Stainland Conservation Area.

6. Policies Map: proliferation of potential wind turbine sites within Stainland and District Parish Council Area with implications for Stainland Conservation Area, Stainland Moor and proximity to existing properties.

Council's Response:

1. The policy is flexible in terms of technical requirements but to add financial viability would risk the policy not being implemented. Measures such as district heat networks are required to address Climate Change issues, an objective of the NPPF. Much of the infrastructure will be provided by an appropriate infrastructure provider with no or limited cost to the developer. Any financial costs should be reflected in the overall design and costing of development schemes including the price of land. Notably, the policy does not currently apply to smaller developments where it could be more difficult to absorb/plan for any additional costs.

2. District heat networks have the potential to significantly reduce carbon emissions and thereby help to reduce the impact of development on Climate Change. As this technology will be more widely available in the future it is in the interests of good planning practice to ensure new residential developments are designed in such a way as to provide opportunities to utilise this source of energy. See also EV 13 Renewable and Low Carbon Energy Technical Paper (2018).

3. The Council supports the objective of protecting bat and bird populations from wind turbines. Whilst Policy CC6 refers to '...sites of nature conservation or biodiversity value', the supporting text in paragraph 10.39 of the Local Plan (SD 01) clarifies the areas to which the Policy applies making it clear that the issue of harm to bats and birds extends to areas beyond protected nature conservation sites.

4. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose.

5. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose. Any proposals would also have to meet the requirements of the relevant policies in the Local Plan (SD 01) and in particular Policy CC6 (Assessment of Renewable and Low Carbon Energy Development Proposals).

6. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose. Any proposals would also have to meet the requirements of the relevant policies in the Local Plan (SD 01) and in particular Policy CC6 (Assessment of Renewable and Low Carbon Energy Development Proposals).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy to acknowledge implementation subject to financial viability as well as technical viability of connecting to district heat networks.
2. Policy should not include requirement to design for connection to a district heating network which may only become available in the future.
3. Policy wording be amended to include for the protection of key species, in particular bats and birds.
4. Policies Map: Ensure protect and not erode wildlife areas and maintain Stainland Conservation Area.
5. Policies Map: Continue to protect and provide the Stainland Memorial Park in its entirety for the benefit of the community.
6. Policies Map: Potential wind turbine areas on the Local Plan policies map should reflect the aims of Policies CC6, HE1 and the South Pennines Wind Energy Landscape Study.

Council's Response:

1. The policy is flexible in terms of technical requirements but to add financial viability would risk the policy not being implemented. Measures such as district heat networks are required to address Climate Change issues, an objective of the NPPF. Much of the infrastructure will be provided by an appropriate infrastructure provider with no or limited cost to the developer. Any financial costs should be reflected in the overall design and costing of development schemes including the price of land. Notably, the policy does not currently apply to smaller developments where it could be more difficult to absorb/plan for any additional costs.

No modification required.

2. District heat networks have the potential to significantly reduce carbon emissions and thereby help to reduce the impact of development on Climate Change. As this technology will be more widely available in the future it is in the interests of good planning practice to ensure new residential developments are designed in such a way as to provide opportunities to utilise this source of energy. See also EV 13 Renewable and Low Carbon Energy Technical Paper (2018).

No modification required.

3. The Council supports the objective of protecting bat and bird populations from wind turbines. Whilst Policy CC6 refers to ‘...sites of nature conservation or biodiversity value’, the supporting text in paragraph 10.39 of the Local Plan (SD 01) clarifies the areas to which the Policy applies making it clear that the issue of harm to bats and birds extends to areas beyond protected nature conservation sites. It is the purpose of the supporting text to explain and justify the policy rather than making the Policy overly long and detailed. No modification required.

4. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose. No modification required.

5. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose. Any proposals would also have to meet the requirements of the relevant policies in the Local Plan (SD 01) and in particular Policy CC6 (Assessment of Renewable and Low Carbon Energy Development Proposals). No modification required.

6. Locations shown on the Proposals Map (SD 02) as potentially suitable for wind turbines are indications of where wind turbines may be acceptable based on technical and landscape considerations in accordance with Government Guidance - See EV 13 Renewable and Low Carbon Energy Technical Paper (2018). They are not actual proposals. For a wind energy development to go ahead the landowner would have to agree to the land being used for such a purpose. Any proposals would also have to meet the requirements of the relevant policies in the Local Plan (SD 01) and in particular Policy CC6 (Assessment of Renewable and Low Carbon Energy Development Proposals). No modification required.

Document Section: 11.1 Managing Growth

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182972**

Name: **Mrs Heather Rooney**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Exponential Growth of Brighouse Brighouse is a small town within Calderdale yet it has been allocated more than 50% of the proposed new housing and will result in a 31% increase in the size of Brighouse. This scale of growth will completely change the ethos of our town alongside plans of neighbouring Kirklees Council to build new houses up to its border to potentially "merge" with Brighouse.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I understand the need to provide housing but feel that there should be smaller developments throughout the Calderdale rather than targeting Brighouse for the lion's share. There should be a mixture of different types of housing, not just large executive style properties, to enable more people to be able to buy their own home. I was under the impression that developers had to include some affordable housing but these seem to be very rare in the recent local developments. I can personally confirm that this is the case as my son is unable to find an affordable first property. I am not a NIMBY and would welcome some smaller developments but only with careful consideration to the points raised above which, in its present format, I do not feel that the Calderdale Local Plan has addressed.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Proposed growth for Brighouse is disproportionate and will change the nature of the town and surrounding area.
2. Development will potentially merge Brighouse with Kirklees.
3. The Plan should ensure a mixture of house types and affordable housing provision.

Council's Response:

1. The paper to the Local Plan Working Party 17th August 2016 attached to evidence document EV09 considers the distribution of development throughout the Local Plan process. The Council considers its distribution of development to be justified and supportive of sustainable development.
2. See Exceptional Circumstances for the Release of Green Belt 2018, specifically Appendix 2 (LPWP Report August 2016: Distribution of Growth).
3. The Plan includes Policy HS3 Housing Mix and HS6 Affordable Housing which addresses these issues.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 12 Health and Well Being

Representations

Comment ID

Site ref (if applicable):

Person ID: **1139521**

Name: **Cllr Sophie Whittaker**

Organisation: **Councillor**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

All allocated sites in Rastrick, except one small site (LP0846 " 12 dwellings) and a half of another (LP0893), are either Green Belt sites, greenfield, designated Open Space, part of the Wildlife Corridor, used for agricultural purposes, or a combination of the aforementioned. Not only do the Council not stipulate how they plan to tackle the inevitable deterioration of public health through increasing air pollution levels, they have failed to address how they plan to enable and support healthy lifestyles - for example through the provision of accessible green spaces, safe walking and cycling infrastructure, sports facilities, allotments, etc. " when they are recommending the development of land that contribute significantly to improving the local environment, and are well used by members of the public for fitness, health and wellbeing. As previously stated, Rastrick has a population that is already 4 times that of Calderdale as a whole, in an area that only accounts for 1.4% (spatially) of the Borough. Excessive development in Rastrick, to the proposed scale, is on Green Belt/greenfield sites. Why? Because the area is so densely populated, that there are no other sites large sites available. So, it seems that Calderdale, instead of allocating the housing numbers our more fairly and proportionally across the Borough, they have decided to target Green Belt/greenfield sites in Rastrick & Brighouse, meaning that existing residents have to suffer the loss of the majority of their open spaces and can expect to see their public health decline as there is no plan to help sustain and improve it. The Council have therefore radically failed in their strategic approach to address their own priorities and objectives of tackling health inequalities, obesity, physical activity, and air quality, in a Borough where deprivation is higher than the national average.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1129567**

Name: **Mr Sanjit Chaggar**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The local plan for the Thornhills, Clifton development is not legally compliant. There seems to be no concrete plan as to the provision of a safe community, and no involvement of the community already living in Clifton in the decision making process. The local plan is out of touch with the realities of the politics surrounding air quality, which Calderdale is already one of the worst in England and needs improving considerably, which realistically could take years and years to be brought within legal limits. The issue of air quality has an impact on people's health and well-being, especially the most vulnerable being children and elderly people.

Do you consider the plan to be Sound?: **No**

Sound Reason:

There is no consideration for the community already residing in the area. No solid plans on how to manage the already growing concern regarding air quality. No thought around supporting a healthy lifestyle, without the need for extra pollution, congestion and road safety issues from a new development. More vehicle emissions will bring poorer air quality and adverse health impacts, especially for the most vulnerable in society being children and elderly people. Pollution and road safety issues discourage physical activity, e.g. walking and cycling. Green belt land is perfect for walking and promoting physical activity, so why is it being built on? The lack of infrastructure for this development includes hospitals, doctors and other health care facilities etc. which are needed to support the individuals that will live within this new development. There are a lack of these health care facilities in this area at present.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There has been no effort to co-operate with the residents already residing in the area to discuss ideas or concerns surrounding the new development. The plan proposes a major development but with a lack of infrastructure regarding hospitals, doctors and other health care facilities etc. which are needed to support the individuals that will live within this new development.

Suggested Modifications:

The number of houses needs to be modified in relation to the resources that already exist within the Clifton, Brighouse area. The number of houses proposed would require recreational and play areas to promote health and well-being for children. Also GP surgeries and other health care facilities etc. are needed to support a new community.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Air quality has an impact on people's health and wellbeing. Insufficient consideration has been given to air quality
2. The Council should be promoting and supporting healthy lifestyles including providing amenity space in any new housing development, accessible green space, walking and cycling routes etc.
3. Distribution of the allocations and subsequent loss of green space in the Clifton area will have a detrimental impact on public health.

Council's Response:

1. Air quality is dealt with comprehensively in the relevant technical paper and the Environmental Protection chapter of the Local Plan.
2. The Council does support healthy lifestyles - see Local Plan policy HW3
3. Whilst the Local Plan will result in the loss of a small amount of Green Belt, there will be an overall improvement to the quality of open space.

Duty to Co-operate

Main Issues:

1. There has been no effort to co-operate with the residents already residing in the area to discuss ideas or concerns surrounding new development.

Council's Response:

1. Consultation has been undertaken in line with the Council's Statement of Community Involvement.

Suggested Modifications

1. The number of houses needs to be modified in relation to the resources that already exist within the Clifton, Brighouse area.

Council's Response:

1. No modification is required

Document Section: 12.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **368488** Name: **Mr & Mrs E Archbold** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Need to ensure the plan accurately reflects population growth, remove contradictions, and ensure planned developments fit with the correctly projected needs.

Council's Response:

1. This text needs to be corrected for the sake of accuracy.

Document Section: 12.4 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **844298** Name: **Cllr Howard Blagbrough** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Please also see attachment. As a council we are to promote healthy lifestyles, yet new housing estates throughout the country do not have adequate amenity space as developers try to maximise their land and provide very little garden space. Within the Clifton area, there is only one play area in the village. The play equipment within this park is dated and desperately needs replacing "" however the council do not have funds in this finance year to replace some of the failed equipment, and yet we are still trying promote people in the community to have a healthy lifestyle and become active.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. With the additional housing and the lack of a plan to address the problem, air quality will become worse.
2. Clifton village does not have sufficient facilities for play and amenity spaces that are required for healthy

lifestyles.

Council's Response:

1. Air quality is dealt with comprehensively in the relevant technical paper and the Environmental Protection chapter of the Local Plan.
2. The garden suburbs will include enhanced provision of play and amenity space.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HW1 Health Impacts of Development

Representations

Comment ID **Lpp1248**

Site ref (if applicable):

Person ID: **1185314**

Name: **Mr Dave McGuire**

Organisation: **Sport England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Sport England wishes to offer its strong support to policies HW1-HW3. Helping to improve levels of physical activity across communities is an increasingly important part of improving their overall well-being. The policies recognise the role that the planning system can play in this. The use of Health Impact Assessments is useful tool in understanding the health impacts of planning decisions at whatever scale, and we would expect that the Local Plan's policies and proposals (beyond the policy on Hot Food Takeaways) have been the subject of an Assessment.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1452**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the

representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies HW1 to HW3: Health and Wellbeing In our view the key spatial policies in the Plan (SD3 to SD7) will fail to address key aspects of the health and wellbeing policies, in particular: HW1 (iii) " promoting and enabling healthy lifestyles as the normal, easy choice"; HW2 "" HIA expectation (vi) for active travel, public transport and accessibility; HW3 5th bullet " Strongly encouraging the re-use of vacant and derelict buildings and spaces (brownfield land)". Crucially, these are presented as development management considerations, but there is no evidence offered as to how the spatial policies of the Plan will create the conditions for those considerations to be implemented. We cannot expect an HIA of a development to deal properly with active travel if it is on an allocated site in an adopted Plan, but that site is not well-located to promote active travel. Therefore, in our view, the health and wellbeing policies need to be significantly re-framed to set good standards for enhancing health and wellbeing at the Plan level. It is also very significant, and worrying, that there are no monitoring indicators and targets offered for these policies, and therefore no sense of the direction or rate of progress that is hoped for. This must be addressed if the Plan is to be considered sound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp154**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPP)**

Organisation: **Chairperson SNLPP**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The quite country lanes to the north of Shelf are well used by walkers, runners and horse riders for healthy exercise and enjoyment. The fields to the north of Shelf are criss-crossed by Public Footpaths allowing people to get out and enjoy open views, healthy fresh air and basically to 'de-stress'. The Council must explain how destroying large areas of greenbelt, Open Space and quiet woodland in Shelf and Northowram promote the aims of this policy? Proposals for development on LP0221, LP0782, LP1041 and LP1543 will

destroy and deny access to, the very amenities that this policy is seeking to provide and support. The Council must explain how forcing development traffic and thousands of domestic car trips onto quiet, narrow, substandard lanes leads to a healthy and stress-free environment? The Council must explain how destruction of a tranquil woodland area, well used for gentle exercise and walking, promotes the aims of this policy.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Development management policies cannot address health and wellbeing if the sites allocated in the Plan are not well suited to promoting active travel
2. Loss of Green Belt and countryside will reduce opportunities for recreation.

Council's Response:

1. The sites allocated in the Local Plan are in sustainable locations; and strategic allocations will be masterplanned to ensure that the layout promotes active travel.
2. To the contrary the Garden Suburbs will improve access to recreational opportunities through careful masterplanning.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HW2 Health Impact Assessment

Representations

Comment ID

Site ref (if applicable):

Person ID: **1069334** Name: **Ms Megan Pashley** Organisation: **Gladman Developments Ltd**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy NW2 outlines that proposals for residential development of more than 30 dwellings will be required to provide a health impact assessment. Gladman once again query the necessity of this policy and how the health impact assessments will be judged in a consistent manner through the development management process. Furthermore, Gladman consider the requirement for large-scale applications to undertake a full health impact assessment (HIA) places an unnecessary additional burden on applicants. Gladman note that in relation to HIA's the PPG states that "these may be a useful tool to use where there is expected to be significant impacts" but it also outlines the importance of the local plan in considering wider health issues in an area. As such where a development is in line with policies in the Local Plan a HIA should not be necessary. Gladman submit that a full HIA should not be a standard requirement for all major applications.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1185143** Name: **Mr John England** Organisation:

Agent ID: **960827** Name: **Emma Lancaster** Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1221**

Site ref (if applicable):

Person ID: **1140030**

Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp1228**

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1249**

Site ref (if applicable):

Person ID: **1185314**

Name: **Mr Dave McGuire**

Organisation: **Sport England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Sport England wishes to offer its strong support to policies HW1-HW3. Helping to improve levels of physical activity across communities is an increasingly important part of improving their overall well-being. The policies recognise the role that the planning system can play in this. The use of Health Impact Assessments is useful tool in understanding the health impacts of planning decisions at whatever scale, and we would expect that the Local Plan's policies and proposals (beyond the policy on Hot Food Takeaways) have been the subject of an Assessment.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1271**

Site ref (if applicable):

Person ID: **1185592** Name: **Yorkshire Housing** Organisation: **Yorkshire Housing**
Agent ID: **1185594** Name: **Mr Mark Johnson** Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102264>

Comment ID **Lpp1316**

Site ref (if applicable):

Person ID: **1129942** Name: **Norah Smith** Organisation:
Agent ID: **1185594** Name: **Mr Mark Johnson** Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104801>

Comment ID **Lpp1364**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore The policy requires a Health Impact Assessment (HIA) to be provided for residential developments of 30 or more units. Our Client objects to the requirements of this policy for a number of reasons, which are outlined below. The requirement for a HIA should be dealt with via the Council's local validation checklist and not through a specific planning policy. Our Client therefore objects to the policy on the basis that it is not effective or consistent with the Framework, and we would advise that it is deleted. In addition, the policy states that a HIA should address issues such as physical activity, diet and nutrition, and alcohol and drug use. This is overly onerous and there is no indication as to how such assessments would be considered by the Council and the guidance which they should follow. Many of these issues outlined above cannot realistically be controlled by developers once they have completed a site and the properties are purchased and occupied by private individuals. There is no way that they can control issues such as diet, exercise and drug and alcohol use. This policy should be deleted from the draft Local Plan as it is unsound. Notwithstanding our Clients overarching view that Policy HW2 should be deleted, if it is retained, it is currently too prescriptive in terms of the level of detail that is required in a HIA. Our Client is supportive of a strategic policy, such as Policy HW1, that seeks to improve the health of Calderdale residents, however, Policy HW2 is unjustified, overly onerous and will not be effective.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1424**

Site ref (if applicable):

Person ID: **960161**

Name: **Miss Lucy Hawley**

Organisation: **Highstone Homes**

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson
Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached statement

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See attached statement

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107522>

Comment ID **Lpp1453**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies HW1 to HW3: Health and Wellbeing In our view the key spatial policies in the Plan (SD3 to SD7) will fail to address key aspects of the health and wellbeing policies, in particular: HW1 (iii) " promoting and enabling healthy lifestyles as the normal, easy choice"; HW2 "“ HIA expectation (vi) for active travel, public transport and accessibility; HW3 5th bullet " Strongly encouraging the re-use of vacant and derelict buildings and spaces (brownfield land)". Crucially, these are presented as development management considerations, but there is no evidence offered as to how the spatial policies of the Plan will create the conditions for those considerations to be implemented. We cannot expect an HIA of a development to deal properly with active travel if it is on an allocated site in an adopted Plan, but that site is not well-located to promote active travel. Therefore, in our view, the health and wellbeing policies need to be significantly re-framed to set good standards for enhancing health and wellbeing at the Plan level. It is also very significant, and worrying, that there are no monitoring indicators and targets offered for these policies, and therefore no sense of the direction or rate

of progress that is hoped for. This must be addressed if the Plan is to be considered sound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp364**

Site ref (if applicable): **LP1232**

Person ID: **1123386**

Name: **Mr James Moore**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale has not met their Air Quality targets, however the proposal is to build 4000 homes and an Employment Zone in an air quality management zone. How does Calderdale propose effectively to manage the increase in vehicle emission that will result and the on-going further negative impact this will have on air quality in the future? Further there is a proven direct correlation between poor air quality and adverse health impacts. How does the council intend to mitigate this given the development that is going to take place in Brighouse?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp457**

Site ref (if applicable):

Person ID: **1140304**

Name: **Joanne Harding**

Organisation: **Local Plans Manager -
North Home Builders
Federation**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy HW2 is not considered sound as it is not justified, effective or consistent with national policy for the following reasons. The HBF recognises the importance of ensuring new development supports the wider aims of local authorities and their partners to improve the health and well-being of their residents and workforce. However, the requirement for all residential development of 30 or more units to undertake a Health Impact Assessment (HIA) is unnecessary and an additional burden on applicants. The PPG sets out that HIAs 'may be a useful tool to use where there is expected to be significant impacts' (ID:53-004) but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan an HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring an HIA. The HBF proposes that the policy is modified as follows: The reference to residential development should be deleted, or alternate text included to ensure that it will only apply to windfall sites that are considered to be a departure from the plan. The HBF propose the policy is modified to: 'A Health Impact Assessment (HIA) should be provided for residential developments of 30 or more units, non-residential developments . . .'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp887**

Site ref (if applicable):

Person ID: **1183602**

Name: **Mr Alyn Nicholls**

Organisation:

Agent ID: **10916**

Name: **Mr Alyn Nicholls**

Organisation: **Alyn Nicholls Associates**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This policy applies to hot food takeaways (Use Class A5), wherever they are located. Consequently, it applies where hot food takeaways are sited in town centres. There is no justification to require a health impact assessment when proposals are located in a defined town centre. Such an approach would be consistent with Policy HW6 and the approach taken to controlling Class A5 uses in proximity to a school.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The policy should be modified to make it clear that a health impact assessment is not required for proposals located within defined town centres.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The policy is an unnecessary burden on developers.
2. The policy is overly onerous, not justified and will not be effective.
3. The threshold of 30 dwellings has not been justified.
4. There is no justification to require a health impact assessment when proposals are located in a defined town centre.
5. Local Plans should already have considered the impact of development on the health and well-being of their communities.
6. Development management policies cannot address health and wellbeing if the sites allocated in the Plan are not well suited to promoting active travel
7. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with local air quality action plan.

Council's Response:

- 1./2./3. The policy is a proportionate and appropriate response to the need to ensure that development takes every opportunity to improve the health and wellbeing of residents.
4. In order to achieve its objectives it is important that the policy is not constrained in its scope.
5. The Local Plan has already considered health and wellbeing through the Sustainability Appraisal.
6. The sites allocated in the Local Plan are in sustainable locations; and strategic allocations will be masterplanned to ensure that the layout promotes active travel.

7. The Local Plan is consistent with the Council's emerging Air Quality Action Plan - see policy EN2.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Insert reference to “non-allocated” residential developments of 30 or more units
2. 'Residential developments of 30 or more units' should be deleted from Policy HW2 meaning that it only applies to non-residential development.
3. Policy HW2 should be deleted in its entirety.
4. The policy should be modified to make it clear that a health impact assessment is not required for hot food takeaway proposals located within defined town centres.

Council's Response:

1. Relating the policy to non-allocated sites only fails to acknowledge that the precise manner in which any site is brought forward will influence health and wellbeing - for example through the layout and provision of open space. Such a change will therefore unacceptably reduce the effectiveness of the policy.
2. In order to be effective the policy needs to relate to residential and non-residential development.
3. Policy HW2 is sound and should not therefore be deleted.
4. In order to be effective the policy needs to relate to development in all locations

Document Section: 12.12 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183606**

Name: **Mr Tom Clarke**

Organisation: **National Planning Adviser
Theatres Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

For consistency through this chapter and conformity with the NPPF (both 2012 and 2018 versions) we recommend that this paragraph is broadened to make reference to the inclusion of cultural facilities such as theatres, and the need to protect them, as alluded to in paragraph 12.11.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

For paragraph 12.12 to also reference valued cultural facilities, such as theatres, which have been frequently cited by the community within the accompanying Consultation Statement.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The paragraph should be broadened to make reference to the inclusion of cultural facilities such as theatres, and the need to protect them, as alluded to in paragraph 12.11.

Council's Response:

1. It is considered that the paragraph is rightly focusing on the loss of key local services in rural areas and should not therefore be modified.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The paragraph should be broadened to make reference to the inclusion of cultural facilities such as theatres, and the need to protect them.

Council's Response:

1. It is considered that the paragraph is rightly focusing on the loss of key local services in rural areas and should not therefore be modified.

Document Section: Policy HW3 Well Being

Representations

Comment ID **Lpp1250**

Site ref (if applicable):

Person ID: **1185314**

Name: **Mr Dave McGuire**

Organisation: **Sport England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Sport England wishes to offer its strong support to policies HW1-HW3. Helping to improve levels of physical activity across communities is an increasingly important part of improving their overall well-being. The policies recognise the role that the planning system can play in this. The use of Health Impact Assessments is useful tool in understanding the health impacts of planning decisions at whatever scale, and we would expect that the Local Plan's policies and proposals (beyond the policy on Hot Food Takeaways) have been the subject of an Assessment.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1365**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client objects to Policy HW3 and the

intention to introduce 20mph zones into all future developments. All planning applications should be determined on their own merits and there is no justification for the introduction of a standardised speed limit across all developments. This is a matter to be determined by the highways authority and not the planning authority and as such should be deleted from the policy, as it is unsound and fails to meet the tests of paragraph 35 of the Revised Framework. In addition, we would question the validity of incorporating allotments and garden plots within major residential developments and food production should be down to personal discretion and not imposed as a specific requirement within developments. Our Client strongly objects to the contents of Policy HW5, which states that all new residential developments shall include gardens or communal areas to support household food production. This policy is not workable or practical within major housing developments and should be deleted from the Plan. The Council do not provide any evidence to demonstrate why there is demand for the provision of such areas within residential developments, and as such these aspirations are not justified. As such the policy is unsound and fails the tests of soundness set out in paragraph 35 of the Revised Framework. There are a number of practical matters that have not been considered by the Council, such as whether such plots can only be used by residents of that particular estate or if wider members of the public could use the allotments. In addition, who would manage such areas, if they formed part of a management agreement paid for by residents, would all residents have to contribute to this despite getting no discernible benefits. This is a poorly conceived policy that should be deleted from the Plan

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1454**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date

evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies HW1 to HW3: Health and Wellbeing In our view the key spatial policies in the Plan (SD3 to SD7) will fail to address key aspects of the health and wellbeing policies, in particular: HW1 (iii) " promoting and enabling healthy lifestyles as the normal, easy choice"; HW2 "" HIA expectation (vi) for active travel, public transport and accessibility; HW3 5th bullet " Strongly encouraging the re-use of vacant and derelict buildings and spaces (brownfield land)". Crucially, these are presented as development management considerations, but there is no evidence offered as to how the spatial policies of the Plan will create the conditions for those considerations to be implemented. We cannot expect an HIA of a development to deal properly with active travel if it is on an allocated site in an adopted Plan, but that site is not well-located to promote active travel. Therefore, in our view, the health and wellbeing policies need to be significantly re-framed to set good standards for enhancing health and wellbeing at the Plan level. It is also very significant, and worrying, that there are no monitoring indicators and targets offered for these policies, and therefore no sense of the direction or rate of progress that is hoped for. This must be addressed if the Plan is to be considered sound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183606**

Name: **Mr Tom Clarke**

Organisation: **National Planning Adviser
Theatres Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As per our comments under paragraph 12.12 above, we recommend that this policy makes direct reference to the need to protect valued cultural facilities.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Addition of reference to cultural facilities within the third bullet point.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

- Development management policies cannot address health and wellbeing if the sites allocated in the Plan are not well suited to promoting active travel
- Objection to the intention to introduce 20mph zones into all future developments. All planning applications should be determined on their own merits and there is no justification for the introduction of a standardised speed limit across all developments. This is a matter to be determined by the highways authority and not the planning authority and as such should be deleted from the policy.
- Food production should be down to personal discretion and not imposed as a specific requirement within developments.
- The policy should make direct reference to the need to protect valued cultural facilities.
- Should add 'food production' after 'good design' at first bullet point.

Council's Response:

- 20mph limits introduced in Calderdale are not 20mph zones – it is a borough wide 20mph speed limit on the majority of residential streets and roads – legally they are not zones which require traffic calming.

On 28 May 2014 Calderdale Council resolved to create 20mph limits on the majority of residential roads and streets within Calderdale by 2017. This is a borough wide policy on 20mph that has been agreed by Calderdale Council (Cabinet Minute B127). Calderdale is one of many councils across the country (e.g. Lancashire) who are doing the same.

Prior to the roll out of the 20mph programme some 2000 people across Calderdale were interviewed regarding their views and opinion on 20mph limits. Over 85% of those interviewed were in favour of the introduction of 20mph limits across our area and they felt that 20mph was an appropriate speed for their street. It is recognised that slower speeds help to reduce the number of road collisions and the severity of any injuries suffered by the casualties. Even small reductions of 1mph make a difference in terms of the effect that it might have on a casualty. We have had some pleasing results to date on casualties but it is early days. In the areas tested we have a reduction in casualties of 30% and when compared to national and regional data the fall in our injuries on the roads is faster than other areas. It implies that 20mph is making a difference.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. This policy is not workable or practical within major housing developments and should be deleted from the Plan.
2. Make direct reference to the need to protect valued cultural facilities.
3. Add 'food production' after 'good design' at first bullet point

Council's Response:

1. The policy is justified and evidenced and should not be deleted from the Plan.
2. It is not considered that there is justification to extend the policy to cover the protection of facilities such as theatres.
3. Food production is adequately dealt with elsewhere in policy.

Document Section: 12.13 Paragraph

Representations

Comment ID **Lpp354**

Site ref (if applicable): **LP0397**

Person ID: **1139667**

Name: **Mr and Mrs Alexander and
Claire Tosh**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The site was previously allotments. Surely, based on this statement in the Local Plan, it would make sense to reinstate the allotments.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Given this statement, the Local Plan should reinstate LP0397 as allotments.

Council's Response:

1. The acceptability of LP0397 is considered in the relevant site assessment.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HW5 Sustainable Local Food Production

Representations

Comment ID **Lpp284**

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Halifax Civic Trust welcomes the Health and Well Being Chapter, promoting good health, civic pride and local food production. The approach to hot food takeaways is also welcomed(HW6). We believe HW5 (sustainable food production) could be further strengthened.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add to HW5 mixed use schemes including low cost units for retailers of local produce will be encouraged development that uses up productive garden land and allotments will be resisted

Additional Evidence Link:

Comment ID **Lpp524**

Site ref (if applicable):

Person ID: **1181499** Name: **Ms June Eaton** Organisation: **member Hebden Bridge Disability Access Forum**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We believe that the Local Plan is not sound because it is not justified. It is not justified because it is not the most appropriate strategy. Our more reasonable alternative to policy HW5, which we offer as a more

appropriate strategy, is this: Sustainable Local Food Production All new residential developments shall include gardens or communal areas of adequate size, commensurate in scale with the development, to support household food production. Developments of apartments or specialist accommodation should have some or all of pot/trough space, window box facilities, communal gardens at ground or roof level, pre-built raised beds, sensory gardens and children's play spaces. These are important for access to food growing and to greenery, to promote positive mental health as well as for disabled people who may be unable to go out further afield. Furthermore all developers are encouraged to explore ways to incorporate food growing into landscaping schemes and the spaces around their developments. Proportionate evidence that this alternative policy is more reasonable - and essential to future inclusion and equality for disabled people in Calderdale "" is provided fully in our HBDAF 2017 submission to the draft Local Plan (attached), page 3 point 7. Policy HW5 remains unchanged despite our 2017 submission.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073352>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The policy should be extended to refer to local food production in connection with apartments and specialist accommodation for the elderly and disabled.
2. Mixed use schemes should including low cost units for retailers of local produce
3. Development that uses up productive garden land and allotments will be resisted

Council's Response:

1./2./3. The sentiments of this view are supported. This reflected in the response to the proposed modification.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy HW5 should be amended to read:

All new residential developments shall include gardens or communal areas of adequate size, commensurate in scale with the development, to support household food production.

Developments of apartments or specialist accommodation should have some or all of pot/trough space, window box facilities, communal gardens at ground or roof level, pre-built raised beds, sensory gardens and children's play spaces. These are important for access to food growing and to greenery, to promote positive mental health as well as for disabled people who may be unable to go out further afield.

Furthermore all developers are encouraged to explore ways to incorporate food growing into landscaping schemes and the spaces around their developments.

Council's Response:

1. The wording could be changed to read:

All new residential developments shall include gardens or communal areas of adequate size, commensurate in scale with the development, to support household food production.

WHERE PRACTICAL Developments of apartments or specialist accommodation should have some or all of pot/trough space, window box facilities, communal gardens at ground or roof level, pre-built raised beds, sensory gardens and children's play spaces.

Furthermore all developers are encouraged to explore ways to incorporate food growing into landscaping schemes and the spaces around their developments.

Document Section: Policy HW6 Hot food takeaways

Representations

Comment ID **Lpp1190**

Site ref (if applicable):

Person ID: **1185075**

Name: **McDonald's Restaurants LTD**

Organisation: **McDonald's Restaurants LTD**

Agent ID: **1185072**

Name: **Mr Mike Anderson**

Organisation: **Planware Ltd**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

See Attachment

Do you consider the plan to be Sound?:

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

See Attachment

Suggested Modifications:

See Attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5094758>

Comment ID **Lpp323**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Criterion vii: We support this Criterion. This will help to ensure that any proposals for hot food takeaways safeguard the significance of any heritage assets in their vicinity.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp880**

Site ref (if applicable):

Person ID: **1183602**

Name: **Mr Alyn Nicholls**

Organisation:

Agent ID: **10916**

Name: **Mr Alyn Nicholls**

Organisation: **Alyn Nicholls Associates**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As hot food takeaways (Use Class A5) are a main town centre use, this policy should be moved to the chapter of the plan dealing with retailing and town centres. In respect of threshold of harm within the policy that would trigger an objection to a proposal, the wording should be brought into line with the NPPF and refer to a 'significant adverse' impact. It should not be necessary to refer to the shopping frontages policy because that policy would apply in any event. It should also not be necessary to make reference to the impact of development on Conservation Areas and Listed Buildings as this is a statutory requirement arising from Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

It is suggested that the policy is amended as follows: Policy HW6: Hot food takeaways Proposals for hot food takeaways will be permitted where they meet the following criteria:- The proposed development is not within 400m of the principal entry point to a school except where the application site is within the designated town centres of Halifax, Sowerby Bridge, Brighouse, Elland, Hebden Bridge or Todmorden; No unacceptable significant adverse impacts arise from environmental effects, safety or other problems are created (including measures to limit litter generation, through the provision of on-site bins or the provision of a litter management plan); The proposed development would not increase the level of disturbance or nuisance to a level that would be unduly detrimental to lead to significant adverse impacts on the amenities of anyone living in the area; The proposals would not generate traffic movements or demand for parking that would be unduly detrimental to have a significant adverse impact on highway safety or residential amenities; The proposals make adequate and satisfactory necessary arrangements for the discharge of cooking fumes and smells; The proposals comply with Policy RT2 (shopping frontage policy); The development preserves or enhances Conservation Areas and does not adversely affect Listed Buildings or their settings where these are material considerations; Where proposals are acceptable, restrictions

may be imposed on hours of opening in order to protect the amenity and character of the areas within which the development is located.

Additional Evidence Link:

Comment ID **Lpp945**

Site ref (if applicable):

Person ID: **1130685**

Name:

Organisation: **Kentucky Fried Chicken
(Great Britain) Limited**

Agent ID: **866846**

Name: **Steve Simms**

Organisation: **Director SSA Planning
Limited**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We consider that inclusion of Policy HW6 criterion (i) renders the draft LP unsound and so OBJECT to Policy HW6 criterion (i) on the following grounds: Positively Prepared The draft policy is not based on any objectively assessed development requirement. It effectively assesses the requirement for hot food takeaways within 400 metres of the boundary of a primary or secondary school as zero, but does so without evidence of either a link between the incidence of childhood obesity and the proximity of hot food takeaways to schools or of any particular distance at which that link is demonstrated. Consequently, the development requirement has not been objectively assessed. In fact, the distance chosen has the effect of banning hot food takeaways from a large majority of the City. Because no assessment has been made of the number of hot food takeaways that might be refused as a result of this or what the social, economic or environmental impacts of that might be, it is not possible to balance these impacts. The policy is negative in its assumption that all hot food takeaways offer little choice and serve the same type and standard of food, which is unfair to those that engage positively to offer healthy choices and therefore acts as a powerful disincentive to do so where others compete negatively. Justified There is little evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, so it is at best unclear whether an effort to achieve the objective stated based on refusing planning applications for hot food takeaways within 400m of primary and secondary schools could ever work. The inclusion of primary schools is particularly problematic, as it is clear that children at primary schools are not usually permitted to leave the premises at lunchtime and, given their age, are unlikely to travel to or from school unaccompanied. Outside school time, children's diets are quite properly the responsibility their parents or guardians. Consequently, it is far from clear how refusing planning permission for hot food take-aways within 400 metres of primary schools could ever be justified. This was the view taken by a Planning Inspector in an appeal (APP/P4415/A/11/2159082) against refusal of a restaurant and hot food takeaway in January 2012. A further difficulty of using distance radii is that it takes no account of real barriers, either physical or perceptual, so that premises on the other side of a line feature such as a canal or busy road could be affected despite being more than a 400m walk away. Diet is clearly a key determinant both of general health and obesity levels. Exercise is the other key determinant that must be considered for a complete picture. Focussing on improving access to open space, sport and recreation facilities would be a far more appropriate strategy for reducing childhood obesity. Sometimes, there is local evidence that shows correlation between density of hot food takeaways in a given geography and incidence of

overweight or obesity. It may be that policies related to these factors could be justified, but at present the evidence on proximity as a factor is both weak and equivocal. Effective For the reasons set out (see 6 and 7), it is unclear how refusing permission for hot food takeaways within 400 metres of primary schools could ever be effective. Some hot food takeaways, together with restaurants, pubs and shops are clearly a source of cheap, energy dense and nutrient poor foods, however, not all hot food takeaways, restaurants, pubs and shops are, and the planning system is ineffective in distinguishing between those that are and those that are not. The area affected by the criterion could potentially cover large areas of the Borough, so it is hard to see how the effectiveness of its extent could be monitored. Would poor or negative achievement against the objective result in reduction or expansion of the zones? What other corrective action might be taken short of its withdrawal? Consistent with National Policy We consider that no regard has been had to national policy and advice in preparing Policy HW6 criterion (i) because none of the NPPF policies include dietary issues. The NPPF recognises the role planning takes in better enabling people to live healthier lifestyles. However, it seeks to do this by creating, not restricting choice, by increasing access to open space, sport and recreation facilities and health services, and ensuring developments are within walkable distance.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The amendment sought and the only change to the draft Plan that would render it sound, is the deletion of criterion (i) of Policy HW6.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The proposed policy approach is unsound and fails to provide an evidence-based way of achieving the policy's objective. In particular
 - A. The 400m exclusion zone is inconsistent with national planning policy.
 - B. The policy is inconsistent, discriminatory and disproportionate.
 - C. The 400m exclusion zone is not justified by any evidence.
 - D. Examination of other plans have found similar policy approaches to be unsound.
 - E. There needs to be some exploration into policies that are more positive, have a reputable evidence base and that comply with the Framework.
2. As hot food takeaways (Use Class A5) are a main town centre use, this policy should be moved to the chapter of the plan dealing with retailing and town centres. In respect of threshold of harm within the

policy that would trigger an objection to a proposal, the wording should be brought into line with the NPPF and refer to a “significant adverse” impact.

3. It should not be necessary to refer to the shopping frontages policy because that policy would apply in any event

4. It should also not be necessary to make reference to the impact of development on Conservation Areas and Listed Buildings as this is a statutory requirement arising from Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Council's Response:

1. These are issues are dealt with in detail under the health and wellbeing section of the Council's evidence base.

2. The Council considers that this topic has a fundamental impact on health and wellbeing and should therefore remain in this chapter.

3. The threshold of harm referred to in the NPPF relates specifically to noise and is qualified by the requirement to 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development'

4. The readers of this policy are likely to be lay persons and as such it is appropriate to assist their understanding by cross referring to other relevant considerations.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Deletion of criterion (i) of Policy HW6

2. Replace clause I with:

i. Proposals within 400m of a school will be considered against the following:

(a) The range of food and drink options on offer, including the nutritional content of the food;

(b) The extent of nutritional information made available to potential customers;

(c) The food provenance, quality and cooking methods used;

(d) The extent to which the proposals supports healthy living;

(e) The content and likely effect of any measures proposed to mitigate health impacts or otherwise support healthy living; and

(f) Any other impacts of the proposals which may have an effect on health and wellbeing, including the economic, environmental and social impacts of the proposal.

In carrying out such an assessment the councils may require a Health Impact Assessment to be carried out. Account must also be taken of any controls or other measures secured by planning condition or section 106 obligation.

3. Policy HW6 is amended as follows:

Proposals for hot food takeaways will be permitted where they meet the following criteria:-

- The proposed development is not within 400m of the principal entry point to a school except where the application site is within the designated town centres of Halifax, Sowerby Bridge, Brighouse, Elland, Hebden Bridge or Todmorden;
- No significant adverse impacts arise from environmental effects, safety or other problems (including measures to limit litter generation, through the provision of on-site bins or the provision of a litter management plan);
- The proposed development would not increase the level of disturbance or nuisance to a level that would lead to significant adverse impacts on the amenities of anyone living in the area;
- The proposals would not generate traffic movements or demand for parking that would have a significant adverse impact on highway safety or residential amenities;
- The proposals make necessary arrangements for the discharge of cooking fumes and smells;

Where proposals are acceptable, restrictions may be imposed on hours of opening in order to protect the amenity and character of the areas within which the development is located.

Council's Response:

1. Deletion of criteria (i) is not justified or acceptable to the Council
2. In relation to the second modification, the alternative criteria for assessing applications close to schools are not practical or workable, and overlook the fact that the identity of the applicant is not usually a consideration that should attract weight
3. In relation to the third modification, the proposed modification is not acceptable because it seeks to reduce the standard of amenity that can be expected by other occupiers close to takeaways. Whilst the NPPF does refer in the context of noise to "significant adverse impacts on health and the quality of life", it also requires policies to "mitigate and reduce to a minimum potential adverse impacts resulting from noise"

Document Section: 13 Infrastructure and Master Planning

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185322**

Name: **Mr Geoffrey Hann**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

It is not sound, as "" It is not positively prepared. Its strategy does not meet objectively assessed development and infrastructure requirements, including the requirement to liaise with Kirklees and Bradford Authorities (where it is reasonable to do so and consistent with achieving sustainable development) which Calderdale have not done It is not justified "" it is not the most appropriate strategy when considered against the reasonable alternatives (based on proportionate evidence) Green belt is being sacrificed to build an industrial park that is now needed as shown by the number of vacant industrial units within a 5 mile radius of the proposed site. It is not effective "" I don't consider that the plan is deliverable over its stated timescale, based on effective joint working on cross-boundary strategic priorities It is not consistent with national policy as it does not deliver sustainable development in accordance with the policies in the Framework. The Plan proposes major developments where infrastructure is entirely lacking and unplanned/not committed, without any clear or up to date Infrastructure Delivery Plan. This has not changed from the original draft.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As per comments on previous revisions, and repeatedly at meetings of the local plan working party over the 2017-18 period, we do not believe transport should be subsumed as a subsection of 'Infrastructure and master planning', but instead should have been a separate chapter of its own, which would need to begin with a quantified analysis of the district's transport issues. The reasons for this are obvious: if transport capacity is one of the principal constraints on the scale of development, then this warrants a substantial analysis within the body of the LP itself, ultimately in order to demonstrate that the proposed scale can indeed be accommodated; whilst a response to transport issues on the other hand isn't just by the provision of infrastructure (again, particularly in Calderdale): there will be many other levers and mechanisms that need to be invoked. Resolving transport problems also interacts with other critical areas of sustainability. The failure to provide this separate treatment represents for Friends of the Earth the principal reason why the plan could be considered to be unsound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp803**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

In relation to 'consistency with national policy (NPPF)': it should be noted that the Transport Technical Paper ('Overview of the transport evidence base') seems to be referencing 2018 NPPF rather than 2012 - see e.g 1.6. This is of enhanced importance, since the 'promoting sustainable transport' section of NPPF has been more subject to change than others, with important policy advice such as 'Development should only be prevented or refused on highways grounds if ... the residual cumulative impacts on the road network would be severe' only appearing in the later version.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. The Local Plan "Transport Technical Paper" references NPPF 2018, rather than NPPF 2012.

Council's Response:

1. The Council is Submitting the Plan during the transitional period for the NPPF 2018. It acknowledges that there are aspects more related to NPPF 2018 than NPPF 2012. The review of the evidence base work was against the 2018 NPPF as this was felt to be the version most likely to be applicable to the Local Plan. This has been adopted as the current version. 2018 NPPF was published in July 2018. Both the 2012 and 2018 versions include a statement which broadly indicates that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe.

Test of Soundness

Main Issues:

1. The Plan proposes major development where infrastructure is entirely lacking, unplanned or not committed.
2. Traffic modelling was not yet completed and information was not available to comment on at the consultation.
3. The Local Plan fails to provide a separate consideration of transport issues.

Council's Response:

1. The Infrastructure Delivery Plan (IDP) is a living document which is updated at least once a year.
2. Ongoing transport modelling in informing infrastructure across the district.
3. This is a standard practice elsewhere - e.g. Leeds. The inclusion of transport within the Infrastructure & Masterplanning section should not be taken as an assumption that the only solutions relate to physical infrastructure. It is the Council's view that the solutions lie in a change in modal shift and travel patterns and - where necessary - additional infrastructure to address specific capacity concerns. Infrastructure can also include cycle paths, bus lanes, NMU crossing facilities, rail station facilities and Park & Ride.

Duty to Co-operate

Main Issues:

1. Calderdale has failed to liaise with Kirklees and Bradford Councils on traffic matters.

Council's Response:

1. The Council disagrees and refers to its Duty to Cooperate Statement.

Suggested Modifications

Council's Response:

Document Section: 13.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185257**

Name: **Mr John Lever**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

I do not feel that proper consideration has been made for educational provision in the area. The local school St John's CE Primary Academy is currently oversubscribed, as is Brighouse High, St Chad's and Woodhouse in the Brighouse area. How can the increase in numbers, the building will generate be catered for? Will a new school be built BEFORE building work commences? Has it been calculated what size of school will be needed? There is no mention of nursery or daycare in the plans "" can the existing local provision cater effectively for an increase in need?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **844298**

Name: **Cllr Howard Blagbrough**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

I have spoken with a large number of residents in the Brighouse area over the past twelve months with reference to the proposed strategic local plan for the area. Whilst most people will agree that additional

houses are required, this cannot be achieved without a detailed planned infrastructure, which has not been forthcoming throughout this process. I have previously mentioned issues relating to infrastructure, however this is a key to being able to deliver a more sustainable strategic plan, however so far we have not been consulted with an adequate detailed plan for infrastructure for the Brighouse area. Whilst I am aware that pre-feasibility study has been carried out, no detailed plans have been submitted and more importantly no costs have been associated with the necessary improvements. The majority of resident I have spoken to are still opposed to the schemes and the disproportionate number of houses proposed for the area without adequate necessary infrastructure needed for the area. Most people agree that we need additional houses, however we need adequate roads, doctors surgeries, hospitals, schools, play areas, to mentions a few issues. I would urge that the current plans are revised to ensure that the Brighouse area gets its fair share of housing, together with a well thought out and costed infrastructure plan which is deliverable and would benefit the people of Brighouse and surrounding areas.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5105906>

Comment ID **Lpp1436**

Site ref (if applicable):

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attached

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107475>

Comment ID **Lpp155**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The Infrastructure Delivery Plan included in the Evidence Base is only a draft document therefore cannot be considered to form part of a legal set of documents.

Do you consider the plan to be Sound?: **No**

Sound Reason:

We note that the Infrastructure Delivery Plan is in draft form only and has therefore NOT been approved by the Council.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

There must be formal adoption of the Infrastructure Delivery Plan before it can be considered as part of the Evidence Base.

Additional Evidence Link:

Comment ID **Lpp186**

Site ref (if applicable):

Person ID: **1182367**

Name: **Ms Janet Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

The proposed Infrastructure Development Plan is totally inadequate and NO building should start until an adequate infrastructure plan is written, approved and implemented. The infrastructure in Hipperholme, Northowram, Shelf, Brighouse and Norwood Green is unable to cope now. The proposed additional properties would cause total grid lock in this area - Halifax would be completely cut off from residents of these areas. The proposed developments in these areas are nearly all green belt which is unfairly disproportionate.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp193**

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that coridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease

the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses will mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp195**

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast

majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that corridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp286**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Halifax Civic Trust consider the provision of infrastructure an integral part of good development, in terms of improving the town centre and the master planning of strategic housing sites (IM7). We also support the approach to Telecommunications (IM6)

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp407**

Site ref (if applicable):

Person ID: **1182972**

Name: **Mrs Heather Rooney**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Schools and Health Services Local schools and doctor's surgeries are already at full capacity with long waiting times for school places and appointments - yet no plans have been put forward to cater for the possible influx of up to 18,000 new residents.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I understand the need to provide housing but feel that there should be smaller developments throughout the Calderdale rather than targeting Brighouse for the lion's share. There should be a mixture of different types of housing, not just large executive style properties, to enable more people to be able to buy their own home. I was under the impression that developers had to include some affordable housing but these seem to be very rare in the recent local developments. I can personally confirm that this is the case as my son is unable to find an affordable first property. I am not a NIMBY and would welcome some smaller

developments but only with careful consideration to the points raised above which, in its present format, I do not feel that the Calderdale Local Plan has addressed.

Additional Evidence Link:

Comment ID **Lpp442**

Site ref (if applicable):

Person ID: **1181866**

Name: **Mr Nigel Riach**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As the current road network cannot cope with the existing traffic, no large scale development should be considered until the scale and detail of the proposed road improvements are known and committed by the authorities. Given that around 4,500 houses are planned for Brighouse, Rastrick and Clifton alone, Calderdale's estimate of additional commuting journeys to Leeds to Leeds appears wholly inadequate. With junction 25 being the primary route out of Brighouse towards Leeds, the figure should surely be much higher. Much more detailed analysis needs to be carried out before large scale development is considered.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

A model has not been created showing the impact of all the proposed sites in the plan on the existing infrastructure, especially around junction 25. This should incorporate proposed development within Kirklees and Bradford. The model should also show the impact of the proposed junction 24A. Funding for any improvements must also be demonstrated, and is not currently in place.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp706**

Site ref (if applicable):

Person ID: **1183577**

Name: **Mr Graham Foster**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Infrastructure Development Plan is only a draft document and cannot be seen as a legal document in this Local Plan process. The whole borough is suffering from congested roads now, the topography makes new road building unlikely, yet the Council is planning to build 12000 new houses which will add up to 24000 additional cars to the congested road network. The provision of new roads and reliable public transport must be put in place now to alleviate current problems before new building commences.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp809**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We've previously provided to the West Yorkshire Combined Authority a substantially critical consultation response to its now adopted Transport Strategy because of its failure to set sufficiently ambitious spatial and strategic objectives, but also because of WYCA's inability to actually implement its commitments. This applies specifically in relation to improvements to air quality; see our separate comments on paragraphs 21.8 onwards. The paragraph also doesn't disclose the extent to which the WYCA strategy is shaped by specifically economic objectives set by the Leeds City Region LEP, which may not sufficiently include environmental objectives or adequately relate to the specific circumstances of Calderdale. We've already commented about the process by which regionally modelled economic growth rates are apparently inserted into the Calderdale local plan process without sufficient interactivity to qualify their appropriateness. The WY corridor improvement programmes have regionally defined objectives to increase traffic volumes along those corridors for ostensible economic growth outcomes, but there has not been sufficient disclosure of, let alone regard for, their more local social and environmental adverse impacts.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. It is unclear whether the Infrastructure Delivery Plan (in draft form) provides a firm basis for understanding the infrastructure implications of the development proposed in the Local Plan.

Council's Response:

1. The IDP is a living document, updated on at least a yearly basis. The IDP cannot be fixed until all the relevant information is collated and the detailed studies undertaken. The Local Plan however provides a basis to understand the infrastructure needs over the full plan period, but cannot determine delivery in later parts of the Plan Period, given very different infrastructure programmes.

Test of Soundness

Main Issues:

1. The IDP is inadequate, it must be formally adopted to be considered part of the evidence base for the Plan.
2. No development should start until an adequate infrastructure plan is written, approved and implemented.

Council's Response:

1./2. The IDP is a living document, updated on at least a yearly basis. The IDP should not be regarded as a fixed/unchanging document. Additional information is collated on a regular basis and detailed studies can come forward with alternative solutions which need further consideration.

There is no legal requirement for the IDP to be formally adopted before it can be regarded as part of the evidence base for the Local Plan.

The Local Plan however provides a basis to understand the infrastructure needs over the full plan period, but cannot determine delivery in later parts of the Plan Period, given very different infrastructure programmes.

The IDP proposes a number of key schemes which will allow development in line with the aspirations / needs of Calderdale while reducing the impacts on the transport network. The planned growth has been targeted spatially in areas where access to alternative modes of transport (other than the private car) are best, in order to reduce reliance on cars for travel. Current car ownership per household in Calderdale is 1.1 with 60% of commuting by car (2011 Census), therefore the additional cars related to new development will be much lower than the simple calculation of 2 cars per household. It should also be remembered that a significant proportion of households still do not have access to a private car.

Duty to Co-operate

Main Issues:

across boundaries and between organisations.

Council's Response:

1. Reference is made to the Duty to Cooperate Statement, incorporating various statements of common ground and memoranda of understanding.

Suggested Modifications

Council's Response:

Document Section: 13.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

According to document TN1-Future Network Baseline Final the transport network for Shelf and Northowram is already near to capacity with no planned changes to the A6036 which is the major road linking Halifax and Bradford. All the roads linking to the A6036 from Shelf and Northowram are basically small country lanes, with in some cases only being single track due to residents necessary on road parking, this is because when the villages were built no one had cars and there was no need to build garages. It is not possible to build a railway station and the bus companies are not planning any further services beyond what they already provide. Cycling is nearly impossible for the majority of residents in the area due to the steep gradients from Halifax to both Shelf and Northowram. See attachment for clarification. Also we have only just been made aware of traffic predictions showing the increase in traffic flows of the roads in Shelf and Northowram from now until the end of the LP in 2030; Many of the minor roads from the proposed sites show a massive increase of traffic per hour, which means the sustainability of the transport system is not sound for Shelf and Northowram. See attachments for clarification.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

TN-1 states that Shelf and Northowram does not have a sound transport plan cannot have a railway station and bus companies are unwilling to increase bus services on the A6036. The topography does not sustain walking and cycling to Halifax. Recent documents from N&S on traffic volumes, which have not been made available in the LP documentation, show Shelf and Northowram to be at capacity now and in 2030 totally unsustainable. See attachment N&S

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5060167>

Comment ID **Lpp1440**

Site ref (if applicable):

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attached

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107475>

Comment ID **Lpp185**

Site ref (if applicable):

Person ID: **1182363**

Name: **Mr Jason Boom**

Organisation: **Town Clerk Hebden Royd
Town Council**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Town Council would add an indication of concern regarding traffic flows in that the Local Plan does not provide detailed data or commentary on the extent of forecast road traffic growth to 2032. Whilst both Calderdale and its transport consultants focus their judgements around V/C (volume to capacity) ratios from a more local perspective, public amenity and the need to overcome severance caused by volumes of road traffic may be a better standard. Modelling by CMBC has illustrated the following areas of concern for the Town Council: 1) The increase in traffic to the west of Hebden Bridge towards Todmorden, and to the north towards Keighley, is not significant, but that the increase to the east of Hebden Bridge and Mytholmroyd is. 2) This increase is not confined to the A646 but instead has spread to parallel routes such as Heights Road and Scout Road, indicating that traffic has decided to divert onto the latter in order to escape congestion on the former. 3) In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on Heights Road. 4) In Mytholmroyd the model is projecting: in the morning peak "" a 29% increase in traffic towards Halifax in the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. 5) In the centre of Mytholmroyd, and on New Road, the scale of the increases could jeopardise the intentions of the Neighbourhood Plan's Mytholmroyd Masterplan, to bring about an improvement for the better of many aspects of the town centre's functioning. We would ask if the modelling does include the additional traffic that will be generated by the proposed 200 space car park.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp187**

Site ref (if applicable):

Person ID: **1182972**

Name: **Mrs Heather Rooney**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Traffic and road network Brighouse itself is a "basin" with major roads from Huddersfield to Bradford and Leeds running through it. It is a bottle-neck. All our local roads are always busy. The daily commute to work

always entails waiting in stationery traffic. The evening rush hour traffic on the M62, exit 25 Brighouse is usually gridlocked until cars are able to exit the motorway to get to Brighouse on Wakefield Road or Huddersfield via Cooper Bridge. The addition of 4500 new homes (large 3 or 4 bedroom house with at least 2 adults, 2 children and possibly 2 cars) will add greatly to the existing road network that is struggling to cope with the current traffic flow. I believe that there are no funds or plans to increase the existing road and motorway infrastructure. Extra cars will cause additional wear and tear on our roads that are already in dire need of renovation.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I understand the need to provide housing but feel that there should be smaller developments throughout the Calderdale rather than targeting Brighouse for the lion's share. There should be a mixture of different types of housing, not just large executive style properties, to enable more people to be able to buy their own home. I was under the impression that developers had to include some affordable housing but these seem to be very rare in the recent local developments. I can personally confirm that this is the case as my son is unable to find an affordable first property. I am not a NIMBY and would welcome some smaller developments but only with careful consideration to the points raised above which, in its present format, I do not feel that the Calderdale Local Plan has addressed.

Additional Evidence Link:

Comment ID **Lpp188**

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdale's roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast

majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that corridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp663**

Site ref (if applicable): **LP0577**

Person ID: **1125156**

Name: **MRS GEMMA RIDING**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Most people already have to pass through Brighouse as part of their commute to work or school, Clifton Common, Bradford road (both ways), Halifax road, Cooper Bridge or Birkby Road at Bailiff are already a nightmare in rush hour, not to mention when the M62 blocks up. To potentially add another 2 cars per household for each new house in Clifton would be horrendous. Adding to this the safety to our children with the busy roads and air pollution. A few cycle paths will not ease this, who would want to arrive at work after a sweaty bike ride or in the pouring rain.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Lpp801

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This general introduction to the transport issues should include reference to the need to reduce the carbon emissions particularly from road transport (which therefore need to contribute to the local carbon reduction target - see comment on paragraph 10.2) in a situation where total transport carbon emissions amount to more than 40% of the UK carbon budget; and emissions contributing to air pollution, 80% of which are derived from transport.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. A few cycle paths will not address the congestion issues in Brighouse.
2. Most people are concerned about roads and public transport not walking and cycling.
3. The general introduction to Transport issues should also address the need to reduce carbon emissions.

Council's Response:

1. The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale. The Transport Strategy addresses highways as well as addressing the need to help modal shift.
2. This paragraph gives context to the transport issues across the district, and the desire to reduce the unnecessary use of the private car.
3. Carbon emissions are addressed in Chapter 10 of the Local Plan addressing the Climate Change.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Para 5.8 of the IDP identifies that Bradford is the main trip destination outside Calderdale for workers and transport studies by WSP identify that the main route from Halifax to Bradford is along the A6036 through Shelf and Northowram. Despite the importance of the A6036 link to Bradford and the high level of proposed development in these, only Tier 4 settlements, there is an almost complete absence of traffic congestion and other data in the local plan text relating to Shelf and Northowram and the A6036. We are very concerned about the existing level of congestion on the main roads and junctions and the level of rat running that this creates. Rat running that already takes place on the very roads that Highways Development Management suggest will provide the main access/egress routes for the proposed sites in Shelf and Northowram. We have only very recently seen outputs from the Calderdale traffic model (see attached file) which appear to indicate really significant, further increases in road traffic levels in and around Shelf and Northowram up to 2032. We are also concerned that this modelling has not extended onto the Local Highway Network, a network that we have repeatedly said is incapable of carrying the volume of traffic that will be generated by the proposed developments. This extract from para 3.9.12 of Technical Note 10 "" ' There are increases in delays at Hipperholme Crossroads that add to the already significant issues currently seen at this junction. It is expected that a comprehensive corridor study for the A58 will address these issues in a holistic manner (including public transport modes) and is also likely to incorporate the A6036 within its scope.' Is wholly inadequate in identifying the traffic congestion through the villages as it seems to be only an expectation of a study. The timings would probably be too late for a decision on whether to remove land from the Green Belt in Shelf and Northowram and allocate for development. We will attend the discussion on transport at the EIP, prior to which we expect to be able to submit further detailed evidence, using the Shelf and Northowram area as an example of the impact of further development and the associated road traffic generation on an already saturated local highway network.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp802**

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We agree with the opening statement that a fundamental characteristic of Calderdale's transport network is that it is constrained by topography.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Concern is expressed over the Transport Modelling, particularly for the Shelf and Northowram area.

Council's Response:

1. The Council has commissioned transport modelling that is robust and fit for purpose. The Calderdale Strategic Model is not detailed enough to include all minor routes. The impacts on these routes is assessed on a site by site basis by the development control team.

Duty to Co-operate

Main Issues:

Council's Response:

Council's response.

Suggested Modifications

Council's Response:

Document Section: 13.4 Paragraph

Representations

Comment ID **Lpp118**

Site ref (if applicable):

Person ID: **975323**

Name: **Mr Charles Shaw**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As stated in point 13.4, the greater number of people are residing in the east of the borough and air pollution is bad due to high levels of vehicles on the roads and pinch points in the road network. However the west has more train stations and therefore greater sustainable transport system than the east, where there is only 1 station in Halifax town centre and very limited opportunity to build more. TN-1 point 6, states that previous studies have not been in favour of a new station in Hipperholme and nothing is in the transport document to indicate one will be built within the present LP timetable.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp119**

Site ref (if applicable):

Person ID: **975323**

Name: **Mr Charles Shaw**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As stated in point 13.4, the greater number of people are residing in the east of the borough and air pollution is bad due to high levels of vehicles on the roads and pinch points in the road network. However

the west has more train stations and therefore greater sustainable transport system than the east, where there is only 1 station in Halifax town centre and very limited opportunity to build more. TN-1 point 6, states that previous studies have not been in favour of a new station in Hipperholme and nothing is in the transport document to indicate one will be built within the present LP timetable.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp189**

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that

corridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp498**

Site ref (if applicable):

Person ID: **816511**

Name: **Dr Lesley Mackay**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic

growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air and noise pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. In Mytholmroyd the model is projecting: in the morning peak "" a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today (as I live alongside the A646), then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air and noise pollution, which I already experience. Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not only a local problem, but a regional and national one, and therefore requires

national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Comment ID **Lpp729**

Site ref (if applicable):

Person ID: **1183598**

Name: **Ms Nina Smith**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a

12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today, then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees. The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not a local problem, but a regional and national, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not a local problem, but a regional and national, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then

that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Comment ID **Lpp804**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This is another strategically significant paragraph, which is particularly discussed in our Overview Paper. . It should be the start of an extended analysis, with substantially quantified content, of the characteristics and issues of the Calderdale transport network, and principally its highway network. Instead this is not provided, and consequently consultees are denied this information - in the text of the plan itself; and therefore what follows in the rest of the chapter is not derived as an appropriate response to that analysis. For example , the issue of traffic congestion - hugely significant to any local plan, let alone Calderdale's - is referenced by a single 14 word sentence: 'The movement of people, goods and raw materials, all contribute to congested traffic conditions', the content which is so generalised as to be meaningless. Recognising the significance of this issue Calderdale Friends of the Earth repeatedly requested, including at meetings of the local plan working party, that this major omission should be rectified within the LP text, and indeed this was promised in spring 2018. When that did not happen we suggested that an amendment be passed (it was) at the full council in June which agreed the publication of the plan requiring the provision of this information; but that still didn't happen. The result is that the LP text itself is grossly deficient in the transport analysis it contains. Consequently consultees are not able to provide an informed comment about the relationship between existing and future states of the highway network as a whole, and in locations, particularly affected by development on the one hand; and the quantities of housing and employment development being proposed by the plan, again overall and in particular locations, on the other. If they are not able to make that assessment - in the situation where other parts of the plan state clearly the extent of other types of constraints which do apply (such as topography, or landscape designations) - there is the potential for the transport constraint to be overlooked; for overall an unbalanced picture of development constraints to be arrived at; or for consultees' ability to judge whether many aspects of 'soundness' that relate to transport to be impaired. Instead consultees are required to

work their way through the technical presentations of the transport evidence base, consisting of 10 separate reports. The Transport Technical Paper is weak by comparison with the other TPs, because it largely comprises a compilation of the executive summaries of the reports (many of which have been superseded) rather than a standalone distillation of the transport issues, freshly prepared in summer 2018. Another source of information about transport is in section 5 of the Infrastructure Delivery Plan), but this is inadequately referenced in the TTP. The WSP wprk has a number of deficiencies, for example: - Its treatment of the proposed schemes within the Do Something is partial and patchy. It is not helpful to consultees to be told 'It is also important to note that the transport interventions that form the basis of the 'Do Something' scenario in TN10 Assessment of cumulative impact are in fact fewer in number, scope and in turn benefit to the highway network than what is in development in the Borough. [Then a list of schemes] All these emerging schemes have progressed into the early stages of development and will continue to progress.' 13.3 This echoes the situation in the LP text itself, which at 13.15-16 and 13.18 is equally vague about a large number of schemes that are then listed within policy IM1. Consultees of course, need to know what these schemes consist of, where they will be located, and whether they going to happen, and when. - The coverage of these reports of all the areas of Calderdale affected by development is partial, for example TN10 presents analysis and comment concerning the consequences of the proposed allocations for road traffic at 9 locations (see sections 3.6-14), which however exclude Northowram & Shelf, and Todmorden. - The assessment language used by WSP to describe the extent of transport impacts at particular locations is very largely uncritical, and also unquantified. Because it only references V/C ratios, and not increases to traffic volume (which are of equal if not more importance to consultees in a local area) it presents a misleading picture of the scale of those impacts, which are described in formulaic phrases that are repeated throughout the document. So for Elland 'The issues raised in Elland are generally localised in nature and appear to be resolvable with limited traffic management measures and minor junction improvements.' 3.8.10; and even for Brighouse 'The key capacity constraints that show unacceptable levels of congestion in Brighouse are the worsening of existing issues, however these appear to be resolvable .' 3.7.7 emphasis added The consequence of this type of presentation is that consultees are denied access to sufficiently quantified analysis/data, and then a sufficiently nuanced interpretation, to allow them to properly judge the scale and significance of the impacts. - Some important details insufficiently explained, for example TTP 13.4 states that 'The maximum growth assumption of the modelled scenarios assumes 16,899 residential units' - clearly at variance with the proposed housing number of 12,600 for the period 2018-33 - but it's only by crosschecking this with TN10 2.2.2 that we can understand that the larger number also includes completed developments between 2014-70 (2,522) leaving the allocation number at 14,377 table 1 - which still doesn't align with 12,600. The growth cap referenced in TN10 table 2 identifies a household growth of 15,565 between 2012-32, whereas the most recent 2016-based household projections records that number as 11,000 over the same period. Discrepancies like this leave consultees uncertain as to the credibility of the transport evidence base. There is no reference within TN 10 about the existence within the strategic transport model of the traffic volume data which - probably uniquely amongst consultees - FOE was finally able to access, in late August 2018. The STM has been used both by the Council and the transport consultants WSP to analyse the state of the existing and future highway network, allowing for the scale of development allocations and potential ameliorating interventions. The model provides extremely detailed quantification of V/C ratios, traffic flows, and changes to speed and delays, for a 2014, baseline, and then 2032 Do Minimum and Do Something, for links and junctions across all of Calderdale's principal highway network and some (but not all) of its local highway network. Our access has allowed us to interrogate the model in order to ascertain the level of precise quantification we believe should have been made available to all consultees; and from that to then develop an overall analysis of what we believe will happen to 'relationship between existing and future states of the highway network " ; and the quantities of housing and employment development being proposed by the plan', overall, and at particular locations, that we referred to above. From this we have then been able to prepare an informed assessment of the extent to which the transport interventions proposed by the plan as 'improvements' are i) an adequate and sufficient response to the level of

development it proposes, and ii) whether their impacts are positive (as suggested by the plan) or alternatively negative. Because we have only very recently obtained access to this data we are not able to provide a detailed and locationally specific re-analysis of the transport evidence base relative to particular locations. However we will provide this for the examination in public where we will want to argue that this represents evidence of one of the strongest aspects of unsoundness of the plan. We urge the inspector however to also obtain access to the transport model, and to derive from it a detailed understanding of changes to road traffic, not just from the perspective of V/C ratios used by the Council/WSP but also traffic volume, and the difference between the 2032 DM and DS so as to understand the consequences of the limited number of transport interventions included within the modeling. A second ground from objection - but on the same basis of absence of quantification and detailed analysis - concerns the reference to air quality management areas. Neither in this section, or the separate treatment from paragraphs 21.8 onwards, is this provided, so denying consultees any ability to make an informed response about the adequacy of the proposals of the plan to take action on this highly significant impact from road traffic.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan Transport evidence provides an inadequate basis for assessing the implications of the proposed growth.
2. Failure to disclose adequate information about road traffic and air quality implications.

Council's Response:

1. The Council has commissioned transport modelling that is robust and fit for purpose. The east of the district is best connected to a range of transport modes and infrastructure including bus and motorways. It also allows for the critical mass of development needed to bring forward new transport infrastructure. Notwithstanding the rail accessibility, the west of the district does not contain the volume of developable land to bring forward similar improvements.
2. All available evidence is published on the Council's website.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.5 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP var**

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Sites LP0589-LP0221-LP0782-LP1041-LP1543 are all sites which are due to location not suitable to walk or cycle to due to narrow country lanes which do not have pavements or will be capable to accept large vehicle for delivery of goods to the proposed sites. The hierarchy of this point therefore does not comply with these sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP var**

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Sites LP0589-LP0221-LP0782-LP1041-LP1543 are all sites which are due to location not suitable to walk or cycle to due to narrow country lanes which do not have pavements or will be capable to accept large vehicle for delivery of goods to the proposed sites. The hierarchy of this point therefore does not comply with these sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1442**

Site ref (if applicable):

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attached

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107475>

Comment ID **Lpp157**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It is interesting to note the contradictions between this statement that claims pedestrians and vulnerable users are at the top of the transport hierarchy for social inclusion, and the Highways DM assessments that **ONLY EVER** consider access for cars. The various transport assessments commissioned by the Council have identified that sites LP0221, LP0782 and LP1543 to the north of Shelf and Northowram are well away from

accessible public transport links and will not be supported by deviations to existing bus routes. Access for pedestrians and vulnerable users to LP0782 and LP1543 will be extremely difficult at best and unsafe at worst; being via steep, narrow country lanes with NO FOOTWAYS, high speed limits and inadequate street lighting.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp190**

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that

corridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We support the hierarchy of road users, but the pertinent question to consider is: does the plan and its supporting evidence base substantiate the statement that 'Developments and investments with any impact on transport should always consider this hierarchy to support the most vulnerable users of the transport network'. Specifically, if pedestrians are at the top of the hierarchy: how have proposed interventions such as the corridor improvement programmes, which it transpires actually increase the volume of traffic flowing down a corridor, thus increasing severance impacts on pedestrians, been adequately assessed against that criteria, or disclosed the extent of their impact on the hierarchy; and does the infrastructure programme e.g place sufficient emphasis on a comprehensive audit of pavement provision and adequate widths.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The hierarchy of road users gives lowest priority to freight and private cars, but this is not followed through in terms of allocations, or decisions.

Council's Response:

1. There is no evidence provided to support this assertion.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.6 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It is interesting to note the contradictions between this statement that claims to deliver a sustainable, SAFE and efficient transport system that reduces car dependency and the Highways DM assessments that ONLY EVER consider access for cars. The various transport assessments commissioned by the Council have identified that sites LP0221, LP0782 and LP1543 to the north of Shelf and Northowram are well away from accessible public transport links and will not be supported by deviations to existing bus routes. Access for pedestrians and vulnerable users to LP0782 and LP1543, in addition to being UNSAFE, will be virtually impossible, being via steep, narrow country lanes with NO FOOTWAYS, high speed limits and inadequate street lighting.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1139424** Name: **Mr David Hanson** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdale's roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that corridor. 13.10 - this states that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this states that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses will mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not too distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp806**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See our comment on LP 4.28

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The IDP is only sufficient to help ease the current over congestion of the existing transport network

Council's Response:

1. The IDP proposes a number of key schemes which will allow development in line with the aspirations of

Calderdale while reducing the impacts on the transport network. The planned growth has been targeted spatially in areas where access to alternative modes of transport (other than the private car) are best, in order to reduce reliance on cars for travel. Current car ownership per household in Calderdale is 1.1 with 60% of commuting by car (2011 Census), therefore the additional cars related to new development will be much lower than the simple calculation of 2 cars per household. It should also be remembered that a significant proportion (around 25%) of households don't have access to the private car and to assume they do leads to a skewing of the data.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.7 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1182303**

Name: **Mr Michael Dawson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

With the proposed 2 garden suburbs LP1451 & LP1463, the enterprise zone LP1232 and the developments in Kirklees, the industrial zone at Cooper Bridge and the housing at Bradley site 1747, all will lead to massively increase vehicle movements bringing more gridlocks to the area around J25 on the M62. This will not cater for movements in and out of the borough as the council aims to ensure a safe and efficient transport system.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Likewise the council is failing in its duty to make Calderdale a more desirable place to live, work and visit by enhancing urban and rural environments.

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

To the list of three aims should be added the need to reduce carbon emissions from transport. Whereas the problem of air quality emissions is included at paragraph 13.4, the related and actually larger problem of transport carbon emissions is omitted from this chapter. It should be noted also that Calderdale's adopted transport strategy contains no reference to the issue of transport's carbon emissions, let alone the need to reduce these.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Transportation Strategy does not go far enough to address the need to reduce carbon emissions from transport.

Council's Response:

1. It is not the purpose of the Local Plan to overwrite adopted Council policy, that would be achieved through a different process.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Include "the need to reduce carbon emissions from transport", within the adopted transport strategy

Council's Response:

1. It is not the purpose of the Local Plan to overwrite adopted Council policy, that would be achieved through a different process. No modification required.

Document Section: 13.8 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

TN-1 states that Shelf and Northowram does not have a sound transport plan cannot have a railway station and bus companies are unwilling to increase bus services on the A6036. The topography does not sustain walking and cycling to Halifax. Recent documents from N&S on traffic volumes, which have not been made available in the LP documentation, show Shelf and Northowram to be at capacity now and in 2030 totally unsustainable.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1139424** Name: **Mr David Hanson** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social

infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that coridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp808**

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

From this point onwards the plan proceeds on the basis that the transport objectives it seeks to include will be achieved principally by a number of identified infrastructure investments; whereas properly defined objectives, which should include carbon reduction, will need to be secured by a broader range of means, including if necessary a constraint on the level of development and activity (in the way that clean air zones restrict activity by certain categories of users).

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan proceeds on the basis of major infrastructure investments to meet the objectives, but does not include carbon reduction as a transport objective.

Council's Response:

Council's Response:

1. Para 13.8 is related to the objectives of the Transportation Strategy, and the additional work being undertaken to achieve these objectives.
The Local Plan recognises that significant interventions are already identified and that these are rightly included within the Plan as policy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.10 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This paragraph does not disclose the extent to which the WYCA Strategy is shaped by economic objectives set by the Leeds City Region LEP. As a result the WY corridor improvements have regionally defined objectives to increase traffic volumes to achieve economic growth outcomes.
2. There is a need for much more detailed analysis before large scale development is considered. Further analysis of the implications of development around Brighouse is needed incorporating development in both Kirklees and Bradford
3. The vision is undeliverable given the constraints and lack of infrastructure planning.

Council's Response:

1. It is not the purpose of the Local Plan to defend or justify the city region strategy, which is already in place, and forms the basis for ongoing work and analysis.
2. The Highways Model incorporates development from both Bradford and Kirklees in its assessment, and is considered to come to a robust view of the implications of development.
3. The Infrastructure Delivery Plan provides information about the infrastructure that is planned to support the growth across Calderdale. It is updated on a regular basis, the most recent being in May 2019. (Evidence Document EV 42.2). The vision set out in the paragraph is that contained in the WYCA West Yorkshire Transport Strategy (2017 - 2040).

Duty to Co-operate

Main Issues:

1. There is a need to model the growth and its transport implications from Kirklees, Bradford and Calderdale around jnc 25 of the M62 and the possible Jnc 24A.

Council's Response:

1. These effects are modelled and described in the Transport Evidence TN11.

Suggested Modifications

Council's Response:

Document Section: 13.11 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1181866**

Name: **Mr Nigel Riach**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Improvements to make Junction 23 a full junction are currently being considered, as is the provision of a new junction (Junction 24A) where the A641 crosses the motorway. Until these major infrastructure projects are either approved and implemented or rejected, only limited development of land in Brighouse should be allowed, as the roads are already at full capacity or more. Consideration should also be given to providing a link road from the M62 at Hartshead Services to the A62 with its junction with the A644.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There is no evidence to show that alternative improvements have been considered jointly by Kirklees and Calderdale in respect of junction 25. An obvious improvement would be a link road from the M62 at Hartshead Services to the A62 with its junction with the A644.

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We agree with the analysis of Highways England that 'the M62 is currently showing stress at several locations which will be exacerbated by additional growth in West Yorkshire' and that 'in the longer term the benefits of [the managed motorway] scheme are likely to be slowly eroded and delays may become inevitable later in the plan period.' These views had been reflected in HE's comments particularly on the Brighouse development allocations. The Friends of the Earth overview note provides more general comments on the viability and sustainability of the LP's proposals for large-scale development in SE Calderdale; and see also our comments on the transport aspects of sites LP 1232, 1451 and 1463.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Limited development should be allowed in the Brighouse area until major infrastructure projects are approved and implemented.

Council's Response:

1. The Local Plan ensures that development will not come forward in advance of the essential infrastructure required to facilitate that growth. This infrastructure delivery is set out in the Calderdale Infrastructure Delivery Plan (May 2019) EV 42.1.

Duty to Co-operate

Main Issues:

1. There is no evidence that alternative improvements have been considered jointly by Kirklees and Calderdale in respect of Jnc 25

Council's Response:

1. Reference is made to the Duty to Cooperate Statement which outlines the joint working between these authorities, and also the transport note evidence TN11, which describes cumulative and cross boundary road traffic issues.

Suggested Modifications

1. There is no evidence of joint working between Kirklees and Calderdale regarding junction 25 of the M62.

Council's Response:

1. Reference is made to the Duty to Cooperate Statement setting out the joint working that has been undertaken. Junction 25 is a key access to the M62 from both districts. No modification required.

Document Section: 13.12 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This paragraph implies that the plan has been able to sufficiently balance and resolve the competing pressures identified. We don't believe it has, but the problem created by the inadequacies of the transport evidence base we have previously commented on means that it is more difficult for consultees to make an informed challenge of what are no more than the general assertions of this paragraph. At the Examination in Public we will want to submit a detailed analysis of increased traffic volume impacts at particular pressured locations derived from the strategic transport model. See our comments relating to 13.15 for one example of such impacts.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This paragraph implies that the Plan has been able to balance and resolve the competing pressures. This

is not the case as the transport evidence is inadequate.

Council's Response:

1. The Local Plan is accompanied by a transport evidence base that is robust and fit for purpose.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.13 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323**

Name: **Mr Charles Shaw**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

WSP TN10 N & Sare not even mentioned, I have only very recently seen outputs from the Calderdale traffic model which appear to indicate really significant further increases in road traffic levels in 2032. Therefore you will want to attend any discussion on transport at the EIP. N & S area as an example of the impact of any further development and the associated road traffic generated on an already saturated local highway network.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1123386**

Name: **Mr James Moore**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale Council have not provided a clear and workable delivery plan. How will the Council improve existing traffic congestion in the Brighouse & Clifton Common areas? How will this congestion be further managed when an estimated extra 4,000 plus cars reside in the area? Highways England has expressed

concern about the scale of development proposed around the Brighthouse area and in neighbouring Kirklees. 'signalisation and localised widening of Junction 25 is unlikely to be able to increase capacity to the point that all these new trips can be accommodated and therefore a more significant intervention is likely to be required'. The impact of the vehicles wanting to join the motorway at J25 and inevitably using the minor roads through Clifton to do so, gives great cause for concern. The implications for road safety in the village and the safety of primary school children has not been addressed. Clearly the building of thousand more homes and therefore a significant increase in traffic pollution can only exacerbate this negative impact on the health and wellbeing of residents, particularly those whom are elderly or children.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp812**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It is not adequate that the plan should rely on statements as generalised as 'Over the plan period it is very likely that traffic conditions will become more challenging (this has been shown by the Transport Evidence prepared by WSP).' The main LP text should include quantified references that demonstrate that this statement is correct. Secondly, the paragraph references the Infrastructure Delivery Plan which at table 5 identifies 14 locations where different scales of interventions will be required, which are indeed 'at various stages in their development'. This is paired with the table at page 89 of a larger number of possible schemes which might be delivered. It's our view that the extent of i) whether the form, location or routing of a particular intervention has been adequately disclosed or consulted upon, and ii) which schemes have actually been included in funded programmes for delivery, is generally uncertain. The inspector is requested to allow the Examination in Public, whenever it occurs, to review and comment on i) the extent to which these individual schemes have been adequately prepared by that point; ii) what would be their range of impacts, negative as well as positive; and iii) the likelihood that they will actually be delivered within the life of the plan. In addition to their impact at particular locations, an overall assessment of the adequacy or effectiveness of these interventions across Calderdale as a whole needs to be assessed.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We'd like to propose that the 'provision of adequate pavements' is included as a category of 'strategic transport interventions'. This might seem inappropriate when placed alongside a major road corridor intervention, but in fact it is a feature of every part of Calderdale that there are locations on principal highways where there are either pavements of insufficient width, or no pavements at all. As just one example out of very many: there are no pavements on Stainland road as it runs through the central part of Stainland village. We suggest that the inspector should look out for the many locations where this situation occurs. Previously this has simply been accepted and overlooked as 'part of the background', and inheritance from 19-20th centuries, and not requiring strategic rectification. Highway engineers will sometimes have taken the view that the carriageway at location X is already quite narrow, and that therefore no effort should be made to reallocate some of its width to a pavement. There are two reasons why this background attitude, and absence of provision, now needs to be challenged: firstly that the scale of traffic growth (although later comments in this chapter identify the problem that this scale has not been adequately quantified) is such that the provision of adequate pavements now becomes essential, particularly since as the number of cars either travelling or parked along the principal routes now means that the availability of space for pedestrians is becoming ever more pressurised and taken away; and secondly because the provisions of the Equalities Act (including Ss.6, 20 & 149), requiring the removing or minimising of disadvantages suffered by people due to their protected characteristics - in this case the ability of pedestrians with a particular category of disability to use part of the carriageway in safety - now become engaged, in this case by the highways authority. For example, it will be argued that people in wheelchairs, or visually handicapped/blind are being discriminated against when either no pavement is provided on a principal trafficked route, or pavements that are provided are being blocked by parked vehicles. This should not be seen as a detailed or secondary issue. Since the adequacy of highway capacity in the context of rising traffic growth is well understood to be a key issue for the local plan, a requirement to reallocate highway capacity instead in the direction of pedestrians will at many locations become a further constraining factor on the amount of proposed development. The rights of pedestrians are not just as important as the rights of motorists, in fact they have the top place in the hierarchy of users, and this now needs to be reflected in a consistent standard of provision.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Strategic interventions need to address pedestrian and disabled users, and may involve the redistribution of road space to pedestrians away from vehicles. The plan does not do this.
2. This paragraph provides a generalised statement - that is not quantified, but should be.
3. The Infrastructure Delivery Plan is not clear or workable.
4. The transport evidence does not effectively consider the Northowram and Shelf area.

Council's Response:

1. The strategic interventions will address the needs of these users; however, this will happen through the individual programmes rather than Local Plan.
2. The paragraph needs to be read in the context of the wider chapter rather than in isolation. The local plan will drive the form of the future transport interventions proposed so it is not possible to provide the information requested at this stage.
3. The IDP is clear and workable and was updated in May 2019. The IDP proposes a number of key schemes which will allow development in line with the aspirations of Calderdale while reducing the impacts on the transport network. The planned growth has been targeted spatially in areas where access to alternative modes of transport (other than the private car) are best, in order to reduce reliance on cars for travel.
4. The Local Plan is accompanied by a transport evidence base that is robust and fit for purpose.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Suggested Modifications

1. "The provision of adequate pavements" should be included in the strategic interventions listed in the policy derived from the reasoned justification.
2. The paragraph should include quantified references supporting the assertions made.

Council's Response:

1. Specifying the detailed content of strategic interventions is outside the scope of the Local Plan. The provision of pavements alongside existing highways is a matter for the transport strategy to address. No modification required.
2. The paragraph cross refers the the Transport Evidence prepared by WSP and does not require amendment. No modification required.

Document Section: 13.15 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1162320**

Name: **Mr Richard Bacon**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Listing potential or planned works (which may or may not happen) does not seem to be a robust basis of a critical part of the plan. Such a significant increase in the number of homes in Brighouse demands specific interventions to ease hot spots, specifically where the A643 and A644 join in the town centre. During rush hour traffic can regularly stretch up Clifton Common.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The objectives of the A629 corridor improvement programme which features principally in this paragraph have been described positively as 'will help reduce congestion, improve journey times, boost public transport use and improve cycling and walking conditions.' What has not been disclosed however is its

consequences for increased traffic volumes down the corridor - these are revealed only if you have access to the Calderdale Transport Model - and then any related negative impacts (on emissions, but maybe others as well). At e.g one section (the Calderdale Way) traffic flows increase in the morning peak by 46% (Elland direction) and 90% (Halifax direction), and by 41% and 70% respectively across the interpeak, in the Do Something which includes this CIP intervention TN10 3.1.2 . from the model This is illustrated in the attached screenshot from the model. The increased traffic flows continue on the section of Huddersfield Road near to Halifax, and within the Salter Hebble air quality management area (2nd screenshot). In other words, what is being portrayed as a 'solution' to traffic congestion is possibly/probably actually making it worse; except that this has not been disclosed, due to the multiple failures in the transport evidence base.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074040>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Should the paragraph go further by describing the consequences of the A629 scheme?
2. Listing potential or planned highway works does not provide a robust basis for planning around Brighouse.

Council's Response:

1. The A629 scheme is committed, already funded and under construction.
2. The A641 is at an early stage of consideration, funding is committed, but the details are being worked through. The Infrastructure Delivery Plan (IDP (May 2019) EV42.1 addresses the implications of the growth around Brighouse and the infrastructure needed to facilitate development.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.16 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Similar detailed analysis about the traffic growth consequences of these CIPs, derived from the strategic transport model, will be provided in evidence to the Examination in Public. But just as an example of the impacts on the Hebden Bridge and Mytholmroyd areas: - In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax in the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. - e) In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on Heights Road; in the evening peak - on Heights Road the increases are again very large. It will be seen from this that traffic growth on the main roads has also now spread outwards across the local highway network, as evidence of increasing saturation, popularly known as 'rat running' The scale of the increase is set out in the attached table, which is another way of presenting the outputs from Calderdale's strategic transport model..

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Should the paragraph describe more detail about the traffic growth implications of the A646/A6033 and A58/A672 Corridors Improvements Plans.

Council's Response:

1. This information can be read in the transport evidence and does not need to be included in the Local Plan written statement.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.17 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

However whilst walking and cycling related interventions are welcome, what needs to be demonstrated is what happens to their absolute volumes and also if this amounts to a change in the proportion of modal share. Neither the local plan nor the evidence base discloses this quantified information.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Should the Local Plan demonstrate the shift in modal share of cycling and walking related interventions associated with the named funding streams and strategies.

Council's Response:

1. This is beyond the scope of the Local Plan, and would form part of the business case for individual

interventions at the stage of drawing money down. The Calderdale Transport Strategy (EV 58) also provides a framework for developing cycling and walking interventions that will be reflected in the Infrastructure Delivery Plan.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy IM1 Strategic Transport Interventions

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

A significant number of houses are planned for Shelf & Northowram, however, only potential interventions are being proposed for both road and rail, this does not make for a sound and sustainable development area. Most of the proposed development is on green belt with no suitable access, again making the area unsound and unsustainable for large development.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Look at building more houses in the wet of the region where there are more railway stations which make transport more sustainable.

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1185322** Name: **Mr Geoffrey Hann** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The road infrastructure in Calderdale cannot be taken in isolation, the developments in Kirklees and to a lesser extent in Bradford will have an impact upon congestion and air quality in Brighouse. The local plan

has not shown how Calderdale has worked with Kirklees in particular and Bradford on ensuring that traffic will move smoothly, thereby reducing pollution. A new junction for the M62 (24a) is shown in the local plan. It is suggested that funding will come from Highways England, working in partnership with CMBC and KMBC. There is no proposed date for completion (in fact, case, demand, risks and costs don't seem to have yet to be established) and given Highways England have said they will not fund this junction, and Kirklees have said it isn't required! This shows a total lack of co-operation. In the plan, provision of this junction is seen as critical to alleviating congestion in Brighouse and therefore to the plan, but will it be built, who by and where will the funding come from?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5101426>

Comment ID **Lpp1304**

Site ref (if applicable):

Person ID: **851345**

Name: **Planning Policy Kirklees Council**

Organisation: **Kirklees Council**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please accept this email as the Kirklees Council response to the Calderdale Local Plan consultation. In relation to the duty to co-operate our understanding is that you have prepared a revised draft statement of common ground to address strategic/cross-boundary issues and that this document, when in its final form, will be submitted alongside your Local Plan. We agreed that we would review the draft document jointly with you in order that we can arrange a joint political briefing with our respective portfolio holders. We understand that this document will reflect the common ground between both authorities on a number of strategic/cross-boundary matters and recognise the importance in jointly planning for transport infrastructure which we are working together to resolve and promote, including the Cooper Bridge/A644 highway scheme. Kirklees Council supports the recognition of the Cooper Bridge/A644 highway scheme in Policy IM1, together with its safeguarding under Policy IM3 and inclusion in the IDP. Kirklees Council's view is that that the scheme should be listed in the top part of Policy IM1, as opposed to being listed as a 'potential intervention'. We welcome your support for this change and we note that you are intending to produce some suggested changes for the Inspector to consider when you submit the Plan for Examination.

We would be grateful if this comment could be recorded as a response to the consultation and acknowledged. At this stage Kirklees Council would not wish to attend the Examination in Public.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1388**

Site ref (if applicable):

Person ID: **844298**

Name: **Cllr Howard Blagbrough**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5105906>

Comment ID **Lpp1419**

Site ref (if applicable):

Person ID: **1185901**

Name: **Avant Homes**

Organisation:

Agent ID: **1139514**

Name: **Nathan McLoughlin**

Organisation: **Mcloughlin Planning**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

See attachments

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comment. Policies IM1 & IM3 Avant's position that Policies IM1 and IM3 are unsound in that they are not based upon a robust evidence base and therefore inconsistent with National guidance. Policies IM1 and IM3 set out general requirements in terms of new Highways Infrastructure and other Transport Infrastructure to be provided in the Borough as well as mechanisms for

securing such infrastructure. In terms of Policy IM1, it sets out an aspiration for a new Railway Station to be delivered at Elland, reopening a Station closed a number of years ago and helping to provide a more sustainable patterns of transport for its residents through the Borough. This is considered particularly to be advantageous given Elland's close relationship with the wider Urban area of Halifax. It is equally understood that the new railway station has been endorsed by the West Yorkshire Combined Authority (WYCA), and that whilst no formal budget has been set, consultation material available from the WYCA confirms that the provision of a new Station at Elland will cost well in excess of ten million pounds. In terms of Avant's concerns with this, whilst it generally supports the concept of a new Railway Station at Elland, it is concerned how such development will be financed. Clearly from the material available, there is some financing coming forward from the Combined Authority. However, there is little detail from the Combined Authority as to whether the development will be funded in totality by the Authority concerned. This raises the inevitable question of developer contributions from development sites in the Elland area, as well as elsewhere, and whether they are or could make contributions towards the funding of the reopening of the Railway Station. Currently, and notwithstanding the overall concern about the low housing target of the Plan, allocations in the Elland area deliver a total of only 484 new dwellings. There is no consideration in the Plan as to what level of Section 106 contribution would be sought from these proposal's and given the fact that the sites range from 11 dwellings to a total of 248 at its largest, there is the concern that there would be an inconsistent Section 106 package coming from the site's identified to provide a meaningful contribution. Avant's position is that larger development sites offer greater economies of scale for Section 106 monies towards the provision of new infrastructure. Turning to Policy IM3, which sets up the Transport package, references made to the infrastructure delivery Plan. It is unfortunate that the material provided for consultation is not significantly comprehensive in that only the project CIL figures are presented. There is nothing referring to the overall cost of the various pieces of transport related infrastructure which the Plan seeks to deliver. However, notwithstanding that, the Draft Infrastructure Delivery Plan, paragraph 11.4 site and leads for development to assist in shortfalls in infrastructure funding, and the sites need for a CIL or Section 106 obligation to that purpose. Again, Avant quest the funding arrangements for the various items of infrastructure which are required throughout the Plan area and with specific reference to Elland, what are the infrastructure funding shortfalls. In rectifying the situation, it is clear that the Plan has some significant infrastructure aspirations to help solve existing problems as well as help manage more sustainable patterns of transport in the future. Avant Homes support this approach. However, the approach of the Local Plan is to reduce the level of housing development at the town than previously anticipated. Avant consider such an approach counter-intuitive to the overall aspiration of delivery Elland Railway Station. Evidence available in the 2014 Railway Stations in North and West Yorkshire considers Elland station well placed to be delivered. In terms of services from the Station, the current assumptions held by the WYCA is that train services will operate on the Calder Valley and Huddersfield lines. In the case of the former, this includes a service to Leeds, via Halifax. Without these being credibly costed, and the evidence being made available, it remains to be seen how the infrastructure aspirations of the Plan can be met in any meaningful way, especially given the lower level of development the Plan is proposing when compared to the provisions of the September 2017 version. As a result, it is Avant's position that the strategy for delivering the infrastructure required is unsound as there is not the credible evidence base to support the position that this will be delivered during the Plan period. In terms of resolving the matter, it is considered that the additional housing required as per the Strategic Housing Market Assessment will provide a much needed funding boost and customer demand towards the new development as part of a more comprehensive addressing of the Borough's overall housing requirement.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

See attachments

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106734><http://calderdale-consult.objective.co.uk/file/5106733><http://calderdale-consult.objective.co.uk/file/5106736>

Comment ID **Lpp1435**

Site ref (if applicable):

Person ID: **1185621**

Name: **Clifton Village
Neighbourhood Forum**

Organisation: **Clifton Village
Neighbourhood Forum**

Agent ID: **1185607**

Name: **Mr Nick Pleasant**

Organisation: **NJL Consulting**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment for context of comment. IM1 is neither effective nor deliverable. A number of infrastructure items are essential to the delivery of Local Plan allocations, yet infrastructure delivery and funding has not been tested or demonstrated. The policy also only includes a number of key infrastructure items as 'Potential Interventions', despite the 'Interventions' being critical to the Local Plan Strategy.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107469>

Comment ID **Lpp1471**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please

note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Transport: Policies IM1 to IM5 There appears to be an irreconcilable conflict between the repeated intention of reducing car dependency (para 13.6, Table 13.4, Policy IM4), which is welcome and is fundamental both to climate change response and to health and wellbeing, as well as sustainable development in a wider sense; and three inter-related aspects of the Plan: 1) The spatial emphasis of new development to the east of Brighouse, on sites which are principally accessible by car, place significant additional demands on the highway network, and offer limited prospects for active travel; 2) The abandonment of brownfield sites as a source of new land supply, which will increase the dispersal of development to peripheral sites and limit the scope for walkable, mixed-use redevelopments especially in Halifax; 3) The road-upgrade emphasis of the strategic transport interventions in Policy IM1 (although non-road interventions are noted and welcome) which will provide temporary relief from congestion and induce additional road traffic. The sustainable travel ambitions of the chapter are laudable, but in our view they will be woefully ineffective. The spatial ambitions of the Plan need to be reviewed to address this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp159**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Shelf and Northowram are Tier 4 settlements yet are proposed to receive a higher percentage of development than any other settlement except Brighouse (Brighouse = 31.18%, Shelf and Northowram = 12.35%, Halifax = 11.03%; source Tab 3 of IDP). Para 5.8 of the IDP identifies that Bradford is the main trip destination outside Calderdale for workers and transport studies by WSP identify that the main route from Halifax to Bradford is along the A6036 through Shelf and Northowram. Policy IM1 identifies that

interventions along the A6036 are only 'potential'. As there is no funding or timescale the Council must explain whether such interventions will take place during the lifetime of the plan (if at all). Shelf and Northowram have only one primary route (A6036) that has only a high frequency bus service to Bradford/Halifax and there is no bus service north or south to Queensbury/Brighouse. Transport modelling by WSP has identified that the A6036 will be at or over capacity in the morning peak by 2032. The same Transport modelling has identified that by 2032, Shelf Moor Road, a narrow country lane with a priority passing place will have 2091 trips during the morning peak. Shelf Moor Road appears to be the proposed access and egress route for sites LP0782 and LP1543 in Shelf although Highways DM have said it is not suitable for the number of trips generated by the proposed quantum of these sites. 2091 trips on this narrow lane compares with 2042 modelled trips on the Primary Route (A6036) for the same periods. Since any interventions on the A6036 are only potential and there are no proposed interventions on the LHN, the council must explain how these traffic impacts can be regarded as sustainable.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp815**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

All the proposed road schemes are objected to until such time as they have been assessed i) not just in relation to V/C ratios (which can be used as a means or opportunity to expand the capacity of a road corridor [i.e if in the DS 2032 scenario these ratios are still below the 85% threshold], thereby generating increased road traffic) but also to traffic volume growth; ii) their consequent impact on severance and pedestrian amenity in the communities through which they pass; and iii) also on both carbon and air quality emissions. These impacts must be assessed against a constraining framework which, should they prove to be sufficiently negative, act to restrict the quantity of new development, or indeed of activity in general, so that this latter is reduced in quantity or so that it becomes compliant with legal requirements. The proposed rail, cycling and walking interventions on the other hand are supported. Add 'provision of adequate pavements' in all locations on the principal roads of the urban network to the list of strategic transport interventions, as per our comments on 13.13.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Policy is neither effective nor deliverable.
2. A number of interventions are set out, but some of these are essential for the delivery of the plan, but have not been tested or demonstrated.
3. The basis for the interventions is not robust and is therefore inconsistent with national planning guidance.
4. There is an irreconcilable conflict between the intention of reducing car dependency (Policy IM4) and the strategic interventions within this policy.
5. The policy mentions "A58/A6036 Corridor" as only a potential intervention.
6. The Council must explain how the traffic impacts of development in Northowram and Shelf can be regarded as sustainable.

Council's Response:

1. The policy provides a list of committed strategic transport interventions that will come forward within the Plan period. This gives certainty to developers and local residents regarding the interventions that they are likely to see over the Plan Period.
2. The listed schemes are in the process of development. Their status is also reflected in the Infrastructure Delivery Plan. not yet developed enough to model and assess in the way that is proposed.
3. The interventions have been developed through a range of studies not only by the Council but also the West Yorkshire Combined Authority and neighbouring authorities. The Council do not accept that the preparation of the interventions is inconsistent with national guidance.
4. The Council considers that whilst there are tensions between some of the objectives in Policy IM4 it is for the decision-taker to reach a balanced view given the information supporting any application. There are a wide range of strategic public transport interventions as well as cycling improvements that are also

mentioned within Policy IM1. The Infrastructure Delivery Plan (IDP - updated in 2019 - EV 42.1) also addresses additional interventions not mentioned within this policy.

5. The A58/A6036 (east of Halifax) has already moved into a Corridor Improvement Programme.... Which was not the case when the Local Plan was drafted.

6. Overall there are 595 homes proposed on new allocations in Northowram and Shelf. These will be delivered over a 15 year period. There are potential transport interventions being explored within the A58/A6036 project which will address the public transport accessibility within the area as well as general highways.

Duty to Co-operate

Main Issues:

1. The Cooper Bridge/A644 highway scheme should be moved from the "potential Interventions" to the upper part of the Policy.

Council's Response:

1. It is agreed that Cooper Bridge/A644 Highway Scheme (Kirklees led) should be moved to the first part of the Policy as it is now clear that it will come forward within the Plan Period, as demonstrated at the Kirklees Local Plan Examination.

Suggested Modifications

1. The Cooper Bridge/A644 highway scheme in Policy IM1 should be listed in the top part of the Policy - rather than as a "potential intervention".

2. "Provision of adequate pavements" should be added to the strategic interventions.

Council's Response:

1. Potential Modification: Cooper Bridge/A644 Highway Scheme (Kirklees led) should be moved to the first part of the Policy as it is now clear that it will come forward within the Plan Period, as demonstrated at the Kirklees Local Plan Examination.

2. The Council does not consider that a Modification needs to be made reflecting this point. Policies IM4 "Sustainable Travel", IM5 "Ensuring Development Supports Sustainable Travel" and IM7 "Master planning of Housing Sites" are considered to provide appropriate guidance relating to the provision of pavements and footpaths alongside new development.

3. Potential Modification: A58/A6036 should be moved to the first part of the policy as pre-feasibility work as part of the Corridor Improvement Programme is now underway.

Document Section: Table 13.1 Monitoring: Policy IM1 - Strategic Transport Interventi

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

There's a need to include traffic volume, and carbon and air quality emissions, in all of the indicators, outcomes and targets.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This monitoring framework is deficient as it does not include traffic volume, carbon and air quality emissions.

Council's Response:

1. These matters would be monitored through other processes outside the Local Plan.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Additional Outcomes, Indicators and Targets need to be set in this Monitoring framework, to include traffic volume, carbon and air quality emissions.

Council's Response:

1. The Council does not consider it necessary to add Outcomes, Indicators and Targets to the monitoring framework for this Policy as it not framed in terms of traffic reduction or emissions, but rather as the delivery of specific schemes/interventions. No modification required.

Document Section: Policy IM2 Transport Investment Decisions

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Transport: Policies IM1 to IM5 There appears to be an irreconcilable conflict between the repeated intention of reducing car dependency (para 13.6, Table 13.4, Policy IM4), which is welcome and is fundamental both to climate change response and to health and wellbeing, as well as sustainable development in a wider sense; and three inter-related aspects of the Plan: 1) The spatial emphasis of new development to the east of Brighouse, on sites which are principally accessible by car, place significant additional demands on the highway network, and offer limited prospects for active travel; 2) The abandonment of brownfield sites as a source of new land supply, which will increase the dispersal of development to peripheral sites and limit the scope for walkable, mixed-use redevelopments especially in Halifax; 3) The road-upgrade emphasis of the strategic transport interventions in Policy IM1 (although non-road interventions are noted and welcome) which will provide temporary relief from congestion and induce additional road traffic. The sustainable travel ambitions of the chapter are laudable, but in our view they will be woefully ineffective. The spatial ambitions of the Plan need to be reviewed to address this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp817**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The burden of our previous transport analysis is that the eight objectives identified in this policy as 'considerations' for these transport investment decisions are very often in contradiction with each other. Indeed the last sentence of the policy talks about 'potentially competing objectives'. The intention of the West Yorkshire CIPs appears principally to serve the first of these ('unlocking economic development potential'); but whilst they may have some potential to reduce congestion or improve some journey times, this won't be by 'managing travel demand' - which will be increased, by car - or by improving the use of public transport; and will actually have a negative affect upon air quality and reducing carbon emissions. Moreover these structural contradictions have not been analysed and disclosed.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This policy provides competing and contradictory objectives for transport investment which are irreconcilable.

Council's Response:

1. The objectives are recognised as being potentially competing, but the Council does not regard them as

contradictory or irreconcilable. The balance between the objectives will naturally vary from one scheme to another, and it is for the decision-maker to come to a balanced view from the information that will be presented to them.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Table 13.2 Monitoring: Policy IM2 - Transport Investment Decisio

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It's noted that road traffic growth, and air quality and carbon emissions, have been omitted from the indicators and targets. This would then bias the delivery of the 'balanced approach' that the policy calls for, against them.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The monitoring framework for IM2 does not include traffic growth, air quality and carbon emissions.

Council's Response:

1. The Council considers that the monitoring framework provides a basis for assessing the matters that are addressed in this representation.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Additional Outcomes, Indicators and Targets need to be set in this Monitoring Framework, to include traffic volume, carbon and air quality emissions.

Council's Response:

1. The Council does not consider it necessary to add Outcomes, Indicators and Targets to the monitoring framework for this Policy. This monitoring framework already looks at air quality as a potential outcome and considers. No modification required.

Document Section: Policy IM3 Safeguarding Transport Investment

Representations

Comment ID

Site ref (if applicable):

Person ID: **851345**

Name: **Planning Policy Kirklees Council**

Organisation: **Kirklees Council**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please accept this email as the Kirklees Council response to the Calderdale Local Plan consultation. In relation to the duty to co-operate our understanding is that you have prepared a revised draft statement of common ground to address strategic/cross-boundary issues and that this document, when in its final form, will be submitted alongside your Local Plan. We agreed that we would review the draft document jointly with you in order that we can arrange a joint political briefing with our respective portfolio holders. We understand that this document will reflect the common ground between both authorities on a number of strategic/cross-boundary matters and recognise the importance in jointly planning for transport infrastructure which we are working together to resolve and promote, including the Cooper Bridge/A644 highway scheme. Kirklees Council supports the recognition of the Cooper Bridge/A644 highway scheme in Policy IM1, together with its safeguarding under Policy IM3 and inclusion in the IDP. Kirklees Council's view is that that the scheme should be listed in the top part of Policy IM1, as opposed to being listed as a 'potential intervention'. We welcome your support for this change and we note that you are intending to produce some suggested changes for the Inspector to consider when you submit the Plan for Examination. We would be grateful if this comment could be recorded as a response to the consultation and acknowledged. At this stage Kirklees Council would not wish to attend the Examination in Public.

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Transport: Policies IM1 to IM5 There appears to be an irreconcilable conflict between the repeated intention of reducing car dependency (para 13.6, Table 13.4, Policy IM4), which is welcome and is fundamental both to climate change response and to health and wellbeing, as well as sustainable development in a wider sense; and three inter-related aspects of the Plan: 1) The spatial emphasis of new development to the east of Brighouse, on sites which are principally accessible by car, place significant additional demands on the highway network, and offer limited prospects for active travel; 2) The abandonment of brownfield sites as a source of new land supply, which will increase the dispersal of development to peripheral sites and limit the scope for walkable, mixed-use redevelopments especially in Halifax; 3) The road-upgrade emphasis of the strategic transport interventions in Policy IM1 (although non-road interventions are noted and welcome) which will provide temporary relief from congestion and induce additional road traffic. The sustainable travel ambitions of the chapter are laudable, but in our view they will be woefully ineffective. The spatial ambitions of the Plan need to be reviewed to address this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp1543**

Site ref (if applicable):

Person ID: **1185901**

Name: **Avant Homes**

Organisation:

Agent ID: **1139514**

Name: **Nathan McLoughlin**

Organisation: **Mcloughlin Planning**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

See attachments

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comment. Policies IM1 & IM3 Avant's position that Policies IM1 and IM3 are unsound in that they are not based upon a robust evidence base and therefore inconsistent with National guidance. Policies IM1 and IM3 set out general requirements in terms of new Highways Infrastructure and other Transport Infrastructure to be provided in the Borough as well as mechanisms for securing such infrastructure. In terms of Policy IM1, it sets out an aspiration for a new Railway Station to be delivered at Elland, reopening a Station closed a number of years ago and helping to provide a more sustainable patterns of transport for its residents through the Borough. This is considered particularly to be advantageous given Elland's close relationship with the wider Urban area of Halifax. It is equally understood that the new railway station has been endorsed by the West Yorkshire Combined Authority (WYCA), and that whilst no formal budget has been set, consultation material available from the WYCA confirms that the provision of a new Station at Elland will cost well in excess of ten million pounds. In terms of Avant's concerns with this, whilst it generally supports the concept of a new Railway Station at Elland, it is concerned how such development will be financed. Clearly from the material available, there is some financing coming forward from the Combined Authority. However, there is little detail from the Combined Authority as to whether the development will be funded in totality by the Authority concerned. This raises the inevitable question of developer contributions from development sites in the Elland area, as well as elsewhere, and whether they are or could make contributions towards the funding of the reopening of the Railway Station. Currently, and notwithstanding the overall concern about the low housing target of the Plan, allocations in the Elland area deliver a total of only 484 new dwellings. There is no consideration in the Plan as to what level of Section 106 contribution would be sought from these proposal's and given the fact that the sites range from 11 dwellings to a total of 248 at its largest, there is the concern that there would be an inconsistent Section 106 package coming from the site's identified to provide a meaningful contribution. Avant's position is that larger development sites offer greater economies of scale for Section 106 monies towards the provision of new infrastructure. Turning to Policy IM3, which sets up the Transport package, references made to the infrastructure delivery Plan. It is unfortunate that the material provided for consultation is not significantly comprehensive in that only the project CIL figures are presented. There is nothing referring to the overall cost of the various pieces of transport related infrastructure which the Plan seeks to deliver. However, notwithstanding that, the Draft Infrastructure Delivery Plan, paragraph 11.4 site and leads for development to assist in shortfalls in infrastructure funding, and the sites need for a CIL or Section 106 obligation to that purpose. Again, Avant quest the funding arrangements for the various items of infrastructure which are required throughout the Plan area and with specific reference to Elland, what are the infrastructure funding shortfalls. In rectifying the situation, it is clear that the Plan has some significant infrastructure aspirations to help solve existing problems as well as help manage more sustainable patterns of transport in the future. Avant Homes support this approach. However, the approach of the Local Plan is to reduce the level of housing development at the town than previously anticipated. Avant consider such an approach counter-intuitive to the overall aspiration of delivery Elland Railway Station. Evidence available in the 2014 Railway Stations in North and West Yorkshire considers Elland station well placed to be delivered. In terms of services from the Station, the current assumptions held by the WYCA is that train services will operate on the Calder Valley and Huddersfield lines. In the case of the former, this includes a service to Leeds, via Halifax. Without these being credibly costed, and the evidence being made available, it remains to be seen how the infrastructure aspirations of the Plan can be met in any meaningful way, especially given the lower level of development the Plan is proposing when compared to the provisions of the September 2017 version. As a result, it is Avant's position that the strategy for delivering the infrastructure required is unsound as there is not the credible evidence base to

support the position that this will be delivered during the Plan period. In terms of resolving the matter, it is considered that the additional housing required as per the Strategic Housing Market Assessment will provide a much needed funding boost and customer demand towards the new development as part of a more comprehensive addressing of the Borough's overall housing requirement.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

See attachments

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106734><http://calderdale-consult.objective.co.uk/file/5106733><http://calderdale-consult.objective.co.uk/file/5106736>

Comment ID **Lpp596**

Site ref (if applicable):

Person ID: **717694**

Name: **Mr Edward Spivey**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The Council cannot give itself the power (via a Policy) to be able to refuse planning permission if a development "may" effect a transport scheme which it has not published and which has no publicly available details. That is sheer nonsense. The Council must publish its proposals and plans so that there are no "uncertainties". That is the purpose of the Infrastructure Delivery Plan - it should have full details of all the schemes - not just their names. Of course, this will cause blight - but that has to be addressed by the Council.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Publish a proper IDP. Reword the Policy so that only where clear conflict occurs, with published detailed plans, will permission be refused.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Policy is not based on a robust evidence base.
2. The Infrastructure Development Plan is not detailed with regards to overall cost of transport related infrastructure projects. Not clear whether there are infrastructure funding shortfalls.
3. Reduction in level of housing growth in Elland is counter intuitive to delivery of Elland Station.
4. Strategy for delivery infrastructure is unsound given lack of credible evidence base to support position that projects will be delivered in the Plan period. Additional housing is therefore required in Elland to provide customer demand and funding contributions.
5. The Council cannot give itself the power to refuse planning permission if a development "may" effect a transport scheme which has not details publicly available.

Council's Response:

1. The Council has prepared a robust evidence base.
2. The IDP was refreshed in May 2019 (EV 42.1) and contains the most recent information available. Further updates to the IDP will be made as more information becomes available. It is not practical for the IDP to include full details of the financing of complex and evolving schemes. The timescales for delivery of infrastructure set out in the IDP are realistic.
3. Elland station is a committed project and will be delivered irrespective of the Local Plan.
4. The Infrastructure Delivery Plan (IDP) provides an indication of the infrastructure being planned throughout the plan period. The IDP is updated on a regular basis.
5. The policy deals with the protection of potential schemes and raises awareness for developers that interventions may be brought forward. The Infrastructure Delivery Plan will also address the interventions. Whilst the policy aims for the protection of potential schemes it is not blanket policy giving refusal in all circumstances. The wording is "likely" but that will be for decision-takers to actually address if conflicts between planning applications and potential schemes arise. Detail of projects will become publicly available at the appropriate stage in the process. In many cases considerable information is already in the public realm.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy needs rewording so that only where there are clear conflicts, with published detailed plans, will permission be refused.

Council's Response:

1. It is not considered necessary to modify the policy.

Document Section: 13.21 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The first sentence states correctly that 'the overall impact' of growth across Calderdale on the highway network has been assessed; and also that interventions have been identified 'at the local level' that would facilitate development. But, in order to provide for a balanced assessment of the impact of the growth allocations, what also needs to be provided - but hasn't been "" are assessments of more localised impacts on the local highway network, and whether the proposed interventions adequately respond to those impacts. As a specific example, the transport model does not include coverage of the LHN around Northowram & Shelf - therefore either in the 2014 baseline or the 2032 DM/DS scenarios -so that the extent of the saturation of the LHN there, which is already visible today, can be understood. As a result the transport impacts of the larger scale housing developments in this area are not being measured. A screenshot of the strategic transport model output is attached.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The level of assessment on the local highway network fails to allow consideration of more localised impacts on the local highway network, and whether the proposed interventions are appropriate.

Council's Response:

1. This level of consideration has been undertaken at the individual site assessments. Where interventions have been identified and programmed these are also shown within the IDP 2019.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.22 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The statement that 'The Council will work with developers, infrastructure providers, local communities and other stakeholders to facilitate local transport interventions needed to support growth across the Borough' our emphasis is objected to the wording is biased in favour of interventions 'needed to support growth'. What happens if other sorts of interventions are required in order to restrain the consequences of that growth, which the local communities already experience and fear will be exacerbated by the scale of development?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The emphasis on the delivery of interventions to support growth is questioned, as there may be interventions needed to restrain the consequences of that growth.

Council's Response:

1. The Local Plan sets out the growth of the Borough and in order to facilitate this some local transport interventions will be required. National policy expects councils to take a positive approach to housing and growth. Some of the interventions may restrain or manage the consequences of the proposed growth.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.23 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We agree with the statement that 'To combat these future problems it is important not only to prioritise investment but also to manage the demand for travel and encourage more sustainable modes of travel. To achieve this will require an integrated approach to transport improvements.' The problem is that the scale to which the demand for travel will be managed has not been quantified by the LP document or the transport evidence base; whilst the approach to transport improvements being implemented by WYCA, as we have noted with the CIPs, actually has the opposite effect: not to manage i.e constrain travel demand, but actually increase road traffic growth.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The scale of travel demand has not been quantified in the Local Plan or its transport evidence.

2. The WYCA Corridor Improvement Programme (CIP), for example, increases traffic growth and therefore does not constrain travel demand.

Council's Response:

1. Travel demand is considered within the Transport Modelling, as this is part of the modelling process. The assumptions regarding trip rates are a fundamental part of the modelling process. Travel demand will continue to grow, irrespective of what interventions are proposed through the Local Plan.

2. Whilst it is not the place of the Local Plan to question the objectives of the Corridor Improvement Programme, the WYCA CIP has already and will continue to deliver improved opportunities for sustainable travel.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.24 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Council will seek to manage the local road network by the re-allocation of road space to prioritise walking, cycling, bus, coach, freight and taxi movements allowing them to bypass the worst of the congestion.' The Site Assessments for the sites in Shelf and Northowram already claim there will be no problem for traffic on the quiet country lanes leading to them so we must assume that the congestion will be on the main roads. If the Council will 'manage' bus, coach, freight etc. so it can bypass the congestion they must explain how this will be achieved without putting it back onto the country lanes? 'In addition all new developments which could generate significant traffic movements will be required to develop a travel plan todemonstrate how they will maximise the use of sustainable modes of transport.' We already know from the Council's various Traffic Studies that there is no public transport near the sites in Shelf and Northowram, nor will there be in the future. So how will a traffic plan suddenly make the sites sustainable? And if it cannot, it will be too late because the sites will have been taken out of Green Belt.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Whilst the general intention to reallocate road space in favour of public and active travel is obviously supported, it also needs to be recognised that the opportunities to undertake this reallocation are often strictly limited, if not impossible, in Calderdale e.g along almost all the length of the A646.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This paragraph is misleading as the re-allocation of road space is not always possible, as opportunities are strictly limited.
2. The Council must explain how the congestion will be bypassed without putting it onto country lanes.
3. There is no public transport near the sites in Shelf and Northowram, so how ill a traffic plan suddenly makes the sites sustainable?

Council's Response:

1. This paragraph is an aspiration, the implementation of which will depend on the circumstances on the ground.
2. Pedestrians, cyclists and buses etc. can bypass congestion through the use of separate lanes or routes, and this will be considered as part of the preparation of transport interventions.
3. The Site Assessment Methodology uses public transport accessibility and routing and a parameter for determining the suitability of sites. All the sites in Shelf and Northowram that are proposed to be allocated lie within 400m to 2km of public transport routes, and are considered to be appropriate for allocation by highways.

Duty to Co-operate

Main Issues:

MAIN ISSUES.

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.25 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy IM4 Sustainable Travel

Representations

Comment ID **Lpp1208**

Site ref (if applicable):

Person ID: **1185143** Name: **Mr John England**

Organisation:

Agent ID: **960827** Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1220**

Site ref (if applicable):

Person ID: **1140030** Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827** Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp125**

Site ref (if applicable):

Person ID: **975323**

Name: **Mr Charles Shaw**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I consider the use of the new generation electric cars as a very positive step towards reducing carbon emissions, however, should this revolution take place will the present policies in IM4 not be counter productive as the plan is trying to encourage people away from private car transport onto public transport.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1366**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client objects to inclusion of Policy IM4 in the Local Plan as it is considered to be unnecessary and is not justified, therefore failing to meet the tests of soundness outlined in paragraph 35 of the Revised Framework. The Policy effectively repeats the requirements of Policy IM5 and should therefore be deleted. Notwithstanding this, if the policy is retained, there are several criteria which are unacceptable and should be removed. The introduction of a blanket 20mph speed limit for all new developments is unjustified and is not a matter to be dealt with through planning policies, it is for the discretion of the highways authority on a case by case basis. Furthermore, there is no evidence or justification to demonstrate how limiting the speed of motor vehicles, encourages the use of sustainable modes of transport. The policy is too prescriptive, as for example, it seeks to ensure that showers and locker space are incorporated in employment developments. The inclusion of the following sentence is unacceptable and should be deleted "'new homes should have provision of electric vehicle charging points provided at their parking spaces'. This is because it may not be feasible or safe to have an electric charging point for every dwelling or parking space.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1473**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very

substantial modifications will be needed to make the Plan sound. Transport: Policies IM1 to IM5 There appears to be an irreconcilable conflict between the repeated intention of reducing car dependency (para 13.6, Table 13.4, Policy IM4), which is welcome and is fundamental both to climate change response and to health and wellbeing, as well as sustainable development in a wider sense; and three inter-related aspects of the Plan: 1) The spatial emphasis of new development to the east of Brighouse, on sites which are principally accessible by car, place significant additional demands on the highway network, and offer limited prospects for active travel; 2) The abandonment of brownfield sites as a source of new land supply, which will increase the dispersal of development to peripheral sites and limit the scope for walkable, mixed-use redevelopments especially in Halifax; 3) The road-upgrade emphasis of the strategic transport interventions in Policy IM1 (although non-road interventions are noted and welcome) which will provide temporary relief from congestion and induce additional road traffic. The sustainable travel ambitions of the chapter are laudable, but in our view they will be woefully ineffective. The spatial ambitions of the Plan need to be reviewed to address this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp1510**

Site ref (if applicable):

Person ID: **897896**

Name: **Mr Merlin Ash**

Organisation: **Natural England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached Natural England notes the consideration given to public rights of way in policies IM4 and IM7 but is disappointed to note the lack of reference to enhancing the existing rights of way networks including National Trails, given the opportunities provided by the Pennine Way and Pennine Bridleway National Trails and the requirements of the NPPF.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109658>

Comment ID **Lpp597**

Site ref (if applicable): **LP1463**

Person ID: **717694**

Name: **Mr Edward Spivey**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The Policy states: "Encourage development within 400 metres of the Core Bus Network ". Almost the whole of the Thornhills site is not within 400m of a bus stop - so its development will be immediately contrary to this Policy.

Do you consider the plan to be Sound?: **No**

Sound Reason:

How can a sound Plan have proposals which are in direct contradiction to its stated Policies?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Remove this allocation.

Additional Evidence Link:

Comment ID **Lpp824**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This policy is unnecessary and unjustified.
2. The Policy repeats the requirements of Policy IM5 and is therefore unnecessary.
3. The introduction of a blanket 20mph speed limit in new developments is unjustified.
4. The policy listing is too prescriptive in its requirements, for example regarding provision of showers and locker space in employment development.
5. Provision of electric charging points for every dwelling or charging space is not evidenced, feasible or safe.
6. The site allocations at Thornhills site is not compliant with this policy as most if it is more than 400m from a bus route.
7. There are irreconcilable conflicts between that aims in this Policy and other inter-related aspects of the Plan (1. the spatial emphasis on areas east of Brighthouse placing significant demands on the highway network and limiting the prospects for active travel; 2. the abandonment of brownfield as a source of land supply increasing the dispersal of development to peripheral sites limiting scope for walkable mixed-use developments; 3. the emphasis on strategic highway interventions providing only temporary relief and inducing additional traffic).
8. Lack of reference to national networks - Pennine Way, and Pennine Bridleway.
9. The policy could be counter-productive.

Council's Response:

1. The policy sets out a proportionate and justified approach to sustainable travel.
2. Policies IM4 and IM5 are different. IM4 provides pointers to the effective planning of the district and preparation of appropriate Development Plan Documents (DPDs) or Supplementary Planning Documents (SPDs) at a later date. IM5 is advice to applicants and provides information that all new development should consider.
3. The introduction of 20mph zones represents current Council policy that has already been implemented

successfully in many locations across Calderdale.

4. The level of prescriptiveness is no more than that required for the policy to achieve its objectives, and reflects current good practice.
5. EV charging points can be easily, economically and safely installed in any development that includes car parking.
6. The Thornhills site makes provision for new public transport routes.
7. There are no irreconcilable conflicts with other aspects of the Plan - the allocations in southeast Calderdale can be developed sustainably; brownfield land has not been abandoned as a source of housing supply; strategic highway interventions are not designed only to provide temporary relief - they are multi-model.
8. It is unclear what reference should be made to Pennine Way and Pennine Bridleway given that they are not directly affected by development and in any case they are covered by reference to "the enhancement and expansion of the footpath, bridleways and cycle networks...".
9. It is not clear why the policy is considered counter-productive.
- 9.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy (as a whole) should be deleted.
2. The inclusion of the following sentence should be deleted – "new homes should have provision of electric vehicle charging points provided at their parking spaces".
3. "Where practical and feasible" should be added to the end of "Electric car charging points should be provided and actively pursued in all new major developments"
4. "The exact amount will be determined on a case by case basis" should be added to the end of "New homes should have provision of electric vehicle charging points provided at their parking spaces;"
5. Make reference to existing rights of way and National Trails

Council's Response:

- 1-5. The policy does not require modification.

Document Section: 13.28 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Unfortunately the statement that 'The Local Plan proposes to focus new employment, shopping and leisure development in town centres, wherever possible, in order to ensure that they are accessible using the public transport network' is not supported by evidence. It seems to be just an assertion.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The paragraph appears to be an assertion rather than a reflection of the evidence.

Council's Response:

1. The paragraph reflects the overall position of the evidence and should in any case be read in conjunction with the rest of the chapter.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.29 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

TN-1 states that Shelf and Northowram does not have a sound transport plan cannot have a railway station and bus companies are unwilling to increase bus services on the A6036. The topography does not sustain walking and cycling to Halifax Policy IM1 A significant number of houses are planned for Shelf & Northowram; however, only potential interventions are being proposed for both road and rail, this does not make for a sound and sustainable development area. Most of the proposed development is on green belt with no suitable access, again making the area unsound and unsustainable for large development.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan proposes development in the Northowram and Shelf area that does not comply with the ideals of this paragraph.

Council's Response:

1. Development in Northowram and Shelf is sustainable and consistent with this paragraph. TN1 (EV54.2) states that N&S is more desirable for development than many other more remote areas with no local facilities and poorer options for travel.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.31 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **975323** Name: **Mr Charles Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This point states the frequency of the bus companies 2 buses per hour in one direction. Site assessments for Shelf and Northowram indicated it would take 30 minutes to reach Halifax from this location, however, the bus companies allow 45 minutes travel time from Shelf and Northowram at none peak times. Therefore the travel time is unacceptable even on public transport, especially as no plans to improve the A6036 are envisaged in this LP period.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan proposes housing allocations in the Northowram and Shelf area that do not comply with the ideals of this paragraph.

Council's Response:

1. Development in Northowram and Shelf is sustainable and consistent with this paragraph. TN1 (EV54.02)

shows that N&S is served by high frequency bus routes. The site assessments for each of the allocations addresses public transport accessibility and concludes that they are sustainable sites.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.35 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support the statement that: 'As a result the Council will not expect developers to provide parking with their developments in these centres.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy IM5 Ensuring Development Supports Sustainable Travel

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185592** Name: **Yorkshire Housing**

Organisation: **Yorkshire Housing**

Agent ID: **1185594** Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1129942** Name: **Norah Smith**

Organisation:

Agent ID: **1185594** Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104801>

Comment ID **Lpp1367**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore The Policy states that all new development should have regard to public transport accessibility and the first line of the policy states 'proposals should be located within the urban areas or associated with a village inset in the Green Belt'. The location of future developments is a strategic matter and it is unnecessary to include this within a policy which seeks to encourage the use of sustainable modes of travel. Also of concern is the fact the policy states that all new developments will ideally be located within 400m walking distance of a bus stop and 750m of a railway station. This is too prescriptive and this 'pass or fail' approach is unacceptable and unsound, as there are a number of other factors that should be considered such as the number of services, frequency and ability to connect to other services. This policy is unsound as currently drafted for the reasons outlined above and consideration should be given to rewording the policy to include other considerations in terms of what defines public transport accessibility

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1425**

Site ref (if applicable):

Person ID: **960161**

Name: **Miss Lucy Hawley**

Organisation: **Highstone Homes**

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson
Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached statement

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See attached statement

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107522>

Comment ID **Lpp1480**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Transport: Policies IM1 to IM5 There appears to be an irreconcilable conflict between the repeated intention of reducing car dependency (para 13.6, Table 13.4, Policy IM4), which is welcome and is fundamental both to climate change response and to health and wellbeing, as well as sustainable development in a wider sense; and three inter-related aspects of the Plan: 1) The spatial emphasis of new development to the east of Brighouse, on sites which are principally accessible by car, place significant additional demands on the highway network, and offer limited prospects for active travel; 2) The abandonment of brownfield sites as a source of new land supply, which will increase the dispersal of development to peripheral sites and limit the scope for walkable, mixed-use redevelopments especially in Halifax; 3) The road-upgrade emphasis of the strategic transport interventions in Policy IM1 (although non-road interventions are noted and welcome) which will provide

temporary relief from congestion and induce additional road traffic. The sustainable travel ambitions of the chapter are laudable, but in our view they will be woefully ineffective. The spatial ambitions of the Plan need to be reviewed to address this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp161**

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It is clearly indicated by the Council's own Traffic Studies that sites LP0221, LP0782 and LP1543 in Shelf and Northowram are outside the zone of acceptable access to public transport and they will not generate sufficient volume to warrant a new or deviation of an existing, bus route. We have said ad nauseum that access to these sites is via narrow country lanes without footways or adequate lighting. They are well used by walkers, cyclists and horse riders from local stables. The Council know this yet they persist in putting these sites forward, probably in the knowledge that when the time comes they will just ignore this requirement in favour of development. As these sites are Green Belt and require exceptional circumstances for removal, the Council must explain, before allocation, how development on these sites will support the aims of this policy particularly in regard to the 'Hierarchy of Road Users'.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp953**

Site ref (if applicable):

Person ID: **11797** Name: **Mr & Mrs Mark & Amanda Tattersall** Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We do not consider this policy goes far enough. It should reflect NPPF para 137 which states: 'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.' We do not consider that a 30 minute day time service is a good alternative to the car or that development would be well-served by public transport. The frequency should be higher. It is clear that the topography of the Borough limits housing potential. The topography also limits walking and cycling. Walking and cycling will be more viable around the valley bottoms. However, there is no distinction between these very different land types for potential cycling/walking within the site assessments or for areas within settlements. The potential should be recorded for potential action, which would help address the congestion, air pollution and Co2 targets of the Borough, enabling sustainable development.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The Policy should reflect NPPF para 137 which states: 'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.' The frequency should be higher. Cycling and walking potential should be recorded

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Clarification is required in terms of the definition of "significant amounts of movement" for Travel Plans, Transport Assessments and Transport Statements.
2. Objects to requirement that all new developments will ideally be located within 400m walking distance of a bus stop and 750m of a railway station.

3. Unnecessary to include detail on location of future developments, this is a strategic matter.
4. The use of a 30 minute daytime bus service as a basis for the location of new development is too low.
5. The potential for cycling and walking should also be reflected in the policy.
6. It is not clear how the aims of this policy, with particular regard to the "Hierarchy of Road Users" is supported by the removal of sites in the Green Belt, around Northowram and Shelf.
7. Many of the proposed allocations in Northowram and Shelf are outside the acceptable access to public transport established by this policy.
8. This policy does not go far enough and does not reflect NPPF para 137.

Council's Response:

1. The NPPF and nPPG do not establish actual levels of traffic growth that may be regarded as "significant". Paragraph: 013 Reference ID: 42-013-20140306 fo the nPPG sets out how Local Planning Authorities should determine the need to Transpost Assessments.
2. This misrepresents the paragraph. New development is not required to be within 400m of a bus stop AND 750m of a railway station. The paragraph cleary says "OR", and sets it in the context of "ideally".
3. This gives advice to applicants as well as decision-takers
4. This standard was agreed with the Public Transport Authority (WYCA-Metro) as being appropriate in the context of Calderdale which is a more diverse area than the rest of West Yorkshire.
5. The policy does refer to cycling and walking through consideration of the Hierarchy of Road Users and the need for Travel Plans, Transport Assessment and Transport Statements.
6. The Hierarchy of Road Users is a requirements for development proposals in the form of applciations, rather than the strategic allocations process.
7. The distances are ideals and not requirements. It is recongised that much of Calderdale already lies outside some of these distances, but it is an intention to try to reinforce development patterns to support public transport where ever possible.
8. The paragraph referred to (para 137) is in the NPPF 2018, rather than the NPPF 2012, where there is no equivalent paragraph. The Council has addressed the release of Green Belt in EV 09.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The frequency of bus services should be higher than 30 minutes during the day.

2. The potential for cycling and walking should also be recorded in the policy as well.
3. The Policy should be reworded to include other considerations of what defines public transport accessibility.
4. The policy needs to clarify what "significant amounts of movement" equates to.
5. The policy needs to be amended to reflect NPPF para 137.

Council's Response:

1. The frequency is considered appropriate in Calderdale. No Modification required
2. The policy refers to cyclists and pedestrians. No modification required.
3. It is not considered necessary to further define public transport accessibility in this policy. No Modification Required.
4. It is not intended that the Local Plan should go into further details on this matter, and therefore no modification is required.
5. The Council has addressed issues relating to green Belt release elsewhere (see EV 09 Exceptional Circumstances for the Release of Green Belt (2019)) and do not consider a modification to this policy is required.

Document Section: Policy IM6 Telecommunications and Broadband

Representations

Comment ID **Lpp1210**

Site ref (if applicable):

Person ID: **1185143** Name: **Mr John England**

Organisation:

Agent ID: **960827** Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1219**

Site ref (if applicable):

Person ID: **1140030** Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827** Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp1368**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client supports Policy IM6 which encourages the delivery of high-speed broadband within new housing developments. Barratt and David Wilson Homes have a national contract with Virgin Media to provide high quality broadband for all of their developments.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp324**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support the intention that telecommunications and broadband proposals will be supported only where:- The siting and design of the equipment will not cause unacceptable harm to the character or appearance of the area or building on which it is located, and The special character and appearance of all heritage assets are preserved or enhanced This will help to ensure that any telecommunications and broadband developments take place in a manner which safeguards the distinctive character of the District and conserves Calderdale's historic environment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp458**

Site ref (if applicable):

Person ID: **1140304**

Name: **Joanne Harding**

Organisation: **Local Plans Manager -
North Home Builders
Federation**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy IM6 is not considered sound as it is not justified, effective or consistent with national policy for the following reasons. The HBF generally considers that digital infrastructure is an important part of integrated development within an area. However, the inclusion of digital infrastructure such as high-speed broadband and fibre is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. Service providers are the only ones who can confirm access to infrastructure. Whilst, paragraph 112 of the NPPF 2018, and paragraphs 43 to 46 of the NPPF 2012, established that local planning authorities should seek support the expansion of electronic communications networks they do not seek to prevent development that does not have access to such networks. The house building industry is fully aware of the benefits of having their homes connected to super-fast broadband and what their customers will demand. The HBF consider that in seeking to provide broadband and fibre to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure. HBF propose that the policy is modified as follows: 'All new housing and employment development should consider how the benefits of high speed broadband can be provided for future occupiers. Larger sites should facilitate provision of broadband, and plan for this as part of the strategic master plan for the site '.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The development industry do not have direct control of digital infrastructure. The policy could therefore create deliverability issues for sites.

Council's Response:

1. The policy gives advice to applicants and decision takers regarding Telecommunications applications.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend policy final clause to read "All new housing and employment development should consider how the benefits of high speed broadband can be provided for future occupiers". Remove last sentence of policy.

Council's Response:

1. Telecommunications and broadband are important concerns for new home owners. It is important that development plans appropriately and effectively provide a framework for this infrastructure. No modification required.

Document Section: 13.48 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182363**

Name: **Mr Jason Boom**

Organisation: **Town Clerk Hebden Royd
Town Council**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

In 13.48 onwards, it does not include proposals for town centres like Mytholmroyd. If it is not possible to amend this, we would remind and advise that when the Hebden Royd and Hill Top Parishes Neighbourhood Plan is adopted, the Mytholmroyd Masterplan will then become part of the adopted Local Plan.

Do you consider the plan to be Sound?: **No**

Sound Reason:

In 13.48 onwards, it does not include proposals for town centres like Mytholmroyd. If it is not possible to amend this, we would remind and advise that when the Hebden Royd and Hill Top Parishes Neighbourhood Plan is adopted, the Mytholmroyd Masterplan will then become part of the adopted Local Plan.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

In 13.48 onwards, it does not include proposals for town centres like Mytholmroyd. If it is not possible to amend this, we would remind and advise that when the Hebden Royd and Hill Top Parishes Neighbourhood Plan is adopted, the Mytholmroyd Masterplan will then become part of the adopted Local Plan.

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The approach in this section of the plan (about master planning) needs to be broadened to include master planning of local town or village centres such as Mytholmroyd or Todmorden, particularly where this may be undertaken by neighbourhood planning which needs support. But in fact even the work to regenerate Calderdale's central town has failed to integrate the strategic review of its urban capacity specifically to reintroduce new housing not just for its social but also economic benefits. When imaginative proposals for the Halifax Town Centre Delivery Plan (<http://calderdalenextchapter.co.uk/sites/default/files/TT%20Halifax%20Delivery%20Plan%20FINAL%20ISSUE.pdf>) were consulted on in July 2017, we pointed out that the opportunities to add in a significant element of new housing had been completely omitted. We suggested this needed to be rectified. Nonetheless when the results of the consultation were published in August 2018 housing schemes were still completely omitted - that is from the overall delivery plan. Nonetheless individual proposals - on land owned by the council - have been included within the LP allocations at extremely high densities: such as Cow Green Car Park, Halifax LP1292, which has a net density of 414 Ha 414, and 141 dwellings on a site of just 0.34 hectares. This demonstrates what could have been done with a proactive, and systematic, approach - of the sort called for by the Friends of the Earth request in December 2015 for an urban capacity process - which has however not happened by inclusion at the strategic level of the local plan. So whilst this policy applies to the master planning of sites brought forward by private developers, what it doesn't do is to institute a process that looks at town centres comprehensively; and not just Halifax but town centres such as Brighouse, Sowerby Bridge, and Todmorden all call for such a proactive approach, at the core of the LP - in order to help deliver its own objectives, and to forestall and prevent housing allocations on Greenbelt.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The approach to Master-Planning needs to be broadened to include Masterplanning of local towns and village centres, in order to support neighbourhood planning.

Council's Response:

1. This policy is purely about larger housing developments. Neighbourhood Plans can produce appropriate master-planning policies, and it is considered they do not require further guidance from the Local Plan to help them develop their own Master Planning.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.49 Paragraph

Representations

Comment ID **Lpp287**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Although supportive of this chapter's provisions as a whole and the need for good master planning, there should be a stronger linkage with the policies for the Built Environment to ensure a high standard of design and landscaping.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

13.49 Add to last sentence in accordance with the Council's approach to promoting good design and landscaping.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. There should be stronger linkage with policies for the built environment from this paragraph.

Council's Response:

1.The Local Plan must be read as a complete document. It is not considered necessary to provide cross-

references to other policies.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend final paragraph to read : A comprehensive master planning process also ensures that new development is planned in a co-ordinated manner (ADD) in accordance with the Council's approach to promoting good design and landscaping.

Council's Response:

1.The policy already makes reference to green infrastructure and the facilitation of local/community led food production. It is not considered necessary to amend the policy further. No Modification required.

Document Section: Policy IM7 Master Planning of Housing Sites

Representations

Comment ID **Lpp1051**

Site ref (if applicable):

Person ID: **959174** Name: **Mrs Barbara Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I object to the wording of policy IM7 It is good to see there will be a masterplan produced for a site of this size and impact before any planning application can be submitted. For this to be meaningful the policy needs to state that the community is involved at the start of the process. If it is a garden suburb then it should also include exemplar levels of design and sustainability as the name suggests.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

The following modification should be made to the wording of the policy IM7. Full master planning involving the community from the start of the process. Exemplar levels of design and sustainability.

Additional Evidence Link:

Comment ID **Lpp1115**

Site ref (if applicable):

Person ID: **894866** Name: **Mr Owen Pike** Organisation: **Diocese of Leeds**

Agent ID: **893173** Name: **Mr Owen Pike** Organisation: **Planning Associate Partner Sanderson Weatherall on behalf of the Diocese of Leeds**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

The Diocese supports the master planning requirement for all strategic sites with a capacity of 500 dwellings or more, as it should avoid piecemeal developments and enable the maximum benefits to be derived from the strategic sites, including infrastructure deficits and improvements. The Diocese also supports the requirement that all allocated sites below the threshold of 500 dwellings should provide evidence to demonstrate how the criteria set out under the bullet points has been considered in the preparation of applications. This approach is consistent with national planning policy and thereby sound. For example, Paragraph 124 of the Revised NPPF acknowledges that good design is a key aspect of sustainable development and Paragraph 126 advocates plans that provide maximum clarity about design expectations at an early stage. See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084179>

Comment ID **Lpp1140**

Site ref (if applicable):

Person ID: **1184942**

Name: **Mr Mark Bullen**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

See attached

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

See attached

Suggested Modifications:

See attached

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084622>

Comment ID **Lpp1207**

Site ref (if applicable):

Person ID: **1185143**

Name: **Mr John England**

Organisation:

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp130**

Site ref (if applicable): **LP1451**

Person ID: **1116208**

Name: **Mrs Carol French Deol**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The development of a detailed masterplan should involve the local community upfront. in the preparation of the vision for the Woodhouse Garden Suburb so far, there has been no involvement or engagement with the local community.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The policy states that "In relation to the two Garden suburb sites identified in the Local Plan, the Council will expect master plans to demonstrate how the design will achieve enhanced public access to high quality open space." By developing the garden suburbs, the council will be removing the high quality open spaces

we currently enjoy. Without this green belt space, residents will have nowhere to walk and enjoy the countryside within walking distance of our homes, thereby adding further to the already congested roads. Consultation around the master plan needs to be broad, meaningful and upfront. If the road access to LP1451 is as proposed in the current development plan, this will be inadequate and therefore a show stopper for this development. The preservation of wildlife zones within any such smaller development would be essential.

Additional Evidence Link:

Comment ID **Lpp1369**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore The policy states that masterplans will be required for all strategic sites of 500 units or more, and for allocated housing sites of less than 500 units, the Council require a Design and Access Statement to include evidence that the criteria listed in the policy have been taken into account. Firstly, it should be made clear within the policy that not all criteria will be of relevance to housing developments which are smaller scale. Developments which exceed 500 units are not directly comparable to developments of circa 100 units for example, and it is unreasonable to impose the same criteria. A more appropriate way to approach this matter would be to agree through pre-application discussions what is required on a case by case basis rather than including an overarching prescriptive policy within the plan. Notwithstanding the above, in terms of the criteria, the Council should not impose the requirement of a phasing plan, as in the case of smaller scale developments, they are often built out in a single phase. In addition, it is unclear what is meant by an implementation plan and this requires clarification. As commented on other policies, the Council should delete the requirement for a 20mph speed limit within all new developments. In addition, one criteria states 'an assessment of the impact of the development on existing and planned infrastructure, and identification of new infrastructure requirements resulting from the development'. This criterion, if retained, should be clearer, as it is not the responsibility of a developer to identify infrastructure requirements in respect of education facilities. However, it is acknowledged that developers would need to identify any potential highways infrastructure improvements that may be required as part of their development. As noted elsewhere within these representations, the reference to the inclusion of food production facilities are not suitable in many residential developments, and should be deleted. The policy as currently drafted is unsound as it is not justified or effective and therefore fails to meet the tests of soundness set out in paragraph 35 of the Revised Framework. It imposes a number of criteria on proposals of 500 units or more, but also expects these to be addressed on smaller scale sites, and this is not acceptable. In addition, the policy repeats much of what is outlined in other policies within the Local Plan and is therefore unnecessary.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1467**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy IM7 Masterplans If large development sites are to be delivered in ways that are sustainable and acceptable to communities, and meet their needs, then it is essential that masterplans should be developed not just in consultation with the Council, but in full consultation with the communities that will bear the positive and negative impacts. In our view, the 500-home threshold for this is far too high, and we would suggest that any site over 150 homes is large enough to warrant significant community participation at pre-application stage.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp280**

Site ref (if applicable): **LP1451**

Person ID: **1181961**

Name: **Mrs Julie Bullen**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I object to the wording of Policy IM7 The policy requiring preparation of a detailed masterplan allowing the involvement of local community in the development of large scale developments is vital if the Woodhouse garden suburb is approved to proceed and for other large scale developments. Community involvement should be required early in the process and ideally during the preparation of the vision to develop transparency. There has been no involvement in the shaping of the vision for the Woodhouse site in this respect "" this falls short of the intended community-led approach that the Government envisages. If the Council is supporting the development of 'garden 'communities then there should also be a requirement to make sure these are developed to the high standards and 'garden city principles' expected from such schemes. There should be a requirement to obtain outline full planning approval for the comprehensive development of the site to set the broad parameters for development "" piecemeal applications would NOT be acceptable and will risk the principles being watered down as developers argue they cannot make individual packages stack up. Maintaining access to wildlife and open space is vital for the well being of the local community and needs to be protected

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The policy IM7 be amended to include a requirement for outline approval for the whole site, 'garden city' principles for garden suburb proposals to ensure the schemes integrate exemplar levels of design and sustainability and early community involvement including the preparation of an engagement strategy. Suggested added wording in bold Master Planning of Housing Sites Master planning is required for all strategic housing sites with a capacity for 500 or more dwellings. In relation to allocated housing sites below this threshold, the Council will expect the Design and Access Statement to include evidence that the criteria set out under the bullet points in this policy have been taken into account in preparing the application. The production of a master plans for strategic housing sites should involve the all relevant stakeholders, including the Council, infrastructure providers, landowners, developers, the local community, service providers and other interested parties early in the process and ideally at vision forming stage. A clear engagement plan should be prepared at the start of the process to show how this will be meaningfully achieved. Master plans should be developed in consultation with the Council prior to the submission of a planning application. Master plans should achieve the following (proportionate to the scale of development): an indicative development layout and phasing and implementation plan; high standards of design that respect the character of the landscape, heritage, adjacent and nearby settlements and built development, reflecting the urban to rural transition with appropriate boundary treatment; make effective use of the site through the application of appropriate densities in terms of scale, height and massing, and its relationship to adjoining buildings and landscape; create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness; plan for integrated development, providing for a mix of housing that addresses the range of local housing needs, and encourages community cohesion; reduce the need for car use and encourage sustainable modes of travel,

including provision for public transport, cycle routes, footpaths and bridleways, including the roll-out of 20mph zones across the Borough; a network of permeable and interconnected streets and public spaces which also contributes to the security of the site through appropriate design; measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks; An assessment of the impact of the development on existing and planned infrastructure, and identification of new infrastructure requirements resulting from the development. Measures to ensure timely delivery of new and improved infrastructure. appropriate employment provision and community facilities to serve the new development (including local shops, community halls, schools and health facilities); accessible open space to meet identified local needs and/or increase accessibility to existing open spaces; a green infrastructure strategy, providing an integrated network of green spaces and space for water and associated habitat and biodiversity; facilitate opportunities for local/community led food production either through the provision of dedicated spaces such as allotments, growing space within dwelling curtilages or food based communal landscaping; appropriate measures to mitigate flood risk and ensure that the development is resilient to the potential impacts of climate change; assessment of the potential for energy efficient design including renewable energy schemes; and demonstration of a good understanding and respect for the natural environment, its heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the natural environment and heritage assets will be conserved and enhanced. A management plan should be produced as part of the master-planning process to demonstrate how infrastructure and community assets will be maintained and managed following completion of development. In relation to the two Garden suburb sites identified in the Local Plan, the Council will expect master plans to adopt 'garden city principles' and demonstrate how the design will achieve enhanced public access to high quality open space. Outline planning permission will be required for the whole site to set the parameters for development to ensure a comprehensive approach. The Council will expect subsequent planning and reserved matters applications affecting smaller parcels of land within strategic sites to accord with the principles established through the master planning. In cases where the balance of consideration indicates that the above criteria have not been satisfactorily addressed the application will be refused.

Additional Evidence Link:

Comment ID **Lpp325**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Subject to the changes set out below, we support the requirements that Masterplans should:- Achieve high standards of design that respect the character of the landscape, heritage, adjacent and nearby settlements and built development Create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness. Demonstrate a good understanding and respect for the heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the heritage assets will be conserved and enhanced. This will

help to ensure that the Masterplanning of the strategic sites takes full account of the need to safeguard the distinctive character of the District including Calderdale's historic environment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp326**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Heritage Impact Assessments for the following employment allocations all recommend that a Masterplan is prepared to guide the development of these areas:- LP0021, LP1018, LP1133, 1134 It also recommend a Masterplan for the following Mixed Use sites:- LP1088, LP0264, LP0289, LP0749, LP1170, LP1287, LP1292, LP1632, LP0922 However, there is no corresponding Policy for Masterplans to be developed to provide a framework to guide the development of any of the Employment or Mixed Use sites. Furthermore, this Policy only covers housing sites of over 500 dwellings. However, the Heritage Impact Assessment recommends that Masterplans are produced to guide the development of the several housing sites which are of less than 500 dwellings:- LP1078, LP1180, LP1216, LP011, LP1398, LP1654

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

(a) Amend the title of Policy IM7 to read 'Masterplanning of large and sensitive development sites' (b) Policy IM7 delete the first Paragraph and replace with a Paragraph which lists all the employment, mixed use and housing sites for which a Masterplan will be required

Additional Evidence Link:

Comment ID **Lpp707**

Site ref (if applicable):

Person ID: **1183577**

Name: **Mr Graham Foster**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The proposed policy states Master Plans should achieve the following. This should be changed to read Master Plans must achieve the following.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp79**

Site ref (if applicable):

Person ID: **1130874**

Name: **Mr David Bradley**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Support policy to allow involvement of community in garden suburb proposals. This needs to occur early in the process. Should include exemplar levels of design.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The threshold of 500 homes is too high
2. The policy needs to refer to National trails (Pennine Way and Pennine Bridleway National trails)
3. The policy is onerous in requiring the use of 20mph zones in all new developments.
4. The policy places criteria on all developments over 500 dwellings, but expects similar from smaller sites too.
5. The policy should not be imposing phasing requirements. This part of the policy is unclear and requires clarification.
6. The policy needs to refer to "garden city principles" and high standards, and also state that an outline permission is required for the whole site.
7. The policy needs to be clearer on heritage matters.

Council's Response:

1. The policy recognises the Master Planning is a costly process for developers. It is considered that 500 is an appropriate level for the detailed master planning approach. This 500 threshold does not mean that smaller sites are not expected to come forward with a detailed consideration of the development implications in order to provide an appropriate level of detail for decision takers to understand the proposals.
2. It is not considered necessary to specifically address national trails in this policy. They are addressed in the requirements relating to footpaths, cyclways and bridleways.
3. Larger development which may have extensive road networks should take account of the roll-out of the 20mph framework across Calderdale. It is not considered to be onerous to design and masterplan developments accordingly.
4. Agreed. Smaller sites need to provide Design and access Statements and the policy helps developers put forward appropriate information to address these matters.
5. The policy does not impose phasing requirements but seeks to understand the developers intended rates of delivery in order to adequately understand the implications for infrastructure across the local area.
6. "Garden City Principles" were referred to in NPPF 2012. These have now been removed for NPPF 2018. It is not considered appropriate to make a reference to these in this policy. The Master Planning brought forward and agreed with the Council is considered an appropriate way of dealing with development on the larger sites.
7. This part of the policy needs to be read in conjunction with the policy relating to the Historic Environment

(Policy HE1), and is considered to be clear.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 13.58 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1139424**

Name: **Mr David Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Having read the Infrastructure Development Plan (IDP) in its entirety, I can only conclude that if all the infrastructure proposed is implemented, then this is only sufficient to help ease the current over congestion of the existing transport network and would hardly make a positive impact on social infrastructure such as schools. In other words, the IDP is only sufficient to support ZERO new development. 12000 new houses (and maybe 24000 new cars) would, even if all the proposed infrastructure in the IDP was implemented, be massively underwhelming and Calderdale would grind to a standstill. I am so grateful that I will not be driving on Calderdales roads in 30+ years time if your proposed inappropriate, incompetent and unacceptable vision of 12000 new houses is passed without an IDP that complements it sufficiently. Please, not for my sake but for future generations, reconsider decreasing the number of proposed new houses (especially the green belt sites) to a more sustainable level and to increasing the level of new infrastructure for the borough. Your decisions will make or break the future of Calderdale and its inhabitants. The following are some comments on the individual sections of the IDP: 13.2 - The vast majority of people are concerned with roads and public transport NOT walking and cycling. A council's job is to represent the majority not the minority. 13.2 - you admit that 'the topography of much of the borough inhibits significant new road schemes' so how can you justify 12000 new houses that will add 24000 new cars to the already over stretched road network? 13.4 - this lists all the current pollution hotspots (caused by motor vehicles) - heaven knows how much worse this will be when 24000 more cars are on the roads. 13.5 - this lists a hierarchy of transport users with freight and private cars being the LOWEST priority - the vast majority of current congestion is formed by freight and public cars so adding 24000+ of these transport types to the borough is utter madness. 13.6 - A 'sustainable, safe and efficient transport system' is simply not possible by building 12000 new houses and adding 24000+ vehicles to the system. 13.8 - Policy IM1 only lists the A58/A6036 corridor as a 'potential' intervention - this is an URGENT priority right now and needs to be fully committed/implemented even if no new houses are built in that coridor. 13.10 - this state's that the council's vision is to 'provide modern, world class, well connected transport that makes travel around West Yorkshire easy and reliable'. How on earth will this be possible by building 12000 new houses without appropriate infrastructure (and the current IDP is utterly insufficient)? 13.10 - Economic prosperity will NOT flourish with grid locked roads (and grid lock chaos will happen if 12000 new houses are built). 13.10 - you state that economic prosperity will be enabled 'via improvements to the road network, provision of public transport options and the use of improved technology' BUT you admit in 13.2 that 'the topography of the borough inhibits significant new road schemes' so how exactly will you meet your promises/commitments to enable economic prosperity? 13.11 - 'A managed motorway scheme between jn25 and jn30' has not and will not combat the stresses on the M62 and the additional

stresses imposed by 24000+ additional vehicles. 13.11 - this state's that a number of M62 junctions will require improvement as a result of the housing growth - these need to be in place NOW to try and ease the current levels of congestion and yet no one has committed to these ideas yet. 13.58/59 - If the 'council consider social infrastructure to be a key consideration', why are there only 3 potential new schools identified and no firm plans to expand any existing schools? 12000 new houses wil mean a very significant increase in the number of children competing for school places - the IDP needs to include fully committed proposals for at least 6-10 new secondary schools and 2-3 times more primaries to feed these. Finally, I have 2 other important points to make: 1) what about other key social infrastructure such as doctors and dentists - again, these are already in short supply and a struggle to obtain places, so why is there no information in the IDP to identify the number of new practices required and to commit to them being built? 2) the amount of green belt that you are proposing to destroy is utterly scandalous and unacceptable. How does this benefit Calderdale and its inhabitants? No one gains from this apart from greedy construction companies and their solicitors. I urge you to please think again about the negative impact of your proposals. Yes, we do need new houses, but the scale and location (green belt) of your current plan would cripple Calderdale in the not to distant future. You ultimately have the power and responsibility to make Calderdale a better place to live so I can only hope you can live with the guilt if you decide to continue with your unsustainable development plans.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Calderdale council has failed to produce detailed plans on new roads, schools, Doctors surgeries, parks etc.

Council's Response:

1. The Council has prepared the Infrastructrue Delivery Plan (IDP) to address the implications of housing growth. This is a robust platform for understanding the infrastructure needs arising from development. It is updated on a regular basis (May 2019 being the most recent version).

About 25% of the 12,600 dwellings required are already accounted for , through extant planning consents, and assumptions relating to windfalls etc.

There is no stipulation for the Local Plan process to mitigate existing problems and these will have been considered through the planning process as each planning application was considered. The IDP proposes a

number of key schemes which will allow development in line with the aspirations/needs of Calderdale while reducing the impacts on the transport network.

The planned growth has been targeted spatially in areas where access to alternative modes of transport (other than the private car) are better, in order to reduce reliance on cars for travel. Current car ownership per household in Calderdale is 1.1 with 60% of commuting by car (2011 Census), therefore the additional cars related to new development will be much lower than the simple calculation of 2 cars per household. It should also be remembered that a significant proportion of households still do not have access to a private car.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 14.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The chapter on Employment and the economy does not contain a policy or cross reference to the need for good design and landscaping. This is surprising as two of the main economic drivers, Lloyds and dean Clough both include buildings of quality which have been the subject of Civic Trust Awards. Good quality development reinforces the attraction of Halifax and Calderdale as a place to invest in.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

New para after 14.3 Good quality design and landscaping will be encouraged through the use of design briefs and the development management process to improve the quality of the built environment, recognising the intrinsic quality of the area and that this in in self promotes investment, safety, improved property values which in turn encourages further investment.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The chapter does not contain a policy or refer to the need for good design, which is important as this

reinforces the attraction of the area for investment.

Council's Response:

1. The Council endorses the need for high quality design. The requirements of Policy BT1 , and other Policies within the Built Environment and Historic Environment Sections, are included to ensure that high quality inclusive design is integrated into all future development.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Insert new paragraph after 14.3: Good quality design and landscaping will be encouraged through the use of design briefs and the development management process to improve the quality of the built environment, recognising the intrinsic quality of the area and that this in itself promotes investment, safety, and improved property values which in turn encourages further investment

Council's Response:

1. No change required. The requirements of Policy BT1 , and other Policies within the Built Environment and Historic Environment Sections, are included to ensure that high quality inclusive design is integrated into all future development.

Document Section: Policy EE1 Safeguarding Existing Employment Areas, Land and Pr

Representations

Comment ID **Lpp1371**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client fully supports part 1 (ii) of the policy which acknowledges that employment sites can be used for alternative purposes where it is demonstrated that they are no longer viable for employment purposes.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp288**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It would be desirable to assist regeneration of Dean Clough and linkages with the town centre to provide some flexibility on this policy subject to a new planning document being prepared.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

EE1 ii) add e. the site or allocation is consistent with proposals in a subsequently approved supplementary planning document.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. A new planning document should be prepared to allow flexibility of the policy to assist regeneration of Dean Clough and linkage to town centre.

Council's Response:

1. The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration, protecting historic and cultural assets and considers this issue. The Council will review the need to publish supplementary planning guidance if the need arises.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add EE1 ii)
e. the site or allocation is consistent with proposals in a subsequently approved supplementary planning document.

Council's Response:

1. No change required. The Council will review the need to publish supplementary planning guidance if the need arises.

Document Section: 15.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Inevitably in a document covering a large geographical area there is less detail on Halifax Town Centre than is desirable. It is the major centre of the district and plays a significant role in the sub region and indeed nationally with the regeneration of the Piece Hall. Halifax is improving, due in no small measure to the efforts of the Council and we wish to build on these improvements and the further opportunities that exist. The main thrust of our comments is that a further planning document is required that can do justice to Halifax Town centre, make the most of the rail and road infrastructure improvements that are planned and unlock further private sector investment, but do so in a way that respects the unique heritage of the town.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add 15.1 Halifax Town Centre plays a unique role in the Borough with buildings and developments of national significance. We propose to bring forward a further planning framework to take advantage of the opportunities that exist and help shape the future consistent with the local plan as a whole.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. There is a lack of detail as to the significant role Halifax Town Centre plays in the district and sub region. The Council should build on the improvements already made to Halifax by producing a further planning document to make the most of the rail and road infrastructure improvements and unlock private sector investment.

Council's Response:

1. The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration, protecting the historic and cultural assets and encourages growth which is helping to attract business investment and grow the economy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 15.1: Halifax Town Centre plays a unique role in the Borough with buildings and developments of national significance. We propose to bring forward a further planning framework to take advantage of the opportunities that exist and help shape the future consistent with the local plan as a whole.

Council's Response:

1. No change required - There is no evidence a further planning framework is required as the Halifax Town Centre Delivery Plan takes advantages of the opportunities that exist and will be executed inline with adopted policy.

Document Section: Policy RT2 Primary Shopping Areas and Shopping Frontages

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Criterion v Calderdale's retail areas contain many fine traditional shop fronts. These make an important contribution to the character and distinctiveness of their local areas.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183602** Name: **Mr Alyn Nicholls** Organisation:

Agent ID: **10916** Name: **Mr Alyn Nicholls** Organisation: **Alyn Nicholls Associates**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This policy defines primary and secondary frontages. The NPPF (2018) removes the requirement to define frontages in this way in order to provide greater flexibility to accommodate different uses within town centres.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The policy should be reconsidered to have regard to the NPPF (2018).

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The NPPF (2018) removes the requirement to define frontages to provide flexibility to accommodate different uses within the town centre.

Council's Response:

1. The Plan has been prepared and being assessed against the NPPF 2012 which requires the defining of Primary and Secondary Frontages.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy should be reconsidered to have regard to the NPPF (2018).

Council's Response:

1. No change required - the Plan has been prepared using and will be assessed against the NPPF 2012.

Document Section: Policy RT3 Sequential Test and Retail Impact Assessments

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183602**

Name: **Mr Alyn Nicholls**

Organisation:

Agent ID: **10916**

Name: **Mr Alyn Nicholls**

Organisation: **Alyn Nicholls Associates**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This policy requires clarification to indicate that a sequential assessment is required for planning applications for Class A1 (retail) development when applications are located outside a defined Primary Shopping Area, and for other main town centre uses, a sequential assessment is required for planning applications located outside the defined town centre boundaries. A sequential assessment is not therefore required for main town centre uses (excepting Class A1 retail) where the application is within a town centre boundary but outside the Primary Shopping Area.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The policy should be re-worded to make it plain that the 'centre' for the purposes of assessing Class A1 retail uses against the sequential approach to site selection is the defined Primary Shopping Area for those centres where a Primary Shopping Area is defined. For all other main town centre uses, and in circumstances where no Primary Shopping Area is defined, the 'centre' for the purposes of assessing the sequential approach to site selection is the town centre boundary defined on the proposals map.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This policy requires clarification as to which boundaries the sequential assessment applies

Council's Response:

1. Further clarification could be helpful to make clear the policy requirement for both applicants and decision makers.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy should be re-worded to make it clear what is required from this policy.

Council's Response:

1. The Council would be open to amending the policy which could read:

"Sequential Test - Where proposals come forward for main town centre uses which are outside one of the defined centre boundaries, a Sequential Test will be required. This test requires that all town centre uses to be located firstly in defined centres, then edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to defined centre. Applicants will have to provide evidence there are no reasonable prospects of the proposed development being accommodated on an alternative town centre site(s) demonstrating a reasonable degree of flexibility about the scale, format and design of the development and the provision of car parking.

For all retail (Use Class A1) proposals the boundary will be the Primary Shopping Areas; for all other main town centre uses, and in circumstances where no Primary Shopping Area is defined, the boundary will be the defined town centre boundary. Edge-of-centre and Out-of-centre is defined in the NPPF."

Document Section: Policy RT5 General Town Centre Principles

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this Criterion. This will help to ensure that any proposals within Calderdale's town centres positively contribute to the character and distinctiveness of those areas

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy RT6 Cultural and Leisure Provision

Representations

Comment ID **Lpp858**

Site ref (if applicable):

Person ID: **1183606**

Name: **Mr Tom Clarke**

Organisation: **National Planning Adviser
Theatres Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We welcome and support this policy. We would suggest that in addition to viability, the policy also requires demonstration the facility is no longer required by the community.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The loss of existing cultural and leisure provision to other uses will be resisted unless: replacement facilities are provided in the local area; or it can be clearly demonstrated that the facility is no longer required by the community and is no longer not viable, and the local community have been given adequate opportunity to manage the asset.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Although there is support for this policy, it is recommended that the policy also requires demonstration the facility is no longer required by the community.

Council's Response:

1. This change could strengthen the policy to ensure leisure and cultural provision is accessible to all.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add to bullet point two, after "the facility is...": "no longer required by the community and is no longer"

Council's Response:

1. The Council would be open to amending the policy to include this wording.

Document Section: 15.26 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See general comment in 15.1 and also other comments for 15.26 and RT7. The aim is to promote the imaginative use of the town centre and further regeneration

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add to para 15.26 In Halifax town centre the Council will look to support imaginative proposals for the reuse of buildings for residential and will prepare a supplementary planning document indicating those areas most suitable together with mixed use schemes and the conversion of accommodation above shops

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

provide consistency with other comments on this chapter

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

RT7: viii. The site has been the subject of subsequent proposals put forward in a town centre supplementary planning document .

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Need to promote the imaginative use of Halifax town centre and further regeneration. Reference made to producing an SPD.

Council's Response:

1. The policies in this chapter promote the viability and vitality of town centres including the reuse of empty or underused buildings for residential. The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration, protecting the historic and cultural assets and encourages growth which is helping to attract business investment and grow the economy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add to para 15.26 In Halifax town centre the Council will look to support imaginative proposals for the reuse of buildings for residential and will prepare a supplementary planning document indicating those areas most suitable together with mixed use schemes and the conversion of accommodation above shops

2. Add to RT7 the additional stipulation: "viii. The site has been the subject of subsequent proposals put forward in a town centre supplementary planning document."

Council's Response:

1. No change required - The council will review the need to publish local guidance/supplementary planning guidance relating to Halifax Town Centre if the need arises. This does not need to be part of the Local Plan.

2. No change required - as there is no SPD for Halifax Town Centre this addition is not required.

Document Section: Policy RT7 Residential Use in Town Centres

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

A new paragraph and policy is needed to give effect to the supplementary planning document and the approach outlined in 15.1. Given the scale of the change and potential investment this needs to be followed up immediately after the local plan is adopted.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

New para 15.27: Halifax Town Centre is in a state of change. On the positive side there has been to award winning restoration of the Piece Hall, library and Orange Box stimulated by significant public sector investment. These have reinforced the attractive Woolshops shopping centre which was an earlier redevelopment. Halifax is improving but we must not be complacent. Current retail trends create uncertainty. There is insufficient commercial activity given the size of the town centre and poor linkages to Dean Clough which is a regeneration project of international significance. Many town centre buildings are underused or vacant. The primary shopping area could potentially be reduced. There are opportunities for the revitalisation of the station area and major road improvements planned. Car Parking is somewhat 'pepper pot' in its provision and there are opportunities to use contributions to bring car parking forward. Residential use could bring back new activity to many areas, attracting new people to live in the centre as has been done in Leeds and Manchester. The 'Streets in the Sky' could be brought back into use. Details can be improved, for example shutter design - not just in conservation areas, and the impact on the daytime economy when a number of takeaways cluster together. Given the importance of the town centre and the strength of the opportunity it is proposed to bring forward a town centre masterplan (including Dean Clough) as a supplementary planning document, in partnership with key stakeholders and formal public consultation, as a statutory plan. RT8 The Council will bring forward a Halifax Town Centre Master Plan supplementary planning document for adoption by 2022 to guide the development of the town centre in greater detail and take advantage of the many opportunities that exist.

Additional Evidence Link:

Comment ID **Lpp369**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this Policy. Residential use within the District's town centres, especially the use of vacant and underused floorspace above shops, can not only help to meet some of the housing needs of the District, but also help improve their vitality and viability and ensure that their historic buildings remain occupied and have a sustainable future.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. There is a lack of Policy which is required to bring forward a Halifax Town Centre Master Plan SPD.

Council's Response:

1. This policy will help meet the housing needs of the Borough, improve the vitality and viability, and ensure the sustainable future of historic buildings. The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration, protecting the historic and cultural assets and encourages growth which is helping to attract business investment and grow the economy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Additional paragraph to be added after 15.26 covering the revitalisation of Halifax Town Centre: "Halifax Town Centre is in a state of change. On the positive side there has been to award winning restoration of the Piece Hall, library and Orange Box stimulated by significant public sector investment. These have reinforced the attractive Woolshops shopping centre which was an earlier redevelopment. Halifax is improving but we must not be complacent. Current retail trends create uncertainty. There is insufficient commercial activity given the size of the town centre and poor linkages to Dean Clough which is a regeneration project of international significance. Many town centre buildings are underused or vacant. The primary shopping area could potentially be reduced. There are opportunities for the revitalisation of the station area and major road improvements planned. Car Parking is somewhat 'pepper pot' in its provision and there are opportunities to use contributions to bring car parking forward. Residential use could bring back new activity to many areas, attracting new people to live in the centre as has been done in Leeds and Manchester. The 'Streets in the Sky' could be brought back into use. Details can be improved, for example shutter design - not just in conservation areas, and the impact on the daytime economy when a number of takeaways cluster together.

Given the importance of the town centre and the strength of the opportunity it is proposed to bring forward a town centre masterplan (including Dean Clough) as a supplementary planning document, in partnership with key stakeholders and formal public consultation, as a statutory plan."

2. New policy required to bring forward a Halifax Town Centre Master Plan SPD: "RT8 The Council will bring forward a Halifax Town Centre Master Plan supplementary planning document for adoption by 2022 to guide the development of the town centre in greater detail and take advantage of the many opportunities that exist."

Council's Response:

1 & 2. No change required - The council will review the need to publish local guidance/supplementary planning guidance relating to Halifax Town Centre if the need arises. This does not need to be part of the Local Plan.

Document Section: 16.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

In the statement 'Proposals for residential development on non-allocated sites will generally be supported provided that they are in sustainable locations' the words 'in sustainable locations' are precisely and insufficiently defined; because it also states that 'Policy HS1 sets out the criteria that will be considered "i" but all it does is to repeat the same wording: 'i. The site is sustainably located'. Additionally 16.3 then says that a consideration that will be regarded as 'fundamental' in determining whether a non-allocated site is suitable and sustainable for housing will be its accessibility to services and facilities by good quality public transport, cycling and walking .' Other considerations identified are 'the amenity and character of existing residential areas including the effects of residential development on existing gardens.' But the prioritisation of urban locations, and of brownfield sites, is not included. These arguably more important than accessibility by public and active transport. The criteria for supporting non-allocated sites needs to be made more consistent with the stronger emphasis on brownfield sites in 2018 NPPF.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Further definition of 'sustainable locations' is required. Brownfield sites and urban locations are more important than accessibility of sites and should be included within the policy.
2. Criteria should be more consistent with NPPF 2018.

Council's Response:

1. The National Planning Policy Framework (NPPF) requires the Local Plan to reflect the presumption in favour of sustainable development, which is a "golden thread" which runs throughout the NPPF. The Planning Inspectorate (PINS) have created a 'model policy', which they suggest will be an appropriate way to meet the expectation of the NPPF. This policy, along with SD2 is contained within chapter 5 of the Local Plan titled Presumption in Favour of Sustainable Development. The chapter details the Council's approach to the various dimensions of sustainable development.

In terms of sites, sustainable locations are defined in paragraph 16.3. With regards to the site assessment process, in order to identify the most sustainable sites a 'sequential' approach to housing allocations has been adopted that prioritises brownfield sites in the urban area, only using the most sensitive Green Belt when all alternative sites were used.

The Council has published a Brownfield Land Register, which will provide up-to-date and consistent information on sites that the local authority considers to be appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

2. With the exception of the Local Housing Needs calculation the Local Plan is prepared under the provisions of NPPF 2012.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 16.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Non allocated or windfall sites should provide a good standard of development and not conflict with other policies, for example in promoting health and well being (food production).

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

16.3 Add after general safety of any route. The proposal should not be detrimental to the quality of the area and not harm the opportunities for food production. The proposal itself should have high quality design and landscaping appropriate to the intrinsic quality of the area.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Non allocated/windfall sites should not conflict with other policies.

Council's Response:

1. Criterion ix of Policy HS1 states that development should comply with other Local Plan policies.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add after general safety of any route. The proposal should not be detrimental to the quality of the area and not harm the opportunities for food production. The proposal itself should have high quality design and landscaping appropriate to the intrinsic quality of the area.

Council's Response:

1. HW5 and BT3 refer to the provision of food production opportunities. BT3 specifically requests that applicants should consider providing opportunities for possible areas for local food production, including the potential for the use of fruiting trees and shrubs, in proposed landscaping schemes. The Built Environment chapter of the Local Plan, specifically policy BT1 - High Quality Inclusive Design addresses design in more detail. The policy ensures new development will achieve high quality, inclusive design and will demonstrate a holistic approach to design quality. Applicants will demonstrate consideration of the aesthetics, function and sustainability of proposals over the lifetime of the development.
No modification required.

Document Section: Policy HS1 Non Allocated Sites

Representations

Comment ID **Lpp1177**

Site ref (if applicable):

Person ID: **1069334** Name: **Ms Megan Pashley** Organisation: **Gladman Developments Ltd**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy HS1 sets out 9 criteria that proposals for residential development on non-allocated sites will be required to adhere to. Gladman note the amendments that have been made to the policy since the previous draft and support the approach which would enable unallocated sites to be brought forward for development, and broadly consider that the 9-criterion set out in Policy HS1 are appropriate. We do however suggest that further flexibility is built into the policy so to as ensure that the requirements set out do not act to prevent sustainable development opportunities from coming forward.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1307**

Site ref (if applicable): **LP1141**

Person ID: **1183427** Name: **C/O Agent DPP .** Organisation: **Northowram Stone LLP**

Agent ID: **965602** Name: **Matt Rhodes** Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see section 12.0 of the accompanying report for full details Policy HS1 of the Local Plan deals with proposals for residential development for non-allocated sites. It states: 'Proposals for residential

development (including those for the renewal of a previous planning permission) on a non-allocated site or building for conversion will be supported, provided that: i. The site is sustainably located; ii. The proposal complements the strategic objectives of the Local Plan; iii. The demands generated from the proposed housing can be accommodated by existing infrastructure; iv. There are no physical and environmental constraints on development of the site which cannot be mitigated; v. If the proposed development falls within Flood Risk Zones 2 or 3, it passes the flood risk Sequential Test, and where necessary, the Exception Test; vi. The development creates no unacceptable environmental, amenity, traffic, safety, or other problems; vii. The development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings; viii. The site does not have any recognised value for nature conservation; and ix. The proposal complies with other relevant Local Plan policies.' The criteria in this policy duplicates other policies in the Local Plan or the NPPF and is therefore unnecessary. Further, we have some concerns about the criteria of the policy and their compliance with national policy. We discuss each criterion in turn below: Criterion i "The site is sustainably located This criterion as it aligns with the fundamental aim of the NPPF which is to promote sustainable patterns of development. The criterion is considered sound Criterion ii "The proposal complements the strategic objectives of the Local Plan Providing the strategic objectives are found sound as part of the examination of the Local Plan we have no objection to this criterion. The criterion is considered sound. Criterion iii "The demands generated from the proposed housing can be accommodated by existing infrastructure This criterion is considered unsound as it fails to take into account the improvements that new housing development can make to existing infrastructure and that the delivery of such infrastructure can result in developments being considered acceptable. New residential development could bring about on or off site highway works that improve traffic flow within an area or potentially improvement pedestrian safety and/or circulation. On site open space could also improve access to recreational and sports facilities. The criteria also fails to recognise the existence of commuted sums which again can ensure that contributions can be made to ensure that local infrastructure such as schools or open space provisions are improved or expanded. Finally, the criteria also fail to acknowledge the potential for Community Infrastructure Levy to be adopted in Calderdale and the impact that CIL charges on residential development can have on supporting and improving local infrastructure. In summary, the criterion ignores the mechanisms available to secure necessary improvements to infrastructure to ensure that developments are acceptable. The criterion is therefore unsound and not positively prepared. Modification It is considered that the demands on local infrastructure need to be examined on a case by case basis and that the criterion as drafted is too prescriptive and negative towards new housing development. The criterion should be deleted, together with the policy itself Criterion iv "There are no physical and environmental constraints on development of the site which cannot be mitigated This criterion allows for sites that are perhaps constrained by physical or environmental constraints to come forward and deliver new housing. It is rare for a site to have no constraints and the ability to mitigate these constraints through a well designed scheme and specific mitigation measures is key to the delivery of new homes. The criterion is sound. Criterion v "If the proposed development falls within Flood Risk Zones 2 or 3, it passes the flood risk Sequential Test, and where necessary, the Exception Test; The criterion accords with the guidance set out within section 10 of the NPPF which seeks to direct residential development to the areas of least flood risk. The criterion is considered sound. Criterion vi "The development creates no unacceptable environmental, amenity, traffic, safety, or other problems The criterion seeks to ensure that new development does not give rise to unacceptable harm. Whilst we support the criterion in this sense we find that the end of the criterion which refers to 'or other problems' very vague. National guidance dictates that planning policies should be precise and unambiguous. This criterion, in our view, fails to meet these requirements and is therefore considered unsound. Modification The criterion unsound and the whole policy should be deleted. Criterion vii. The development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings; Whilst the criterion is reflective of national guidance contained within Section 12 of the NPPF which seeks to protect designated heritage assets, the policy fails to acknowledge the requisite

balancing exercise when dealing with planning applications. Paragraph 133 of the NPPF states: 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.' [Our Emphasis] Paragraph 134 of the NPPF goes on to state: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.' Finally, Paragraph 135 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 134 of the Framework requires that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Further, even if a development is considered to have substantial harm or a total loss of significance of a designated heritage asset, the Framework at paragraph 133 still requires the harm to be weighed against other factors. Paragraph 135 makes clear that where there is harm a balanced judgement must be made taking into account the degree of harm. Criterion (i) does not capture the requisite balancing exercise required by the Framework and is therefore not compliant with national guidance. The criterion is unsound. Modification The criterion is also unsound and along with the policy should be deleted. Criterion viii 'The site does not have any recognised value for nature conservation' We feel that there is an element of crossover between this criterion and criterion iv and criterion vi. The criterion fails to build in the ability to provide mitigation measures or consider the fact that new development could in fact enhance the ecological value of a site. Preventing development on a site that has any ecological value is not positive and does not promote residential development as dictated by the NPPF. We suspect that the primary purpose of the criterion is to protect sites that are designated for special wildlife purposes and that are recognised as having high ecological value. If this is indeed the case we feel that the criterion would be better to refer to these specific sites. Alternatively, the criterion could require new development to deliver a net gain in biodiversity. As drafted the criterion is considered unsound. Modification The criterion should be deleted or alternatively it should either refer to the sites of designated ecological value as being non-developable or alternatively required a net gain in biodiversity on a site. Criterion ix 'The proposal complies with other relevant Local Plan policies' We support this criterion. Summary of Soundness In light of the above criteria iii, vi, vii and viii of Policy HS1 of the Local Plan are considered unsound. By virtue of this Policy HS1 itself is considered unsound.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Modifications The policy should be deleted as a whole, but in the alternative, it might be acceptable to undertake the following modifications: Criterion iii should reflect the ability for development to improve local infrastructure either by way of on or off site provision or works or commuted sums contributions; Criterion vi should remove reference to 'or other problems'; Criterion vii must make reference to the requisite balancing exercise contained within national guidance; and Criterion viii should either refer to the sites of designated ecological value as being non-developable or alternatively required a net gain in

biodiversity on a site.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5101980>

Comment ID **Lpp1372**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client welcomes a policy that supports the delivery of housing on sites that are not allocated within the CLP. The policy states that such sites must be sustainably located and this is defined within the supporting text as being sites which are within 400m walking distance of a bus stop with a high frequency bus route or 800m of a railway station. The Council are utilising too narrow a scope of what defines sustainability and this approach is likely to exclude a wide number of suitable sites from coming forward under this policy. The Revised Framework is clear that sustainable development has three strands "economic, social and environmental and there should be considered to be interdependent. Proposals of non-allocated sites should not therefore be dismissed if they do not meet the Council's criteria above, rather they should be considered each case on its own merits and the three elements of sustainability. As an example, our Clients land interests at Soaper Lane, Shelf (ref: LP1462) are located within close proximity to a health centre, primary school, a nursery and a supermarket. Indeed, all are considered to be within a comfortable walking distance. However, the site is not within 800m of a railway station or 400m of a bus stop. According to Policy HS1, this makes the site unsustainable, which is clearly not the case. As such, our Client objects to the wording of the Policy as currently drafted as it is unsound and does not accord with the tests of soundness set out in paragraph 35 of the Revised Framework. The policy is not positively planned or effective for the reasons outlined above.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1482**

Site ref (if applicable):

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Proposals for development of non-allocated housing sites within a groundwater source protection zone 1 (SPZ1) should be supported by a hydrogeological (groundwater) risk assessment that identifies potential risks to groundwater from the development and identifies mitigation measures that will be implemented to reduce unacceptable risks.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109653>

Comment ID **Lpp1490**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very

substantial modifications will be needed to make the Plan sound. HS1 Policy HS1 Non-allocated sites The policy should make clear that the expectation for applications on non-allocated sites is that they should fulfil all of the criteria in this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp296**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Ensure consistency with proposed amendments to 16.3

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

add to i. and is of a high standard of design and landscaping add to v. and avoids creating hard surfaces and excessive surface water run off insert vii . after conserve the intrinsic quality of the area new viii . the proposal has a high standard of design and landscaping and respects or improves the intrinsic quality of the locality new ix (x). the proposal avoids damaging local opportunities for food production Other policies stand.

Additional Evidence Link:

Comment ID **Lpp370**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Criterion vii We support the intention that proposals for residential development on non-allocated sites will be supported only where the development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings. This will help to ensure that any such developments take place in a manner which safeguards the distinctive character of the District and conserves Calderdale's historic environment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp537**

Site ref (if applicable): **LP1463**

Person ID: **1129567**

Name: **Mr Sanjit Chaggar**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The local plan for the Thornhills, Clifton development is not legally compliant. There seems to be no concrete plan as to the provision of a safe community, and no involvement of the community already living in Clifton in the decision making process. The community already residing in the area have not been properly informed about this development, or the scale to which it could be. The proposed development does not appear to be an acceptable use of land, why build on greenbelt when there are many other brownfield sites that could be used instead? The development would be built on contaminated land, which may have been used for extensive mining, however the Council is not in possession of maps to show all mine workings. Is this not a legal requirement to find out if the land is fit for purpose? There doesn't seem to be sufficient information in the plan so far for a sound infrastructure. The plan has yet to establish demand, risks and costs, and there is no date for completion as yet. It is also out of touch with the realities of the politics surrounding air quality, which Calderdale is already one of the worst in England and needs improving considerably, which realistically could take years and years to be brought within legal limits.

Do you consider the plan to be Sound?: **No**

Sound Reason:

The local plan is not a sound plan at all. There are so many questions still to be answered surrounding the development, the infrastructure, and the impact it could have on the existing area and community. There are still many 'holes' within the plan, with no concrete answers or ideas as to how the development will be. There is no consideration for the community already residing in the area. No solid plans on how to manage

the already growing concern regarding air quality. No thought around supporting a healthy lifestyle, without the need for extra pollution, congestion and road safety issues from a new development. No solid plan for traffic control or the sustainable costs that would surround this. Lack of neighbourhood infrastructure including school sites, recreational and play areas, local centres, flood defences, hospitals and other health care facilities etc. No regard for Ecology, to protect rare species for future generations. There needs to be a definite plan for extra facilities and services needed to support a new community.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There has been no effort to co-operate with the residents already residing in the area to discuss ideas or concerns surrounding the new development. The plan proposes a major development but with a lack of infrastructure and unplanned or not committed up to date delivery plan. For example, a new junction on the M62. 24a. is shown in the local plan. However, funding for this has not been fully established and nothing solid proposed, as Highways England have stated they will not fund this junction, however this would be critical in alleviating congestion in Brighouse. The Levy rate for Thornhills appears to be very low in comparison to other areas. It is important the levy has a positive economic effect on development and is used wisely on resources needed for a sound infrastructure. Has the rate been set so low to encourage developers? The plan states that the development will be a large high value project for developers, so why is the Levy rate so low? Also if the project is high value, and built on greenbelt land, the value of the houses will also be high, which are unaffordable homes to most people, and young families go on struggling to afford a place to live.

Suggested Modifications:

There are a lot of modifications to be made before the plan would be completely legally compliant or sound. To begin with, why is greenbelt land being used at all when there are other brownfield sites that could be used? The number of houses being proposed in this plan is unproportionate, and there is a lack of infrastructure to sustain this housing development. The number of houses needs to be modified in relation to the resources that already exist within the Clifton, Brighouse area. The number of houses proposed would require new roads and motorways for traffic control, which is also quite costly. There would also be a need for school sites, recreational and play areas, local centres, flood defences, GP surgeries and other health care facilities etc. There needs to be a definite plan for extra facilities and services needed to support a new community. These are all the modifications that are required for the local plan to be somewhat successful.

Additional Evidence Link:

Comment ID **Lpp928**

Site ref (if applicable):

Person ID: **1129568**

Name: **Mrs Marilyn Brichard**

Organisation:

Agent ID: **1129163**

Name: **Mrs Marilyn Brichard**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Green Belt in Calderdale has been prioritised over all other competing demands for land use in the District. The land that is necessary to provide new housing and employment land in the District has been reduced as far as is possible to do in order to minimise Green Belt land use. The overall total of Green Belt loss is not the appropriate measure of the success of the Plan. The Local Plan provides the opportunity for the future of the District to be carefully considered. Such plans are supposed to be reviewed regularly and since inception in the 1990's this plan has been updated just once, rather than the four reviews it should have had. This means that the pressure for development to support the economy and vitality of the area has continued to increase. There is a comfort in maintaining the status quo but this avoids the very real need to take the hard decisions that are long overdue. Releasing land from Green Belt is not a negative step; it is the basis on which Calderdale can move forward. Limiting development opportunities restricts new employment and businesses. Limiting housing developments has a similar impact on the economy with fewer customers for the services which are in the smaller towns and villages. Locating significant numbers of new dwellings within easy reach of Leeds and Manchester may sound sustainable but they reduce the potential for economic benefit to the District's economy. Meanwhile the existing residents of the District are being left behind in a backwater of reduced services and a lack of investment.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Modify the Policy regarding the potential of non-allocated sites to remove the reference to "sustainable location".

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074384>

Comment ID **Lpp938**

Site ref (if applicable):

Person ID: **11797** Name: **Mr & Mrs Mark & Amanda Tattersall** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The policy should include "Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.'

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The Policy should include: Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.'

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Objection to definition of sustainability - approach is likely to exclude a wide number of suitable sites from coming forward under this policy.
2. Objection to rigid use of criteria rather than cases being determined on their merits. Example of LP1462 used to demonstrate matter.
3. Criterion iii ignores mechanism available to secure improvements to infrastructure to ensure developments are sustainable.
4. Criterion vi refers to 'other problems'. This is very vague.
5. Criterion vii does not capture the balancing exercise required by the NPPF.
6. Criterion viii fails to build in ability to provide mitigation or recognise that new development could increase ecological value.
7. Policy should prioritise brownfield development within the Green Belt when it is concluded necessary to release land from the Green Belt.
8. Further flexibility should be introduced to avoid sustainable development opportunities being prevented.
9. Limiting development in the Green Belt can restrict new businesses and viability of services and facilities. HS1 should remove the reference to 'sustainable locations'.
10. Policy should make clear that proposals should comply with all criteria in the Policy.
11. Proposals for development within groundwater source protection zone should be supported by a hydrogeological (groundwater) risk assessment.

Council's Response:

1. The National Planning Policy Framework (NPPF) requires the Local Plan to reflect the presumption in favour of sustainable development, which is a "golden thread" which runs throughout the NPPF. The Planning Inspectorate (PINS) have created a 'model policy', which they suggest will be an appropriate way to meet the expectation of the NPPF. This policy, along with SD2 is contained within chapter 5 of the Local Plan titled Presumption in Favour of Sustainable Development. The chapter details the Council's approach to the various dimensions of sustainable development.
2. The policy is worded in order to ensure adequate amount of direction without being overly prescriptive. The requirements reflect guidance contained within the NPPF, which requires the Local Plan to reflect the presumption in favour of sustainable development. An appropriate level of detail has been included in order to provide a consistent basis for decision making at application determination stage.
3. The policy provides support for development where demand can be accommodated by existing infrastructure. Development may be possible through the provision of supporting infrastructure where justified and deliverable.
Once adopted, the Council can utilise CIL to charge on new development in an area. Developer payments contribute to the provision of infrastructure or refurbishment of existing provision to support the additional burden new development makes on both local and strategic infrastructure.
There may also be Council initiatives such as highway improvement schemes that would ensure developments are sustainable.
It is not however considered necessary to mention the above mechanisms in the policy itself.
4. Criteria vi. lists various material considerations that will be assessed in the application of the policy. The potential issues are dealt with in further detail elsewhere in the Local Plan, it is therefore considered the wording of the policy is sufficient and necessary. The wording is also consistent with the wording of RCUDP policy H9 - Non-allocated sites.
5. Policy HE1 of the Local Plan sets out a clear and positive strategy for the conservation, enjoyment and enhancement of Calderdale's historic environment and should be considered in conjunction with guidance provided in the National Planning Policy Framework, and planning policy guidance. It should be noted that this policy does not seek to unnecessarily or entirely prevent development which may affect a heritage asset. Instead, it aims to ensure that development proposals are sympathetic to heritage assets in that their significance and settings are understood, respected and either conserved or enhanced whilst safeguarding against their exploitation or endangerment. This will ensure a sustainable future for heritage assets, and for the historic environment as a whole.
6. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment. Additionally, BT3 - Landscaping, ensures that new development integrates appropriately into its surroundings, contributes to the character of the area, and enhances local biodiversity if practicable. Further, criteria viii. acknowledges the importance of nature conservation and ensures it is a consideration in the application of the policy.
7. Policy HS1 states that proposals should comply with other Local Plan policies, including policies within chapter 19 - Green Belt and Rural Areas which allow for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
The NPPF states that once established, the Green Belt should only be changed in exceptional circumstances

during a development plan review. Therefore, the Council will not be releasing Green Belt land for development other than in the above mentioned circumstances as set out in the relevant policy sections.

8. The policy is worded in order to ensure adequate amount of direction without being overly prescriptive and allow sufficient flexibility. The requirements reflect guidance contained within the NPPF, which requires the Local Plan to reflect the presumption in favour of sustainable development. An appropriate level of detail has been included in order to provide a consistent basis for decision making at application determination stage.

9. The policy is considered to be in accordance with Local Plan Green Belt policy and guidance provided within the NPPF. The policy context provides support for businesses in Green Belt locations where appropriate.

10. The wording of the policy is considered adequate to achieve intended outcome. The policy is presented (by the use of 'and' after criteria viii) as a list whereby all criteria have to be adhered to.

11. Policies within the Addressing Climate Change and Environmental Protection chapters of the Local Plan, set out a clear and positive strategy to ensure the Council effectively manages flood risk and water resource management. Policy CC3 Water Resource Management states that the Council will work with key stakeholders to protect the quality and quantity of water resources; encourage their efficient use and ensure that they are provided where necessary. Policy CC3 goes on to state that proposals for development within a Groundwater Source Protection Zone should be supported by a hydrological (groundwater) risk assessment that identifies potential risks to groundwater from the development and identifies mitigation measures that will be implemented to reduce unacceptable risks.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Criterion iii should reflect the ability for development to improve local infrastructure either by way of on or off site provision or works or commuted sums contributions.
2. Criterion vi should remove reference to 'or other problems'.
3. Criterion vii must make reference to the requisite balancing exercise contained within national guidance.
4. Criterion viii should either refer to the sites of designated ecological value as being non-developable or alternatively required a net gain in biodiversity on a site.
5.
 - Add to i. "and is of a high standard of design and landscaping".
 - Add to v. "and avoids creating hard surfaces and excessive surface water run off"
 - Insert vii. "after conserve the intrinsic quality of the area".
 - New viii. "the proposal has a high standard of design and landscaping and respects or improves the intrinsic quality of the locality"
 - New ix (x). "the proposal avoids damaging local opportunities for food production"

6. The Policy should include: "Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport."

7. Modify the Policy regarding the potential of non-allocated sites to remove the reference to "sustainable location".

8. Proposals for development within groundwater source protection zone should be supported by a hydrogeological (groundwater) risk assessment.

Council's Response:

1. The policy provides support for development where demand can be accommodated by existing infrastructure. Development may be possible through the provision of supporting infrastructure where justified and deliverable.

Once adopted, the Council can utilise CIL to charge on new development in an area. Developer payments contribute to the provision of infrastructure or refurbishment of existing provision to support the additional burden new development makes on both local and strategic infrastructure.

There may also be Council initiatives such as highway improvement schemes that would ensure developments are sustainable.

It is not however considered necessary to mention the above mechanisms in the policy itself.

No modification required

2. Criteria vi. lists various material considerations that will be assessed in the application of the policy. The potential issues are dealt with in further detail elsewhere in the Local Plan, it is therefore considered the wording of the policy is sufficient and necessary. The wording is also consistent with the wording of RCUDP policy H9 - Non-allocated sites.

No modification required.

3. Policy HS1 criterion ix makes clear must comply with other LP Policies. Policy HE1 of the Local Plan sets out a clear and positive strategy for the conservation, enjoyment and enhancement of Calderdale's historic environment and should be considered in conjunction with guidance provided in the National Planning Policy Framework, and planning policy guidance. It should be noted that this policy does not seek to unnecessarily or entirely prevent development which may affect a heritage asset. Instead, it aims to ensure that development proposals are sympathetic to heritage assets in that their significance and settings are understood, respected and either conserved or enhanced whilst safeguarding against their exploitation or endangerment. This will ensure a sustainable future for heritage assets, and for the historic environment as a whole.

No modification required.

4. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment. Additionally, BT3 - Landscaping, ensures that new development integrates appropriately into its surroundings, contributes to the character of the area, and enhances local biodiversity if practicable. Further, criteria viii. acknowledges the importance of nature conservation and ensures it is a consideration in the application of the policy.

No modification required.

5. The modification is considered to be unnecessary as each matter is addressed elsewhere in the Local Plan. There are no modifications suggested that have not been accounted for in the relevant chapters of

the Plan. The level of detail is therefore considered to be adequate to enable the effective and consistent application of the policy.

No modification required

6. Policy HS1 states that proposals should comply with other Local Plan policies, including policies within chapter 19 - Green Belt and Rural Areas which allow for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF states that once established, the Green Belt should only be changed in exceptional circumstances during a development plan review. Therefore, the Council will not be releasing Green Belt land for development other than in the above mentioned circumstances as set out in the relevant policy sections.

No modification required.

7. The requirement relating to the site being sustainably located reflects guidance contained within the NPPF, which requires the Local Plan to reflect the presumption in favour of sustainable development. An appropriate level of detail has been included in order to provide a consistent basis for decision making at application determination stage.

No modification required.

8. Policies within the Addressing Climate Change and Environmental Protection chapters of the Local Plan, set out a clear and positive strategy to ensure the Council effectively manages flood risk and water resource management. Policy CC3 Water Resource Management states that the Council will work with key stakeholders to protect the quality and quantity of water resources; encourage their efficient use and ensure that they are provided where necessary. Policy CC3 goes on to state that proposals for development within a Groundwater Source Protection Zone should be supported by a hydrological (groundwater) risk assessment that identifies potential risks to groundwater from the development and identifies mitigation measures that will be implemented to reduce unacceptable risks.

No modification required.

Document Section: Table 16.1 Monitoring: Policy HS1 - Non-Allocated Sites

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Both the indicators and targets acknowledge that planning permissions approved under this policy will be counted as 'windfalls'. But the 'windfall' allocation is very small (see table 6.3 for the annual totals): is set at zero for the first three years through to 2021; will then total 320 over the next two years; and then proceeds at less than 100 year for the rest of the plan period. Whilst the argument as to what should be the size with allowance has been already presented in 6.3, it's also necessary to consider what should be the relationship between the two policies SD3 and HS1, in that the number of units approved under the latter could quite easily exceed the allocation set under the former. This after all is what happened at the height of the housing boom in 2006-8, when (from memory) a large proportion of the excess over the RSS target were from windfalls; (and also see 'Windfalls have historically made an important contribution to the housing supply in Calderdale. Since 2008/09, the average number of completions on all windfall sites (irrespective of size) has been 321 units per annum.' HTP 6.11 So Friends of the Earth would argue that the criteria in this potentially volatile segment the housing supply need to be said suitably robust in pursuit of both NPPF and local objectives, to be achieved by the establishment tighter criteria within HS1 including the support of sustainable urban locations (which will however need to be properly defined within the policy) and 'brownfield before greenfield'. Another potential addition would be the discouragement of back garden developments, to the extent that this is still supportable by NPPF.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. HS1 should have tighter criteria to support development in sustainable urban location, prioritise brownfield development (Green Belt), and discourage garden development.

Council's Response:

1. The policy is worded in order to ensure adequate amount of direction without being overly prescriptive. The requirements reflect guidance contained within the NPPF, which requires the Local Plan to reflect the presumption in favour of sustainable development. An appropriate level of detail has been included in order to provide a consistent basis for decision making at application determination stage. Policy HS1 states that proposals should comply with other Local Plan policies, including policies within chapter 19 - Green Belt and Rural Areas which allow for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The policy is considered to be compliant with guidance contained within the NPPF.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 16.4 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

The Policy is clear that higher density development will be sought in accessible locations.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HS2 Residential Density

Representations

Comment ID

Site ref (if applicable):

Person ID: **1130533** Name: **Mr Nick Midgley**

Organisation: **Chair person rastrick
Neighbourhood Forum**

Agent ID: **1130525** Name: **Mr Nick Midgley**

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1069334** Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy HS2 states that all new housing developments should use land efficiently and sets out a minimum net density of at least 30 dwellings per hectare. Gladman continue to note that a level of flexibility has been built into the policy and the Council recognises that higher densities will be sought in and around main town centres and close to public transport networks, whilst accepting that lower densities may be appropriate on certain sites. Gladman support an approach which recognises the above, but suggest that the policy does not set rigid density requirements. This will enable sites to be designed to a density which is appropriate and responses to any site-specific features or reflects the densities within the locality. Such a

flexible approach is supported as it allows for housing density to be considered on a site by site and settlement by settlement basis.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1491**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. HS2 Policy HS2 Housing density There is a wealth of evidence that net densities below 45-60dpha are insufficient to support financially viable public transport and other key services such as local convenience shops. We therefore consider that this policy does not provide for sustainable development unless the general minimum density is at least 45dpha. The exceptions in part 2 of the policy allow for situations where a lower density is appropriate. Higher densities of 60dpha or over should be quantified for more central and accessible locations "" which in any case should be where new development should be focused. As set out in our Evidence Paper 1, NPPF2018 sets out a much more robust approach to density than was previously the case, and as it will be a material consideration in planning applications from now on, it is our view that Policy HS2 must be shown to be consistent with NPPF2018.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp371**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support the provisions within this Policy that lower densities may be acceptable in appropriate circumstances. Such a provision will help to ensure that new developments better integrate with their surroundings. This is particularly important given the numbers of heritage assets across Calderdale.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp836**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The test to apply to this issue that has been established by new NPPF 137b) is whether the LP strategy 'optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport.' The reason to object to this policy and the associated text paragraphs 16.4-7 is that essentially it isn't acting

sufficiently strongly as a policy intending to drive an appropriate level of density, as it suggests. Instead, this intention is undermined by the mechanisms from which it is constructed. Having first indicated clearly that 'The NPPF allows local planning authorities to set their own approach to housing density to reflect local circumstances' and 'It is imperative that in Calderdale, where a significant proportion of new housing has been allocated on land formerly within the Green Belt, that higher densities are utilised where appropriate to ensure land is used as efficiently as possible'; [because this] could have the cumulative effect of requiring more land to deliver the scale of housing required', it then undermines this by: - Using a framework of density multipliers (through which ultimately the total housing allocation is filtered in order to determine the number of sites required) which for the larger sites (>2ha) are always below 40dph except in town centres. Consequently a mechanism used to calculate the potential development capacity of a site is transmuted into a ceiling which developers are able to argue they should not exceed, which thus applies a pressure towards lower densities. - In contradiction to the stated intention of the policy to constrain the Greenbelt landtake, in fact the mechanism actually sanctions the lowest densities on sites in those locations ('Rural areas (within and adjacent to smaller settlements in Greenbelt, and Area around Todmorden') where the identified density is 26dph for the larger sites. SHLAA table 5 And it turns out that the recent approach to density policy has not resulted in the achievement of higher numbers: 'Average density figures for schemes of less than 100dph are 30.65dph for new build developments'. LP 16.7 In the end, despite strong intentions expressed at the beginning of this LP section, the ultimate position adopted is that 'It is therefore considered that a policy with a general expectation of 30dph is not unrealistic or unreasonable, especially in light of the level of Green Belt land needed to meet the housing requirement.' HTP 7.3 And whilst it is understood that a general policy needs to be formulated to allow for circumstances particular to an individual site "" so 'higher densities of development will be sought' in defined locations, balanced by 'Lower densities may be appropriate on certain sites' "" the policy wording needs to be more proactive in securing higher density outcomes. An example might be Bradford's policy HO5: 'This will mean delivering the most houses possible while taking account of the need to arrive at a well designed layout which reflects the nature of the site, its surroundings and given the type and size of housing needed in the area.' The Greenbelt Exceptional Circumstances technical paper provides a glimpse of the sorts of urban densities that are being proposed on individual sites. The 3 most densely occupied sites cited at paragraph 3.20 together result in 306 dwellings on 1.07 ha between them. But rather than cite individual examples of particularly high densities the more general question to be asked of the local plan ought to be about whether these sites are in some sense exceptional, with such densities incapable of being replicated more widely, or alternatively that they illustrate genuine density optimisation. In our comment on 13.48 we suggested that current and welcome proposals the masterplan activity in Halifax town centre had overlooked the opportunity to integrate the strategic approach to property dense housing into their plans; and on 6.45 we've referenced our request to Cabinet in December 2015 to do just this using the mechanism of an urban capacity study (the request was rejected.) It will be understood why this argument is connected to the other strategy-level issue concerning the impact of the housing allocations on Greenbelt. If the process of the local plan over its years of development had been led by a drive to establish all the opportunities within the existing urban capacity, and then seek to channel investment and regeneration flows into those locations, then not only with the Greenbelt landtake be minimised but, at the same time, town centres threatened by multiple pressures now and into the future would be reinforced. For this reason, therefore, we also do not accept the conclusion of the Greenbelt Exceptional Circumstances technical paper at 3.22 that 'In conclusion the assessment of sites and the drafting of the Local Plan have been such that the need to release Land from the Green Belt has been minimised'.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Policy does not drive up residential densities, it should be more proactive to secure higher densities.
2. The policy is too rigid as it specifies a minimum net density to be sought by the Council.
3. Density should be fixed for each allocation. Each site should have its own design brief to reflect site specific characteristics.
4. Policy does not consider the adverse impacts that could arise from high density developments.
5. The policy will not provide for sustainable development unless the general minimum density is at least 45dph. NPPF 2018 sets out a more robust approach to density and Policy HS2 must conform with this.

Council's Response:

1. The Policy is clear that higher density development will be sought in accessible locations. It is not considered appropriate to set density requirements as the policy would be too restrictive and unable to respond to site specific characteristics. It is however expected that sites will generally achieve a density of 30dph. Further detail and justification for this target density can be found in the policy supporting text (paragraphs 16.4-16.8).
2. It is considered the policy includes the flexibility to allow a response to the specific characteristics of the site.
The policy sets out the Council's minimum net density requirements for all sites. It does however, recognise that there will be sites where higher or lower densities will be more appropriate. Whilst indicative, the capacities for the land allocations were based on the best information available at the time, and it is recognised that the actual capacities may fluctuate, but the Council consider that these will average out to meet the housing requirement figure.
3. It is not considered appropriate, proportionate or deliverable to prepare site briefs for each site. However, the policy is clear that the indicative capacities for each of the allocated sites is expected to be achieved.
4. Any adverse impacts that may arise as a result of high density developments will be considered as part of any planning application in accordance with the relevant policy context.

5. With the exception of the Local Housing Needs calculation the Local Plan is prepared under the provisions of NPPF 2012.

The Council's approach to density is detailed and justified in the policy supporting text (paragraphs 16.4-16.8). However, the policy is clear that in some locations higher density development will be sought. While the policy does allow for higher densities, the Council does not have the evidence to justify a 45dph indicative capacity.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HS3 Housing Mix

Representations

Comment ID

Site ref (if applicable):

Person ID: **894866**

Name: **Mr Owen Pike**

Organisation: **Diocese of Leeds**

Agent ID: **893173**

Name: **Mr Owen Pike**

Organisation: **Planning Associate Partner
Sanderson Weatherall on
behalf of the Diocese of
Leeds**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

The Diocese supports the development threshold of 10 dwellings or more for providing a mix of housing in terms of size, type, tenure and affordability. The Diocese also supports the pragmatic approach set out within Policy HS3 that housing mix should be informed by a range of information and data. This allows flexibility and will enable the authority to respond to changing demands and trends, which will inevitably occur during the 15-year plan period. This approach is effective. See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1374**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore It is noted that the Council are seeking to ensure that a mixture of housing types and tenure are provided as part of future housing developments. Our Client is generally supportive of the flexible approach within the policy to determining an appropriate housing mix. Part ii) of the policy states 'proposals for housing developments of 10 or more dwellings will be expected to provide for a mix of housing in terms of size, type, tenure and affordability; and additionally, proposed housing developments of 30 or more dwellings should be accompanied by a statement setting out how the mix of housing will assist in meeting local needs'. It is unclear why the Council have determined that developments of 30 units or more have to provide a statement regarding the proposed mix, and this should be justified with evidence within the supporting text of the policy.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp831**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Despite noting that NPPF states that LPAs 'should also identify the size, type, tenure and range of housing that is required' the policy doesn't actually do that. 16.10 sets out the demographic and economic profile' this policy should aim to respond to; then 16.11 provides a description of the criteria the policy should apply - except that these are too generalised and insufficiently prescriptive. Consequently, the wording of the policy ends up stating no more than that developments 'will be expected to provide for a mix of housing in terms of size, type, tenure and affordability'. Instead the policy needs to be more specific, detailed and directive, such as can be found in e.g the adopted Bradford core strategy policy HO8, which includes a list of six strategic priorities which should be given particular emphasis; and then two statements which creates some ability to identify localised requirements: 'Specific guidance on housing mix on an area or site basis will be set out as necessary' and 'The location and nature of the site and its surroundings and the profile of the existing stock in the area should also be considered.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The 30 unit policy threshold for requiring a statement for housing mix is not justified within evidence.
2. The Local Plan should not dictate housing mix. It results in the market not being able to adjust to market movements. There should be greater flexibility within the Policy.
Policy is onerous and prescriptive particularly as it seeks to control the size, mix and tenure of units.
3. The policy should be more specific, detailed and directive.

Council's Response:

1. It is considered that a site of 10 dwellings or more should be able to provide for a mix of house types. Sites of 30 or more dwellings should be accompanied by a statement setting out how the mix of housing will assist in meeting local needs. This requirement is not considered to be overly burdensome on sites of 30 and more.

2. The NPPF requires Local Plans to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities.

It is considered that the policy reflects the changing demands for housing by requiring proposals to consider mix in light of the most up to date information. The NPPF states that LPAs should plan for a mix of housing and identify the size, type, tenure and range of housing required. CMBC has not specifically identified these as it recognises that this changes over the Plan period. It is therefore considered the policy offers sufficient flexibility to respond to changing market conditions.

The Council's Housing Market Statement (January 2019) provides an account of the Borough's housing needs, including Local Housing Need and a breakdown of the Housing Market Zones and their individual characteristics.

3. It was not considered appropriate to set the specific housing mix out in the Plan. This information can change during the Plan period. It is clear that proposals should take account of the most recent SHMA along with other relevant information in determining housing mix on a site.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy HS3 be modified to 'encourage' or 'reflect' rather than 'expect'.

Council's Response:

1. Current policy wording considered necessary to ensure objectives of policy are achieved.
No modification required.

Document Section: 16.15 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae** Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Whilst the information in paragraph 16.15-16 is used in the local plan to substantiate policy HS4, which is intended to support the provision of sheltered accommodation, communal establishments and specialist housing etc, it should also be used to make the Housing Mix policy better suited to Calderdale's changing demographic profile

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Data on demographics used to support HS4 should also be used for Policy HS3 Housing Mix.

Council's Response:

1. The SHMA utilised the most up to date demographic information and includes a section on housing for

older people. HS3 requires housing mix to be informed by the most recent SHMA and other relevant information.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 16.16 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

The information in this paragraph is derived from the 2012-based household projections. The 2016 based projections confirm that the number of households over 65 grow from 26,000 in 2016 to 40,000 in 2041, a 54% increase. In contrast households headed by people between the ages of 25-64 remained static at 62,000.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy HS4 Housing for Independent Living

Representations

Comment ID

Site ref (if applicable):

Person ID: **515785**

Name:

Organisation: **The Smith Foundation**

Agent ID: **515780**

Name: **Mr Paul Leeming**

Organisation: **Carter Jonas**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This policy is not sound. It sets out the provision of homes that are suitable to meet the needs of older and disabled people. Whilst supportive of this policy, it is not appropriate to apply the policy to all dwellings. Advice set out in the Planning Policy Guidance suggests that where higher standards are to be applied that this is supported by an appropriate evidence base. It is not considered that such evidence is provided, so the policy approach is not justified.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

In this case the Council is required to consider the application of the policy upon viability. Material set out in the Viability Assessment 2018 suggests the policy will have significant impacts upon viability particularly when considered cumulatively with other policy considerations.

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy HS4 states that the Council will seek to increase the level of housing suitable to meet the needs of older and disabled people. The policy goes on to state that development proposals for communal establishments and specialist housing will be supported. Gladman are fully supportive of the inclusion of the policy and recognise the importance in providing sufficient accommodation to meet the ever-growing needs of older and disabled people. We are however concerned to note that that plan does not seek to allocate land for C2 uses, and consider, given the recognised need for such developments, that the Council should seek to identify potential opportunities for appropriately located, and well-designed schemes to come forward.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1216**

Site ref (if applicable):

Person ID: **1185143**

Name: **Mr John England**

Organisation:

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1224**

Site ref (if applicable):

Person ID: **1140030**

Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp1230**

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp459**

Site ref (if applicable):

Person ID: **1140304**

Name: **Joanne Harding**

Organisation: **Local Plans Manager -
North Home Builders
Federation**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy HS4 is not considered sound as it is not positively prepared, justified or consistent with national policy for the following reasons. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the PPG. PPG states that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations. It was recognised that it was not appropriate to apply Category 2 or 3 standards to all new homes as not all people who buy or move in to new homes need or wish to have such provision. It is incumbent on the Council to provide a local assessment evidencing the specific case for Calderdale which justifies the inclusion of optional higher standards for accessible / adaptable homes in its Local Plan policy. PPG (ID 56-07) identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. The HBF do not consider that the evidence provided is sufficient to support the policy of all homes being built to M4(2) standards. However, if this policy is to be retained then the HBF recommend that an appropriate transition period is included within the policy. Paragraph 173 of the NPPF (2012) established the importance of viability testing to ensure that the sites and scale of development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be developed might be threatened, this is continued into NPPF (2018) within paragraph 34. The Viability Assessment 2018 makes it clear that this policy will have significant implications for viability, particularly when considered cumulatively with other policy requirements within the plan. HBF propose that the policy is modified as follows: 'Proposals for residential development should ensure that 100% of units are adaptable and accessible homes (30) will be supported in In locations in Calderdale where site specific circumstances, including topography and flood risk, are appropriate will result in this requirement not being possible to achieve or would render a scheme unviable, the Council will consider reducing or waiving the requirement' .

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp523**

Site ref (if applicable):

Person ID: **1181499**

Name: **Ms June Eaton**

Organisation: **member Hebden Bridge
Disability Access Forum**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We believe that the Local Plan is not sound because it is not justified. It is not justified because it is not the most appropriate strategy. Our more reasonable alternatives to policies to HS4 i and HS4 iii, which we offer as a more appropriate strategy, are these: ' i. The Council will seek to increase the level of housing suitable to meet the needs of older people and disabled people, both through its role as enabler, and also through supporting proposals for housing which contribute to independent living, such as sheltered accommodation and extra care housing. These housing types are often unsuitable for younger disabled people either living alone or as part of a family as a disabled parent, a disabled child or in any other living arrangement, and so are not a substitute for fully wheelchair accessible homes in the general housing stock. iii. Proposals for residential development should ensure that 100% of units are adaptable and accessible homes to M4(2) standard (building regs 2015), or subsequent standard. In developments of ten or more homes, a minimum of 10% must be built to M4(3) wheelchair accessible standard.' Proportionate evidence that these alternative policies are more reasonable - and essential to future inclusion and equality for disabled people in Calderdale "" is provided fully in our HBDAF 2017 submission to the draft Local Plan (attached). Our strong recommendations on housing in that document, were not incorporated into the current Publication Draft of the Local Plan. Further new evidence is also attached, extracted from Equality and Human Rights Commission report'Housing and Disabled People "" Britain's hidden crisis'May 2018.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Our more reasonable alternatives to policies to HS4 i and HS4 iii, which we offer as a more appropriate strategy, are these: ' i. The Council will seek to increase the level of housing suitable to meet the needs of older people and disabled people, both through its role as enabler, and also through supporting proposals for housing which contribute to independent living, such as sheltered accommodation and extra care housing. These housing types are often unsuitable for younger disabled people either living alone or as part of a family as a disabled parent, a disabled child or in any other living arrangement, and so are not a substitute for fully wheelchair accessible homes in the general housing stock. . . iii. Proposals for residential development should ensure that 100% of units are adaptable and accessible homes to M4(2) standard (building regs 2015), or subsequent standard. In developments of ten or more homes, a minimum of 10% must be built to M4(3) wheelchair accessible standard.' Proportionate evidence that these alternative policies are more reasonable - and essential to future inclusion and equality for disabled people in Calderdale "" is provided fully in our HBDAF 2017 submission to the draft Local Plan (attached). Our strong recommendations on housing in that document, were not incorporated into the current Publication Draft of the Local Plan. Further new evidence is also attached, extracted from Equality and Human Rights Commission report'Housing and Disabled People "" Britain's hidden crisis'May 2018.

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Data on demographics used to support HS4 should also be used for Policy HS3 Housing Mix.
2. The third paragraph seeking 100% of units be adaptable and accessible homes is not supported by evidence, not justified and not in line with national planning policy.
The evidence provided for Policy HS4 is not sufficient to support all houses being built to M4(2).
3. This requirement will make a large proportion of sites unviable with negotiations around this issue delaying delivery.
4. The policy should include a requirement for 10% new homes on sites of 10 units of more, to be built to M4(3) wheelchair accessible standard.
5. The Plan should identify sites for C2 uses.
6. The requirement of the policy is not based on proportionate evidence. It will reduce densities thereby reducing the overall housing supply. It is not effective or justified.

Council's Response:

1. The SHMA utilised the most up to date demographic information and includes a section on housing for older people. HS3 requires mix to be informed by the most recent SHMA and other relevant information.
2. The Council considers it has addressed the criteria set out in the PPG to provide evidence for this policy. Further evidence and justification to support this requirement is set out in the Housing Technical Paper.
3. Section 6 of the Viability Assessment does highlight that there will be viability issues for some sites, but that the majority of sites will remain viable. The policy nevertheless includes a clause regarding viability.
4. The Council does not have the evidence to justify the inclusion of a requirement for wheelchair accessible dwellings in the plan.
5. The policy allows for the development of sites for meeting the needs of older and disabled people. It was not considered necessary to allocate sites specifically for this sub group.
6. The Council considers that the evidence base supports the Policy. The requirement is set at this level as it is acknowledged that site characteristics may mean this cannot be achieved in some parts of the borough.

Further evidence and justification to support this requirement is set out in the Housing Technical Paper.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend criterion iii. "Proposals for adaptable and accessible homes will be supported in locations in Calderdale where it is practical to achieve them, having regard to site specific circumstances, such as topography and flood risk are appropriate".
2. Remove the third part of the Policy relating 100% of dwellings be accessible and adaptable homes. Remove the requirement for adaptable and accessible homes, instead stating the Council will support proposals for them.
3. Amend policy to read:
"i. The Council will seek to increase the level of housing suitable to meet the needs of older people and disabled people, both through its role as enabler, and also through supporting proposals for housing which contribute to independent living, such as sheltered accommodation and extra care housing.
These housing types are often unsuitable for younger disabled people either living alone or as part of a family as a disabled parent, a disabled child or in any other living arrangement, and so are not a substitute for fully wheelchair accessible homes in the general housing stock.
4. Proposals for residential development should ensure that 100% of units are adaptable and accessible homes to M4(2) standard (building regs 2015), or subsequent standard.
5. In developments of ten or more homes, a minimum of 10% must be built to M4(3) wheelchair accessible standard."
6. The Council is required to consider the application of the policy upon viability.

Council's Response:

1. Suggested wording considered adequate to achieve the policy objective, particularly with reference to scheme viability.
No modification required.
2. The Council considers it has addressed the criteria set out in the PPG to provide evidence for this policy. Further evidence and justification to support this requirement is set out in the Housing Technical Paper. The Council considers that the evidence base supports the Policy. The requirement is set at this level as it is acknowledged that site characteristics may mean this cannot be achieved in some parts of the borough.
No modification required.
3. The Council considers that it does not have the evidence to justify inclusion in the Plan, a requirement for wheelchair accessible dwellings.
No modification required.
4. Policy justification (supporting text) clearly identifies the relevant section of the Building Regulations. The

policy itself also contains reference to a footnote which explains the meaning of adaptable and accessible homes.

No modification required.

5. The Council considers that it does not have the evidence to justify inclusion in the Plan, a requirement for wheelchair accessible dwellings.

No modification required.

6. The policy includes a clause regarding viability.

No modification required.

Document Section: Policy HS5 Self-Build and Custom Housebuilding

Representations

Comment ID **Lpp1042**

Site ref (if applicable):

Person ID: **515785**

Name:

Organisation: **The Smith Foundation**

Agent ID: **515780**

Name: **Mr Paul Leeming**

Organisation: **Carter Jonas**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached representation for full details. Policies in the Framework suggest the need to widen sources of housebuilding to include smaller builders and self-builders. It is important therefore the policy is sufficiently flexible to increase the contribution to overall housing supply. The Council's policy is considered overly restrictive applying to sites of 100 units or more and should include a lower threshold or more opportunities.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

The Council's policy is considered overly restrictive applying to sites of 100 units or more and should include a lower threshold or more opportunities.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5147469>

Comment ID **Lpp1213**

Site ref (if applicable):

Person ID: **1185143**

Name: **Mr John England**

Organisation:

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1223**

Site ref (if applicable):

Person ID: **1140030**

Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp1231**

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1273**

Site ref (if applicable):

Person ID: **1185592**

Name: **Yorkshire Housing**

Organisation: **Yorkshire Housing**

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson
Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102264>

Comment ID **Lpp1318**

Site ref (if applicable):

Person ID: **1129942**

Name: **Norah Smith**

Organisation:

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson
Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104801>

Comment ID **Lpp1375**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore It is noted that on sites of 100 dwellings or more the Council are proposing that 5% of the overall capacity will be provided as serviced plots for self or custom build need. Our Client strongly objects to this policy on a number of grounds. Our Client is one of the largest housebuilders in the country and they are very experienced in the delivery of major new housing schemes. They have genuine concerns regarding the proposal to include a percentage of self-build plots on major housing developments as this would simply not work in practise. Large developments can have anywhere between 1 to 3 developers on site and the potential involvement of an additional private individuals could have repercussions on a number of issues such as the timing of delivery, cashflow and equalisation, as well as potential legal agreements. In addition, the way in which Section 106 contributions and CIL are calculated would be complicated and it is unclear who's responsibility this would be in terms of making the relevant payments. Self-build plots are usually on small plots of land that do not require any, or very limited, contributions and it is unclear if they would have to contribute to the obligations associated with the wider site. There is also likely to be uncertainty around conditions and who would be responsible for discharging them. For example, if a developer obtained outline planning permission for the whole site, would they be responsible for discharging conditions specific to the self-build plot. In addition to the above, we would question what evidence the Council have to demonstrate that there is a demand for self-build plots within major housing developments. Without any evidence to underpin this requirement, it is our Clients opinion that the policy is unsound as it is not justified or effective and therefore fails to meet the tests of soundness at paragraph 35 of the Revised Framework.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1426**

Site ref (if applicable):

Person ID: **960161**

Name: **Miss Lucy Hawley**

Organisation: **Highstone Homes**

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached statement

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See attached statement

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107522>

Comment ID **Lpp460**

Site ref (if applicable):

Person ID: **1140304**

Name: **Joanne Harding**

Organisation: **Local Plans Manager - North Home Builders Federation**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy HS5 is not considered to be sound as it is not positively prepared or effective for the following reasons: Many of our members will be able to assist the custom build sector either through the physical building of dwellings on behalf of the homeowner or through the provision of plots for sale to custom builders. The HBF are, therefore, not opposed to the idea of increasing the self-build and custom build sector for its potential contribution to the overall housing supply. However, the Council's approach is restrictive rather than permissive by requiring the inclusion of such housing on sites of 100 dwellings or more. This policy approach only changes the house building delivery mechanism from one form of house building company to another without any consequential additional contribution to boosting housing supply. The HBF would recommend appropriate evidence is collated to ensure that house building delivery from this source provides an additional contribution to boosting housing supply. This is likely to include engaging with landowners and working with custom build developers to maximise opportunities. The HBF would also be interested to see the evidence to support the idea that those wanting to self-build would actually consider building within a larger housing development. HBF propose that the policy is modified as follows: ' On sites of 100 dwellings or more, the Council will generally seek 5% of the overall capacity to be provided as serviced plots for self or custom build need. Developers will be able to provide dwelling plots for sale to self-builders or to small/custom house-builders if demand is identified. In determining the level of provision, consideration will be given to the most up to date evidence contained within the Self-build and Custom Housebuilding Register and to the viability of development' .

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. In requiring provision of self-build plots on larger sites, self-build does not present additional contribution to the overall housing supply.
2. Challenge to evidence of people wanting self-build plots within larger sites.
3. Lack of supporting evidence to justify 100 unit threshold.
4. Policy should be flexible in order to increase the contribution of self build to the overall housing supply as opposed to the current approach which is restrictive rather than permissive.

5. Provision of plots may prevent comprehensive site development and be detrimental to the appearance of the site until complete. Completed units will differ in design to remainder of development and there will be practical difficulties regarding overall management, such as cash flow and equalisation, legal agreements and planning application responsibility.
6. No evidence to demonstrate that larger sites in the Local Plan have been assessed for their suitability for self-build and custom housebuilding.
7. Policy requirements overly burdensome. The policy has not been tested in the viability assessment.
8. The Council has not worked with landowners and developers in encouraging the consideration of self-build and custom housebuilding.

Council's Response:

1. The Council has made provision in the Local Plan to ensure the housing needs of the borough are met. Whilst meeting this need, a consequence is also the increased supply of self-build developments. It is not accepted that plot provision should be in addition to overall supply.
2. Evidence of people wanting self-build plots within larger development sites is contained within the Self-Build and Custom Housebuilding Register. EV 33 Housing Technical Paper (2018) also provides detail in terms of the number of entrants on the register along with additional background information on the subject.
During the first full base year (1st November 2016 – 31st October 2017) referred to as Base Year Period 2, there were 35 entrants on the Self-Build and Custom Housebuilding Register who expressed an interest in obtaining a plot as part of a larger development (out of 49 applicants in total). In the following period however, the number decreased significantly.
3. The Council considers the evidence contained within the Self-Build and Custom Housebuilding Register supports the 100 unit requirement. The requirement is in support of the Government's drive to make 'self-build' a mainstream housing option.
EV 33 Housing Technical Paper - 2018 (paragraphs 12.13 - 12.18) contains a detailed justification for the threshold. It is envisaged that contributions on sites of over 100 or more and Council support for self-build and custom housebuilding on other sites that might come forward during the Plan period would be sufficient to meet the identified demand.
4. The 5% requirement on sites of 100 units or more is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. The policy also provides general support for self-build and custom housebuilding on land allocations as well as other sites that may come forward during the plan period.
5. Applications should comply with Local Plan Built Environment policies, such as High Quality Inclusive Design. Further the NPPF (2018), which applications will be considered against, states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
It is also not accepted that site management issues are insurmountable with careful planning. A self-build parcel should be identified early on with consideration given to ensure plots can be serviced and delivered in step with the main build. Ease of and or separate access to the plots will be a key consideration.
The council will review the need to publish local guidance/supplementary planning guidance relating to the

practical delivery of self/custom build sites. Any future updates of this evidence will be published on the Council's web site.

6. Local Plan sites have been assessed for their suitability for residential development, including self-build and custom housebuilding development.

7. Along with assessing the viability of the additional allocations the Local Plan and Preferred Sites for Allocation Viability Assessment (Addendum Report) March 2018 considered the viability of Policy H5 (Self Build and Custom Housebuilding).

The report states at paragraph 6.8 that "the inclusion of an element of self build / custom build housing will improve overall scheme viability".

8. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

Specifically, the self-build and custom housebuilding policy has been consulted on two occasions to encourage landowners and developers to have an input in the formation of the policy.

From 1 April 2016 the Council has kept a register of individuals and associations who are interested in purchasing serviced plots of land to build their own homes. The register, along with additional information on the subject can be found on the Council's website.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Requests the removal of the 100 unit threshold and replacement with the following:

Developers will be able to provide dwelling plots for sale to self-builders or to small/custom house-builders if demand is identified. In determining the level of provision, consideration will be given to the most up to date evidence contained within the Self-build and Custom Housebuilding Register and to the viability of development.

The Council should remove the requirement for developments above 100 dwellings to provide 5% of the site for self-build and replace with an encouragement.

2. Policy is overly restrictive applying to sites of 100 units or more. The threshold should be lowered.

Council's Response:

1. The 5% requirement on sites of 100 units or more is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. The policy is worded to enable flexibility of application and clearly states that in determining the level of provision, consideration will be given to the most up to date evidence contained within the Self-build and Custom Housebuilding Register.

The policy wording is considered to be sufficient in its current form.

No modification required.

2. The Council considers the evidence contained within the Self-Build and Custom Housebuilding Register justifies the 100 unit requirement. The requirement is in support of the Government's drive to make 'self-build' a mainstream housing option.

EV 33 Housing Technical Paper - 2018 (paragraphs 12.13 - 12.18) contains a detailed justification for the threshold. It is envisaged that contributions on sites of over 100 or more and Council support for self-build and custom housebuilding on other sites that might come forward during the Plan period would be sufficient to meet the identified demand.

The 5% requirement on sites of 100 units or more is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. The policy also provides general support for self-build and custom housebuilding on land allocations as well as other sites that may come forward during the plan period.

It is considered that the Council does not have the evidence to justify a lower threshold. Further, a lower threshold would not be required when considering the relatively low level of demand identified.

No modification required.

Document Section: Policy HS6 Affordable Housing

Representations

Comment ID **Lpp1043**

Site ref (if applicable):

Person ID: **515785**

Name:

Organisation: **The Smith Foundation**

Agent ID: **515780**

Name: **Mr Paul Leeming**

Organisation: **Carter Jonas**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached representation for full details. It is important that the full housing needs of the Borough are met over the Plan period, including affordable requirement. It is evident however that the 2018 SHMA has not been updated in terms of the affordable housing. The evidence in the SHMA does not suggest the figure will have changed substantively from the 530 homes required annually in the 2015 SHMA to address the backlog within the first five years of the Plan. Once the backlog is cleared, the annual requirement will reduce to 75 dwellings per annum to meet newly arising need.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Carter Jonas has concerns that the 2018 Viability Assessment highlights viability issues for a number of sites and typologies particularly brownfield sites (such as LP0893) and these have not been taken into account in relation to the policy's requirements. The policy is considered to be unsound.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5147469>

Comment ID **Lpp1180**

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy HS6 sets out the affordable housing policy for the Calderdale Borough and proposes that on development sites of 10 or more homes the Council will seek between 20% and 35% of homes for affordable housing dependent upon location within the Borough. Table 16.6 sets out the provision of Affordable Housing to meet Policy HS6, with the requirement ranging from 20% in Zone D to 35% in Zone A. The 2015 SHMA has been used to inform the affordable housing targets. We suggest that this assessment is supplemented by further analysis of land values and transactions. Gladman refer to paragraph 173 and 174 of the previous Framework in this respect. Paragraph 173 states: "Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable." Beyond the above concerns, Gladman support the flexible approach proposed regarding viability and the delivery of affordable housing. The policy states "The Council will negotiate for the inclusion of an element of affordable homes in planning applications for housing development." Gladman support this clause within the policy as there may be instances where the provision of 20-35% affordable housing on-site, renders a development proposal unviable, potentially impacting upon the ability of the Council to meet its Full OAN.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1222**

Site ref (if applicable):

Person ID: **1140030**

Name:

Organisation: **Strata Homes & Clugston Group Ltd**

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5097655>

Comment ID **Lpp1232**

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1376**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore The policy sets out the Council's aspirations for the delivery of affordable housing throughout the District. The Council have identified four different zones which have a different affordable housing requirement, with the highest provision of 35% being required in Zone A and the lowest in Zone D of 20%. Barratt and David Wilson Homes have been active within Calderdale over recent years and have delivered a number of new homes and have a very good

understanding of the housing market areas within the District. They have land interests in all four of the affordable housing zones and they object to the level of provision that is being required by the Council. The provision of 35% in Zone A and 30% in Zone B are particularly excessive and do not reflect the market area in which they are located, which in turn will lead to viability issues, which could impact the deliverability of new housing. If the affordable housing provision is retained as proposed, it is likely that future planning applications will be accompanied by viability appraisals, which demonstrate that sites are not financially viable due to the high level of affordable housing provision. This generally slows down the planning application process which has a knock on effect in terms of the delivery of housing. 10.14 It is noted that a Viability Assessment has been undertaken by GVA on behalf of the Council, which forms part of the evidence base for the Local Plan. The assessment states at paragraph 6.39 that 'just over a quarter (28%) of the housing allocations are viable and generate land values in excess of the minimum benchmark land values after the application of Policy HS6. Whilst both policies (HS4 and HS6) contain suitable viability clauses an overall reduction in affordable housing requirements may be necessary, especially if a viable CIL is to be introduced'. The assessment then considers the additional impacts that would arise if the Council's draft CIL charging schedule was included and they conclude that this would impact upon viability in a number of zones, for example in Brighouse, which falls within Zone C, it is recommended that affordable housing provision is reduced to 15%. Despite this clear advice in the Council's own evidence, this has been ignored. It is also our understanding that the Viability Assessment does not account for additional Section 106 contributions that may be required as part of residential developments, such as education and public open space contributions. If these were also factored in, it raises further questions about the suitability of the affordable housing provision which the Council are seeking. Our Client are committed to delivering new homes in Calderdale, as demonstrated by recent developments in the area. However, as currently drafted the affordable housing requirements are likely to create serious viability issues and it is therefore requested that the Council give further consideration to a reduce figure moving forward. The Council's own evidence base suggests that the level of affordable housing provision is unrealistic and should be reduced and for this to be ignored is unacceptable. The policy is unsound as the currently drafted and fails to meet the tests of soundness outlined in paragraph 35 of the Revised Framework, as it is clearly not justified, effective or positively planned.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp1492**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. HS6 Policy HS6 Affordable Housing There is a fundamental problem here. The emphasis on Brighouse and Clifton, and to a lesser degree Ovenden and Boothtown, mean that a large proportion of the market development, of which an affordable proportion can be sought, will be in Zone C and D areas with a lower affordable proportion. This means that there is no meaningful prospect of affordable housing being delivered through market housing schemes in Zones A and B. That means that other delivery mechanisms are essential to providing most of the affordable housing need in Zones A and B. In principle we support the use of exception sites to provide affordable housing in locations where market housing would not be permitted. Nevertheless, we are concerned that the exception sites policy as drafted will result in affordable homes being in peripheral locations that are inconvenient for people who need affordable homes and may not have access to a car. This risk could be at least partially addressed by adding a criterion to HS6 that exception site applications will be granted if " it provides a suitable, accessible and sustainable location for the type of development proposed". In our view the viability clause in para 3 of HS6 should be reviewed for its consistency with NPPF2018.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5122736><http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp1512**

Site ref (if applicable):

Person ID: **897896**

Name: **Mr Merlin Ash**

Organisation: **Natural England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission

attached Policy HS6 Affordable Housing Natural England concurs with advice in para 10.22 of the assessment which states that the reference to "policies to protect the countryside" in policy HS6 is not clear enough and that there should be a clear cross reference to policy GN3 in the policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109658>

Comment ID **Lpp392**

Site ref (if applicable):

Person ID: **1128265** Name: **Mr Iain Crouch** Organisation: **Planner P S Ryley & Co Ltd**

Agent ID: **1128263** Name: **Mr Iain Crouch** Organisation: **Planner P S Ryley & Co Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

For the Local Plan to be sound, it should provide details of the discount to be applied to sales of units to Housing Associations. Without knowing the percentage, a site cannot be accurately valued and a development accurately costed. The Local Plan is unsound also due to the percentages of affordable housing required on developments in Zones A,B & C. In Zone A in particular, a 35% contribution equates to 20% of a developer's profit. Imposition of such a large percentage could make the difference between a site being viable and a site that remains undeveloped for the lifetime of the Local Plan. I note that in 16.48 sites within Zone D have a potential exemption, and I would suggest this is applied district-wide. These development costs when allied to CIL at 4% may mean that certain sites will not be developed within the lifetime of the Local Plan.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Reconsideration of the percentages suggested for Zones A,B and C, together with application of the potential exemption referred to in 16/48-49 for Zone D sites across the District.

Additional Evidence Link:

Comment ID **Lpp461**

Site ref (if applicable):

Person ID: **1140304** Name: **Joanne Harding** Organisation: **Local Plans Manager -**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy HS6 is not considered sound as it is not justified or consistent with national policy for the following reasons. In general, the HBF supports the need to address the affordable housing requirements of the borough. The 2018 SHMA has not updated the affordable housing need calculation, although it suggests that it is unlikely to have changed significantly, with a continued need for affordable housing likely to be evident. The 2015 SHMA indicated that 527 affordable homes would be needed annually over five years in order to meet newly arising needs and clear the historic backlog, once the backlog had been assumed to have cleared the calculations suggested an annual need for 74 affordable homes to meet newly arising needs. Whilst the need for affordable housing is not disputed the policy must also be based upon realistic thresholds and targets which are founded within evidence upon local plan viability. The HBF have concerns that the Viability Assessment 2018 does highlight viability issues for a number of sites and typologies, particularly brownfield sites and that these do not appear to have been taken into account in relation to the policy requirements.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Viability
High % affordable housing requirements will make developments unviable (particularly when allied with CIL). Suggests all sites have a potential exemption, not just those confined to zone D.
Concerns that the Viability Assessment 2018 highlights viability issues for a number of sites and typologies,

particularly brownfield sites and that these do not appear to have been taken into account in relation to the policy requirements.

Council has ignored viability evidence which suggests provision should be reduced to 15% in zone C (Brighouse).

2. The affordable housing calculation has not been updated as part of the OAN (May 2018). Suggestion that the 2015 SHMA is supplemented by further analysis of land values and transactions.

3. Distribution of sites in Local Plan means that there is no meaningful prospect of affordable housing being delivered through market housing schemes in Zones A and B (areas most in need).

4. The exception sites policy as drafted will result in affordable homes being in peripheral locations that are inconvenient for people who need affordable homes and may not have access to a car.

5. Local Plan does not provide technical details of discount to be applied to sales of units to Housing Associations making site costings and viability considerations more difficult.

Council's Response:

1. The policy is considered sufficiently flexible to take account of changing market conditions and site specific characteristics over the plan period. There is a viability clause within the policy explaining that contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

The CIL will help to deliver the Calderdale Local Plan (and Site Allocations Plan once adopted) by bringing in funding for infrastructure to support new growth. It is set at rates which are considered will not deter the development and growth as set out in the Local Plan, or impact on affordable housing provision.

In terms of a potential exemption, a blanket exclusion is not considered necessary as viability evidence would provide adequate justification to prevent a contribution. The Council's Housing Service also provided examples where a blanket exclusion would have resulted in no contribution, where in practice a contribution was proved to be viable.

The requirement is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. With regards to a potential reduced contribution in zone C, as stated, contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

In relation to the representations concerning the garden suburbs and a reduced contribution, early discussions with representatives for the garden suburbs indicate that development will deliver the required proportion of affordable units in accordance with Policy HS6.

2. EV 36 Strategic Housing Market Assessment (2018), paragraphs 7.6 -7.9 outlines in detail the reason for the affordable housing contribution not being updated as part of the review of the OAN.

Whilst the affordable housing need calculation has not been updated, the indicators suggest it is unlikely to have changed significantly, with a continued need for affordable housing therefore likely to be evident.

3. The paper to the Local Plan Working Party 17th August 2016 attached to evidence document EV09 considers the distribution of development throughout the Local Plan process. The Council considers its distribution of development to be justified and supportive of sustainable development.

Evidence document EV40 establishes the justification for the development of the Garden Suburbs, the Habitats Regulations Assessment (EV12.1; and EV12.4) helps to understand why the Council has chosen to promote more development away from the protected areas of the SPA and SAC.

In zones A and B, which are 'very hot' and 'hot' areas respectively, the Council will seek a higher proportion of affordable housing (35% and 30%), in comparison to settlements within zones C and D. Contributions

have been set at these levels in order to achieve the highest possible provision without threatening scheme viability.

Further, in the western part of the borough, permission will be granted exceptionally for affordable housing on 'exception sites' where policies to protect the countryside would normally preclude planning permission being granted, providing certain conditions are adhered to and the applicant provides robust evidence of local need. The vast majority of Rural Exception Settlements are situated within zone A.

It is considered that provisions are in place in the Local Plan to enable the delivery of affordable housing throughout the Borough.

4. Policy HS6 states that in the western part of the Borough as defined by that part of the Borough which is parished, permission will be granted exceptionally for affordable housing on 'exception sites' where policies to protect the countryside would normally preclude planning permission being granted provided that, (amongst others) residential development would reflect the principles of sustainable development including the objective of maintaining or enhancing the vitality of the particular rural community.

The policy justification acknowledges that the sustainability of additional housing in small settlements will also be a consideration given that such settlements are often not well served by public transport. As such, along with evidencing a robust local need, applicants must prove how a scheme adheres to the principles of sustainable development and how the location of housing enhances or maintains the vitality of rural communities (NPPF 2018 - paragraph 78).

5. Contact is encouraged with the Council's Housing Team during the early stages of the application process. Supporting guidance has also been produced providing further details of the process including allocations of sites to registered providers and provision of onsite contributions.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Suggests a reduction in % requirement and for all sites to have a potential exemption, not just those confined to zone D.

Affordable housing provision for Hipperholme (Zone C) is modified to from 25% to 15%.

2. Add criterion to HS6 that exception site applications will be granted if "it provides a suitable, accessible and sustainable location for the type of development proposed".

3. Update evidence base.

Council's Response:

1. The policy is considered sufficiently flexible to take account of changing market conditions and site specific characteristics over the plan period. There is a viability clause within the policy explaining that contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

The CIL will help to deliver the Calderdale Local Plan (and Site Allocations Plan once adopted) by bringing in funding for infrastructure to support new growth. It is set at rates which are considered will not deter the development and growth as set out in the Local Plan, or impact on affordable housing provision.

In terms of a potential exemption, a blanket exclusion is not considered necessary as viability evidence

would provide adequate justification to prevent a contribution. The Council's Housing Service also provided examples where a blanket exclusion would have resulted in no contribution, where in practice a contribution was proved to be viable.

The requirement is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. With regards to a potential reduced contribution in zone C, as stated, contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

In relation to the representations concerning the garden suburbs and a reduced contribution, early discussions with representatives for the garden suburbs indicate that development will deliver the required proportion of affordable units in accordance with Policy HS6.

No modification required.

2. Policy HS6 states that in the western part of the Borough as defined by that part of the Borough which is parished, permission will be granted exceptionally for affordable housing on 'exception sites' where policies to protect the countryside would normally preclude planning permission being granted provided that, (amongst others) residential development would reflect the principles of sustainable development including the objective of maintaining or enhancing the vitality of the particular rural community.

The policy justification acknowledges that the sustainability of additional housing in small settlements will also be a consideration given that such settlements are often not well served by public transport. As such, along with evidencing a robust local need, applicants must prove how a scheme adheres to the principles of sustainable development and how the location of housing enhances or maintains the vitality of rural communities (NPPF 2018 - paragraph 78).

It is not considered that the suggested modification adds any direction that the policy, or indeed the planning application process in terms of access and suitability, does not already provide.

No modification required.

3. EV 36 Strategic Housing Market Assessment (2018), paragraphs 7.6 -7.9 outlines in detail the reason for the affordable housing contribution not being updated as part of the review of the OAN.

Whilst the affordable housing need calculation has not been updated, the indicators suggest it is unlikely to have changed significantly, with a continued need for affordable housing therefore likely to be evident.

No modification required.

Document Section: Table 16.6 Provision of Affordable Housing to Meet Policy HS6

Representations

Comment ID

Site ref (if applicable):

Person ID: **717690**

Name: **Mr Jason Carlton**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

No clarity around 'Zone C' including the 'Garden Suburbs' - 25% proportion of affordable housing conflicts with the site viability report [<https://www.calderdale.gov.uk/v2/sites/default/files/Viability-assessment-2018.pdf>] and would apparently render the Garden Suburbs financially undeliverable. If the garden suburbs are removed from Zone C then 25% may be an acceptable number (either that or reduce the Zone 8 CIL value)

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Clarify the position with the Garden Suburbs and Affordable Housing Policy (as recommended by the Local Plan Sites for Allocation and Viability Assessment - January 2018). The Garden Suburbs need to be listed as a distinct zone, and be clear about the Affordable Housing Allocation(s) and associated CIL costs

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. 25% proportion of affordable housing conflicts with the site viability report and would render the

Garden Suburbs financially undeliverable.

Council's Response:

1. Para 11.8 of Local Plan and Preferred Sites for Allocation Viability Assessment (2018) states the following: 'We also recommend that a distinction be made with regard to affordable housing. For example a simple reference could be made to the fact that the requirement for 25% affordable housing in Zone 8 would not apply to the Strategic Sites and a suitable requirement, if appropriate, would be negotiated taking into consideration the wider costs associated with bringing these sites forward.'

While the Council acknowledges this, the requirement is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. As such the 25% requirement is maintained as a starting point for negotiations. Contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

Early discussions with representatives for the garden suburbs indicate that development will deliver the required proportion of affordable units in accordance with Policy HS6.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The Garden Suburbs need to be listed as a distinct zone, and be clear about the Affordable Housing Allocation(s) and associated CIL costs.

Council's Response:

1. Para 11.8 of Local Plan and Preferred Sites for Allocation Viability Assessment (2018) states the following: 'We also recommend that a distinction be made with regard to affordable housing. For example a simple reference could be made to the fact that the requirement for 25% affordable housing in Zone 8 would not apply to the Strategic Sites and a suitable requirement, if appropriate, would be negotiated taking into consideration the wider costs associated with bringing these sites forward.'

While the Council acknowledges this, the requirement is intended to strike a balance between ensuring the policy objective is achieved without placing an unreasonable burden on developers. As such the 25% requirement is maintained as a starting point for negotiations. Contributions may be less where robust viability evidence demonstrates there are development costs which would otherwise prejudice the implementation of the proposal.

The Council is however mindful of the impact a lesser requirement would have, considering the scale of the developments, on meeting identified affordable housing need.

Early discussions with representatives for the garden suburbs indicate that development will deliver the required proportion of affordable units in accordance with Policy HS6.

Document Section: Policy HS8 Meeting the Need of Gypsies and Travellers and Trave

Representations

Comment ID **Lpp1018**

Site ref (if applicable):

Person ID: **1125854**

Name: **Mr Alan Yarwood**

Organisation: **Planning Officer National Federation of Gypsy Liason Groups**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This communication offers comment on Policy HS8. In criterion iii the use of the phrase "will have minimal impact" is unduly restrictive and will preclude reasonable sites being accepted. It would be more appropriate to use the phrase "will not have a significant adverse impact." Similarly, criterion ix is unduly restrictive and the phrase "significantly harm" should be used. Criterion viii is unduly restrictive. The word 'easily' should be deleted. The final criterion xii is wholly unreasonable and unnecessary. All relevant policies must be applied and there is no need to introduce this criterion which could imply the application of policies which are not directly relevant. The absence of any proposal for the provision of a Transit site renders the plan unsound. In our view the plan is unsound and will not be effective in providing for the needs of Gypsies and Travellers.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1181**

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Gladman consider it important that the Local Plan seeks to meet the Borough's full need for Gypsies, Travellers and Travelling Showpeople accommodation (identified through a proper, appropriate assessment), unless significant and demonstrable harm would result when tested against the policies of the previous Framework. We recommend that the Council revisit Policy HS8 and ensure that the intention to meet the full identified need in the District is clearly demonstrated within the policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1483**

Site ref (if applicable):

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Bullet Point xi should include Flood Zone 2 also, subject to the flood risk Sequential and Exception Tests. Gypsies and Travellers and Travelling Showpeople sites are classed as "'highly vulnerable' in the flood risk vulnerability classification table and will only be acceptable in Flood Zone 2 if no alternatives are available in Flood Zone 1, passing the Sequential and Exception Tests.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109653>

Comment ID **Lpp373**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Criterion ix We support this Criterion. This will help to ensure that any developments to meet the needs of gypsies, travellers and travelling showpeople take place in a manner which conserves Calderdale's historic environment.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Parts of the policy are unduly restrictive. The final criterion is wholly unreasonable and unnecessary. The absence of a transit site renders the Plan unsound. The Plan will not be effective in providing for the needs of Gypsies and Travellers.
2. The Policy should ensure that the full identified need of Gypsies and Travellers is met.
3. Policy should be amended to reflect the 'highly vulnerable' nature of Gypsies and Travellers and Travelling Showpeople sites. Bullet point xi should include Flood Zone 2, subject to Sequential and Exception Tests.

Council's Response:

1. Responses to the points made the representation:

Criterion iii - The Council considers this a reasonable approach in order to protect existing areas including

residential areas.

Criterion ix - This wording is supported by Historic England and therefore the Council does not propose to amend it.

Criterion viii - The wording ensures necessary services and facilities are clearly and readily accessible to safeguard the needs of Gypsy and Traveller families.

Criterion xii - This criterion includes an element of flexibility as it states "...Where required the site offers the opportunity for travellers to live and work on the same site" and is not a requirement for all sites.

Provision of a Transit Site - The supporting text to Policy HS8 and in particular paragraph 16.64 explains that although the needs of Gypsies and Travellers and Travelling Showpeople have been assessed, provision to meet this need beyond Policy HS8 will be made in a separate Development Plan Document to be prepared upon adoption of the Local Plan. SEE SD 08 Local Development Scheme 2018.

2. The supporting text to Policy HS8 and in particular paragraph 16.64 explains that although the needs of Gypsies and Travellers and Travelling Showpeople have been assessed, provision to meet this need beyond Policy HS8 will be made in a separate Development Plan Document to be prepared upon adoption of the Local Plan. SEE SD 08 Local Development Scheme 2018.

3. The advice of the Environment Agency is noted and criterion xi will be amended accordingly.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Bullet point xi should include Flood Zone 2, subject to Sequential and Exception Tests.

Council's Response:

1. The advice of the Environment Agency is noted and criterion xi amended accordingly.

MODIFICATION

Re-draft criterion xi as follows:

"The site is not located in Flood Zone 3 and if located in Flood Zone 2 the requirements of the Flood Risk Sequential and Exception Tests are met;"

Document Section: 17.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

This chapter supports many of the issues which concern Halifax Civic Trust. We do however think it could be strengthened and there are matters of detail where we are concerned about soundness. We have a concern that the Council may not be adequately resourced to implement these policies effectively

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 17.4 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I think this paragraph could be strengthened & made more useful to would-be developers if it was made clear that Calderdale's very distinctive built environment, which is derived from the textile industry and the wealth it generated, does not purely involve textile mills, but also includes the distinctive Pennine yeomans' houses of the 17th century, pack-horse bridges, weavers' cottages, nonconformist chapels which served the communities who worked in the textile industry, and fine civic architecture based on the wealth and confidence that the textile industry brought to Calderdale.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

See previous paragraph for suggested addition to this paragraph, which expands and helps explain Calderdale's distinctive built environment.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Comment highlights importance of further heritage assets not listed in the supporting text.

Council's Response:

1. Heritage assets not listed in the supporting text, which are considered to contribute to local distinctiveness will be protected where appropriate through application of the policy. Policy HE1 within the Historic Environment chapter of the Local Plan, sets out a clear and positive strategy to ensure the Council protects, conserves and enhances Calderdale's valuable and diverse historic environment. Notably, policy HE1 states that applications for development which are likely to affect the significance of a heritage asset (whether designated or not) will be required to include an appropriate understanding of the significance of the assets affected. Additional detail is not considered necessary in this paragraph, as the wording is simply establishing some context and brief historical background.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy should acknowledge that Calderdale's built environment does not purely involve textile mills, but also includes the distinctive Pennine yeoman' houses of the 17th century, pack-horse bridges, weavers' cottages, nonconformist chapels which served the communities who worked in the textile industry, and fine civic architecture based on the wealth and confidence that the textile industry brought to Calderdale.

Council's Response:

1. Heritage assets not listed in the supporting text, which are considered to contribute to local distinctiveness will be protected where appropriate through application of policy. Policy HE1 within the Historic Environment chapter of the Local Plan, sets out a clear and positive strategy to ensure the Council protects, conserves and enhances Calderdale's valuable and diverse historic environment. Notably, the wording states that the historic environment of Calderdale also includes non-designated heritage assets - those which, though not formally designated, have been identified as having positive heritage value. As such, additional detail is not considered necessary in this paragraph, as the wording is simply establishing some context and brief historical background. No modification required.

Document Section: 17.7 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This chapter is part of the Managing Growth group of chapters to facilitate sustainable development. It is essential that resources are provided to enable this. The opportunity should be taken to update the plan in line with the latest guidance, the revised NPPF 2018

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add at the end of para 17.7 The Council will ensure it has access to appropriate tools and resources for assessing and improving the design of development and have regard to the new NPPF (2018) in encouraging good design, specifically para 129 and 130 and the 'Buildings for life' publication.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Comment urges Council to update plan in line with revised NPPF. Specifically with regard to encouraging good design and reference to 'Buildings for Life'

Council's Response:

1. The revised NPPF (July 2018) establishes that the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. With the exception of the Local Housing Needs calculation the Local Plan is prepared under the provisions of NPPF 2012. However, in accordance with current guidance, Building for Life 12 is referred to in Policy BT1 as a design tool that is available to help evolve and assess the design elements of proposed new developments.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add at the end of para 17.7:

The Council will ensure it has access to appropriate tools and resources for assessing and improving the design of development and have regard to the new NPPF (2018) in encouraging good design, specifically para 129 and 130 and the 'Buildings for life' publication.

Council's Response:

1. The revised NPPF (July 2018) establishes that the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Building for Life 12 is referred to in Policy BT1 as a design tool that is available to help evolve and assess the design elements of proposed new developments.

Current applications are however considered against the 2018 NPPF and therefore the reference to paragraphs 129 and 130 will be taken into account in the determination.

No modification required.

Document Section: 17.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Comment acknowledges significance of the Deregulation Act, but encourages the Council to introduce a policy geared at influencing increased residential energy efficiency.

Council's Response:

1. Development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable. For housing development energy efficiency is regulated by Building Regulations. The Council will encourage (rather than require) energy efficiency that exceeds those minimum standards set out in national standards and take that into account where proposed in support of a planning

application.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Consideration given to the inclusion of a policy on the topic of 'influencing increased residential energy efficiency' that creates local mechanisms to do this: for example, the creation of a 'Calderdale residential energy efficiency charter', that developers could sign up to and implement voluntarily in their new houses.

Council's Response:

1. Development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable. For housing development energy efficiency is regulated by Building Regulations.

The Council will encourage (rather than require) energy efficiency that exceeds those minimum standards set out in national standards and take that into account where proposed in support of a planning application.

When applied in conjunction with policies in the Addressing Climate Change and Environmental Protection chapters, it is considered the Local Plan affords sufficient weight to the subject in line with the evidence available.

The establishment of a residential energy efficiency charter is not a matter that can be addressed directly through the planning system but more appropriately through initiatives such as those being pursued by the Council's Housing Energy Action Team.

No modification required.

Document Section: Policy BT1 High quality, inclusive design

Representations

Comment ID **Lpp1182**

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy BT1 sets out a list of objectives/principles and states that development proposals should demonstrate consideration for aesthetics, function and sustainability. In relation to these design policies Gladman refer to paragraphs 59 and 60 of the previous Framework. Specifically, paragraph 59 which states: "Design policies should avoid unnecessary prescription or detail and should concentrate on the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally." Whilst Gladman recognise the importance of high quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles/objectives.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1214**

Site ref (if applicable):

Person ID: **1185143**

Name: **Mr John England**

Organisation:

Agent ID: **960827**

Name: **Emma Lancaster**

Organisation: **Quod Ltd**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Please refer to attached Representations.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached Representations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Please refer to attached Representations.

Suggested Modifications:

Please refer to attached Representations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5096831>

Comment ID **Lpp1233**

Site ref (if applicable):

Person ID: **1028087**

Name: **Mr Luke Axe MRTPI**

Organisation: **Keyland Developments Ltd**

Agent ID: **962361**

Name: **Mr Andrew Rose**

Organisation: **Spawforth Associates**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See Attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5100797>

Comment ID **Lpp1379**

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Part 3 of the policy states that all new residential development will be expected to incorporate sustainable design and construction principles. Our Client always seeks to construct their developments to the highest standards, in accordance with relevant Building Regulations. Buildings Regulations are consistently updated in order to ensure that new buildings are built as efficiently as possible. As such, it is not considered necessary to include this policy within the Local Plan, as it is effectively covered through Building Regulations. It should be noted that Barratt and David Wilson Homes are the only major housebuilder committed to applying Building for Life 12 principles to all their developments, which demonstrates their dedication to delivering high quality developments. Part 3 (a) (i) of the policy states that new developments should consider the 'principles associated with Passive Solar Design in the design and layout of development and to facilitate the provision of '2050-ready' homes'. It is acknowledged at paragraph 17.20 of the supporting text to the policy that '2050-ready homes' is not Government policy. It should not therefore form part of the Policy BT1. In summary, this policy is unsound and unnecessary and should be deleted from the Plan. Notwithstanding the above, if the policy is retained, the wording in respect of the Design Review should be revised as it states that developments 'that are likely to have a significant landscape or townscape impact' will be subject to Design Review. Whether a scheme is taken to Design Review is at the discretion of the applicant, and as such, the wording should be revised to encourage such schemes to be taken to Design Review. In addition, the way in which the policy is worded implies that any development which goes to Design Review has an adverse impact and this will not necessarily be the case.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepared by Barton Willmore

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5104850>

Comment ID **Lpp27**

Site ref (if applicable):

Person ID: **1119998**

Name: **Mr Simon Tucker**

Organisation: **Area Planner Canal & River Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We note that this policy is proposed to ensure that high quality, inclusive design is integrated into all future

developments. However, we do believe that the wording of the policy and supporting text together do not respond to the issues associated with waterside development in the borough, which significantly erodes the effectiveness of the publication Local Plan. Waterside locations are unique and new development needs to fully reflect their settings in terms of heritage, environmental and infrastructure impacts. Paragraph 127 of the National Planning Policy Framework (July 2018) highlights that Local Plans should include planning policies to ensure that development responds to local character and history. The canal network forms a key part of the urban and rural landscape of Calderdale, and has played a major role in the historical development of the area. It also provides a key recreational and visual asset through the Calder Valley. In addition, our towpaths provide safe and accessible routes for sustainable transport open to the public. Built development in proximity to our network can significantly impact upon natural surveillance, the attractiveness, and the historic character of our network, which all can have implications for the use of our network by the general public, including the promotion of walking and cycling, as encouraged by paragraph 91 of the National Planning Policy Framework. The existing adopted Replacement Calderdale Local Plan includes policy EP15 'Development Alongside Waterways', which seeks to ensure that development proposals alongside canals and rivers maintain and make a positive contribution to the recreational, tourist and environmental value of these routes. We are very concerned that the publication Local Plan does not include policy wording that specifically addresses waterside development, and that the new document could erode the ability of adopted Local Planning Policy to address the needs for development alongside the canal and river network. With regards to decision making, we believe that there is a need for the Local Plan to provide a more precise guide as to how development should address the borough's waterways. Without this, decision makers would be unable to determine how best to guide development next to waterways such as the Rochdale Canal and the Aire & Calder Navigation that would best achieve the overall aims of the local plan. The Trust believe that an effective policy can be achieved if the policy wording is expanded upon in order to include the following points: Ensuring development alongside the rivers and canals integrate with the waterway; Ensuring development is designed to improve access to, along and from the waterway; Ensuring development optimises natural surveillance of the waterway; and Ensuring development will not have an adverse impact on the amenity of the waterside environment. Without the inclusion of the above points in the plan, there is a significant risk that the plan could fail to protect waterways from inappropriate development, thereby making it ineffective and potentially unsound. Although we believe that the incorporation of an additional policy, specific to waterside development, could be an effective way to address the above concern, we also believe that the above points could be addressed expansion within the explanatory text wording for policy BT1. The existing explanatory text features sections relevant to certain matters such as Function and Aesthetics, which could be expanded to include reference to waterside locations.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The Trust believe that an effective policy can be achieved if the policy wording is expanded upon in order to include the following points: Ensuring development alongside the rivers and canals integrate with the waterway; Ensuring development is designed to improve access to, along and from the waterway; Ensuring development optimises natural surveillance of the waterway; and Ensuring development will not have an adverse impact on the amenity of the waterside environment. The above points could be addressed expansion within the explanatory text wording for policy BT1. The existing explanatory text features sections relevant to certain matters such as Function and Aesthetics, which could be expanded to include reference to waterside locations.

Additional Evidence Link:

Comment ID **Lpp374**

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this Policy which will help to ensure that new development is of a high standard of design and helps to reinforce the distinct identity of the towns and villages of the plan area. We especially welcome the requirement for schemes likely to have a significant landscape or townscape impact to be subject to a Design Review.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp462**

Site ref (if applicable):

Person ID: **1140304** Name: **Joanne Harding** Organisation: **Local Plans Manager - North Home Builders Federation**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy BT1 is not considered sound as it is not justified or consistent with national policy for the following reasons. The HBF is supportive of good design and is a key partner in Building for Life 12 (BfL12). The policy sets out many elements which are important design principles. However, the HBF would seek assurances that the Council will not look for residential developments to meet any requirements over and above those required by Building Regulations.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Policy unnecessary as such matters are covered through the Building Regulations. Assurance requested that requirements are not above and beyond those specified in the building regulations.
2. Reference to 2050-ready homes is not Government policy and should therefore not form part of the policy.
3. Council should consider the implications of the policy on viability. Questions raised over evidence required for inclusion of any optional housing standards in terms of need, viability and timing. Implementation would have significant implications and impacts on site capacity.
4. Planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area.
5. Wording of policy does not respond to issues associated with waterside development in the borough.
Comment suggests Local Plan should provide a more precise guide as to how development should address the borough's waterways.
6. Clarification regarding timescales, purpose and relevance of Design Review. Policy may result in a significant cost burden which in turn will slow the planning process and hinder scheme deliverability.

Council's Response:

1. Development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable. For housing development energy efficiency is regulated by Building Regulations. The Council will encourage (rather than require) energy efficiency that exceeds those minimum standards set out in national standards and take that into account where proposed in support of a planning application.

2. Policy supporting text acknowledges that The Clean Growth Plan: A "2050-ready" New-Build Homes Policy does not form Government policy, the wording does however explain the reason for its inclusion. "The policy is worthy of consideration in Calderdale in order to help the borough meet the obligations that apply in facilitating the national 80% reduction in greenhouse gas emission by 2050, and the 75.8% reduction that Calderdale will need to achieve."

3. The viability of a development is cited as a material planning consideration within the NPPF, the Council will consider the implications of the policy on scheme viability.

The Council does not have the evidence to include a requirement for any additional standards for residential development, hence the wording of the policy encourages their incorporation as opposed to requiring it.

4. The Council considers the wording of the policy ensures an adequate amount of direction without being overly prescriptive. In terms of the need for the policy to enable schemes to respond to site specifics and local character, the policy states that design should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness.

5. The Council considers that the policies contained within the Built Environment, Historic Environment and the Green Infrastructure and Natural Environment Sections, sufficiently address the various points raised by the Canals and Rivers Trust. As such, it is considered unnecessary to introduce a specific waterfront development policy.

Further, the Canals and Rivers Trust will be consulted on all planning applications involving development alongside waterways.

6. Paragraph 17.26 establishes the purpose and relevance of the Design Review. It is also not accepted that the design review process would delay the determination of a planning application with careful planning. Design review is most effective during the initial stages of the planning application and provides a positive opportunity to improve scheme design at an early stage in the process.

The Council does not consider further clarification is required.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Reference to 2050-ready homes is not Government policy and should therefore not form part of the policy.

2. Remove the element of the policy referring to national space standards and internal layouts.

3. Comment suggests Local Plan should provide a more precise guide as to how development should address the borough's waterways and has proposed possible wording amendments. It is considered that there is a need for the Local Plan to provide a more precise guide as to how development should address the borough's waterways and should include the following points:

- Ensuring development alongside the rivers and canals integrate with the waterway;
- Ensuring development is designed to improve access to, along and from the waterway;
- Ensuring development optimises natural surveillance of the waterway; and

•Ensuring development will not have an adverse impact on the amenity of the waterside environment.

4. Suggestion that wording with regard to the Design Review is amended to encourage schemes to be taken to design review and clarify that development that is taken to Design Review is not necessarily those having an adverse impact.

Council's Response:

1. Policy supporting text acknowledges that The Clean Growth Plan: A "2050-ready" New-Build Homes Policy does not form Government policy, the wording does however explain the reason for its inclusion. "The policy is worthy of consideration in Calderdale in order to help the borough meet the obligations that apply in facilitating the national 80% reduction in greenhouse gas emission by 2050, and the 75.8% reduction that Calderdale will need to achieve."

No modification required.

2. The Council does not currently monitor the required elements of internal floorspace to be able to identify whether the new housing is being delivered with reasonable internal floorspace, therefore a specific reference to National Space Standards has not been included in the policy.

No modification required.

3. The Council considers that the policies contained within the Built Environment, Historic Environment and the Green Infrastructure and Natural Environment Sections, sufficiently address the various points raised by the Canals and Rivers Trust.

As such, it is considered unnecessary to introduce a specific waterfront development policy. Further, the Canals and Rivers Trust will be consulted on all planning applications involving development alongside waterways.

No modification required.

4. Paragraph 17.26 establishes the purpose and relevance of the Design Review. It is also not accepted that the design review process would delay the determination of a planning application with careful planning. Design review is most effective during the initial stages of the planning application and provides a positive opportunity to improve scheme design at an early stage in the process.

The Council does not consider further clarification is required.

Developments that are likely to have a significant landscape or townscape impact in terms of design, public interest or impact on a locality, will be subject to Design Review.

No modification required.

Document Section: 17.32 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Calderdale's historic landscape character has been identified in a 5 year English-Heritage funded project by the West Yorkshire Archaeology Advisory Service (WYAAS). This has been provided to Calderdale Planning and the report can be downloaded from the WYAAS website : <http://www.wyjs.org.uk/archaeology-advisory/historic-landscape-characterisation/> It would be helpful to readers of the Local Plan to be aware of this resource. It would certainly help preserve local distinctiveness if developer's were to take note of it.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan does not reference the Historic Landscape Characterisation study.

Council's Response:

1. There is reference to the Historic Landscape Characterisation Study in Chapter 18 (Historic Environment) of the Local Plan. Specifically, paragraph 18.3 acknowledges the study in terms of the identification of non-designated heritage assets.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. WYAAS comment requests readers of the Local Plan are aware of their report on historic landscape characterisation: <http://www.wyjs.org.uk/archaeology-advisory/historic-landscape-characterisation/>

Council's Response:

1. There is reference to the Historic Landscape Characterisation Study in Chapter 18 (Historic Environment) of the Local Plan. Specifically, paragraph 18.3 acknowledges the study in terms of the identification of non-designated heritage assets.
No modification required.

Document Section: Policy BT3 Landscaping

Representations

Comment ID

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client supports the aspirations of the policy to deliver good quality hard and soft landscaping as part of development proposals. However, there are concerns with the policy as currently drafted. For example, a caveat should be added to the policy to state that hard and soft landscaping should be delivered 'where possible', as there are instances where such proposals can significantly reduce the developable area of a site, thus reducing the ability to efficiently deliver housing. Furthermore, the policy should be revised to acknowledge that detailed landscape proposals can not always be provided at outline stage, and therefore may need to be conditioned to be agreed through reserved matters applications. A layout often is not fixed until after outline planning permission is granted and the policy needs to acknowledge this. In addition, the policy seeks to encourage the inclusion of land for local food production within development schemes. Whilst our Client does not object to this in principle, this should not be a requirement over and above public open space provision. For example, if land is provided for allotments, this should be deducted from the public open space provision.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Implementation of the policy could significantly reduce the site's developable area and therefore reduce the ability to efficiently deliver housing.
2. Policy should be amended to acknowledge that landscape schemes cannot always be provided at Outline stage and may need to be agreed at reserved matters stage.
3. The consideration of local food production opportunities should not be over and above public open space provision.

Council's Response:

1. Landscaping forms an essential part of the quality of the environment and contributes to the character and identity of local areas. A landscaping scheme has a vital role to play in ensuring that new development successfully integrates with its surroundings. It can create character and a sense of place, reflect local distinctiveness, screen views and support wildlife habitats.
A well designed and executed scheme should be an asset to development and be taken into account when devising a scheme for a development plot and when considering viability.
2. The existing process allows for landscaping schemes to be approved at reserved matters stage. More often than not, this is the stage at which applicants submit such details.
3. Policies HW5 and BT3 refer specifically to the provision of food production opportunities. Policy BT3 requests that applicants should consider providing opportunities for possible areas for local food production, including the potential for the use of fruiting trees and shrubs, in proposed landscaping schemes.
There may be the possibility to include local food production opportunities within the open space if suitable, but that would depend on the merits of the case. As such, the provision of food production opportunities is not necessarily over and above open space provision.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. A caveat should be added to the policy to state that hard and soft landscaping should be delivered "where possible", in order to ensure deliverability.
2. Policy is amended to acknowledge that landscape schemes cannot always be provided at outline stage and may need to be agreed at reserved matters stage.

Council's Response:

1. The current wording is considered appropriate:
Development proposals will be required, where appropriate, to be accompanied by landscaping schemes

that include good quality hard and soft landscaping.
No modification required.

2. Existing process allows for landscaping schemes to be approved at reserved matters stage. More often than not, this is the stage at which applicants submit such details.

Document Section: Policy BT4 The Design and Layout of Highways and Accesses

Representations

Comment ID

Site ref (if applicable):

Person ID: **855708**

Name: **Barratt Homes & David
Wilson Homes**

Organisation: **Barratt Homes & David
Wilson Homes**

Agent ID: **1185784**

Name: **Chris Atkinson**

Organisation: **Barton Willmore**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please refer to attached report prepared by Barton Willmore Our Client advises that additional text is added to Policy BT4 which states that the local planning authority will endeavour to consult with their S38 team during the course of a planning application process, to ensure that highways matters agreed during the planning process are not subsequently challenged by other parties within the Council.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please refer to attached report prepare by Barton Willmore

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 17.51 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting'.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add to 17.51

Good design is important in avoiding the creation of a forbidding environment.

Council's Response:

1. The policy stipulates that target hardening measures are only encouraged where sympathetic to the building or wider streetscene. Crime reduction based planning measures will be based on a clear understanding of the local situation.

Paragraph 17.65 states that 'It is important that a hostile atmosphere is not created through a fortress approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting'.

No modification required.

Document Section: 17.69 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Without diminishing the need for security and the specialist advise, it is important to retain balance in this section.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add to para 17.69 It is important to keep a sense of perspective, particularly when security measures for low level crime are considered. Th use of metal shutters and external roller blinds particularly can damage the intrinsic quality of and area and collectively can create a more hostile less secure environment.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Inappropriate security measures can create a hostile environment.

Council's Response:

1. The policy stipulates that target hardening measures are only encouraged where sympathetic to the

building or wider street scene. Crime reduction based planning measures will be based on a clear understanding of the local situation.

Paragraph 17.65 states that 'It is important that a hostile atmosphere is not created through a fortress approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting'.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add to para 17.69

It is important to keep a sense of perspective, particularly when security measures for low level crime are considered. The use of metal shutters and external roller blinds particularly can damage the intrinsic quality of an area and collectively can create a more hostile less secure environment.

Council's Response:

1. The policy stipulates that target hardening measures are only encouraged where sympathetic to the building or wider streetscene. Crime reduction based planning measures will be based on a clear understanding of the local situation.

Paragraph 17.65 states that 'It is important that a hostile atmosphere is not created through a fortress approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting'.

No modification required.

Document Section: Policy BT5 Designing Out Crime

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

understanding of the local situation.

Paragraph 17.65 states that 'It is important that a hostile atmosphere is not created through a fortress approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add to BT5

vi. The use of metal shutters, roller blinds and other intrusive security measures will be discouraged as damaging to the quality of the built environment and creating a less secure environment overall.
vi becomes vii

Council's Response:

1. The policy stipulates that target hardening measures are only encouraged where sympathetic to the building or wider streetscene. Crime reduction based planning measures will be based on a clear understanding of the local situation.

Paragraph 17.65 states that 'It is important that a hostile atmosphere is not created through a fortress approach and that crime prevention is balanced with other design criteria leading to an attractive, safe and high quality environment. Overly defensive 'target hardening' measures such as solid roller shutters and security fencing can increase crime, fear of crime and antisocial behaviour by preventing natural surveillance, creating an unattractive 'dead' frontage and encouraging anti-social behaviour such as graffiti and fly posting.

No modification required.

Document Section: 17.71 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Public conveniences are an often neglected aspect of providing amenities in town and district centres.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add to 17.71 Public conveniences accessible to all are an integral part of the facilities available in town and district centres.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Provision of public convenience facilities.

Council's Response:

The provision of public convenience facilities is addressed in policy BT7

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Add to 17.71 public conveniences accessible to all are an integral part of the facilities available in town and district centres

Council's Response:

The provision of public convenience facilities is addressed in policy BT7

Document Section: 18.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Overall we welcome this chapter but we believe there are issues which need to be addressed in greater detail, and we have detailed comments on soundness. These are concerned with the implementation of the programme, conservation area management plans, local lists and whether the council is adequately resourced in this key area. Halifax provides an excellent example where investment in conservation has paid dividends in attracting further investment in regeneration.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Concerns over the implementation of the programme, conservation area management plans, local lists and Council resources.

Council's Response:

1. The Council are committed to protecting, conserving and enhancing Calderdale's valuable and diverse

historic environment through a clear and positive strategy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 18.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Given that Policy HE1 makes reference to Class I, II and III archaeological sites, it would be helpful to readers if this paragraph could make clear that Calderdale's heritage assets, both designated and undesignated include archaeological sites. Scheduled Ancient Monuments are designated heritage assets and are Class I archaeological sites for the purpose of the Local Plan. Class II sites are undesignated heritage assets of regional importance which have been identified as warranting preservation in situ. Class III sites are those whose importance has not yet been assessed. Details of all sites are held in the West Yorkshire Historic Environment Record. Developers should also be aware that currently unknown archaeological sites exist within Calderdale whose presence can be reasonably predicted and that they are encouraged to consult the West Yorkshire Historic Environment Record, held by the West Yorkshire Archaeology Advisor, to establish the likelihood of their proposals affecting a heritage asset. This is as per the revised NPPF para. 189.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Make clear that Calderdale's heritage assets include archaeological sites.
2. Developers should consult the West Yorkshire Historic Environment Record, held by the West Yorkshire Archaeology Advisor, to establish the likelihood of their proposals affecting a heritage asset.

Council's Response:

1. It is made clear in paragraph 18.2 that archaeological sites are part of the heritage assets.
2. The Council would be open to amending the paragraph to encourage developers/applicants to consult the West Yorkshire Historic Environment Record as per the NPPF.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add wording into the supporting text: Given that Policy HE1 makes reference to Class I , II and III archaeological sites, it would be helpful to readers if this paragraph could make clear that Calderdale's heritage assets, both designated and undesignated include archaeological sites. Scheduled Ancient Monuments are designated heritage assets and are Class I archaeological sites for the purpose of the Local Plan. Class II sites are undesignated heritage assets of regional importance which have been identified as warranting preservation in situ. Class III sites are those whose importance has not yet been assessed. Details of all sites are held in the West Yorkshire Historic Environment Record. Developers should also be aware that currently unknown archaeological sites exist within Calderdale whose presence can be reasonably predicted and that they are encouraged to consult the West Yorkshire Historic Environment Record, held by the West Yorkshire Archaeology Advisor, to establish the likelihood of their proposals affecting a heritage asset. This is as per the revised NPPF para. 189.

Council's Response:

1. The Council would be open to adding a footnote to make clear that Calderdale's Heritage Assets include archaeological sites and and explain the different classes of site. The foot note will be against the word "archaeological" in paragraph 18.2 and read: "Scheduled Ancient Monuments are designated heritage assets and are Class I archaeological sites for the purpose of the Local Plan. Class II sites are undesignated heritage assets of regional importance which have been identified as warranting preservation in situ. Class III sites are those whose importance has not yet been assessed. Details of all sites are held in the West Yorkshire Historic Environment Record."

The Council would be open to amending the paragraph wording to read: "...Non-designated heritage assets can be identified through the West Yorkshire Historic Environment Record, the West Yorkshire Historic Landscape Characterisation, or by the Local Planning Authority (such as during assessment of development proposals, Conservation Area Character Appraisals and Management Plans, or through developing a Local List). Developers are encouraged to consult with these resources to establish the likelihood of their proposals affecting a heritage asset."

Document Section: 18.6 Paragraph

Representations

Comment ID **Lpp317**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Halifax Civic Trust is concerned to ensure that adequate staff resources are available to implement the policies set out in the Local Plan in respect of the historic environment,

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add new para after 18.6 The Council will ensure it has a sustained programme of enhancing heritage assets and conservation areas. Recognising financial pressures are considerable, the Council nevertheless regards having access to appropriately qualified design and conservation staff as key to not only securing the future of the heritage and built environment but contributing to the successful regeneration of the Borough. Developing a local list with partners and a comprehensive programme of conservation area management plans are seen as integral to this.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Concerns that the Council will not be able to implement the Historic Environment Policy due to resources

Council's Response:

1. The Council are committed to protecting, conserving and enhancing Calderdale's valuable and diverse historic environment through a clear and positive strategy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Request for additional paragraph after 18.6 detailing a local list, conservation area management plans and staff resources.

Council's Response:

1. No change required - Reference has been made to the local list and conservation area management plans in the supporting text. Staff resources are not a concern of the Plan itself.

Document Section: Policy HE1 The Historic Environment

Representations

Comment ID **Lpp103**

Site ref (if applicable):

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

For the sake of ensuring absolute clarity, we would recommend that if for whatever reason development is permitted that will impact on a Class I or Class II archaeological site, that the developer will be required to make adequate provision for recording and analysing the remains, interpretation of the results gained, public dissemination of the results, and deposition of the resulting archive with an appropriate museum or archive service it would also be helpful at some point to make clear that buildings can have an archaeological interest

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Please see paragraph above.

Additional Evidence Link:

Comment ID **Lpp1183**

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Gladman continue to object to Policy HE1. Although this policy does include elements from national policy it does not fully reflect the guidance set out in the previous Framework, paragraphs 126-141. The Framework requires a distinction to be made between designated and non-designated assets and different policy tests should then be applied to each. Paragraph 132 of the previous Framework makes it clear that great weight should be given to a heritage asset's conservation and that 'the more important the asset, the greater the weight should be'. Whilst Gladman recognise that HE1 refers to designated heritage assets this does not set out the test to be applied as per the Framework. With reference to designated heritage assets, the Council should refer specifically to paragraphs 133 and 134 of the previous Framework which sets out that Councils should assess the significance of the designated heritage asset and where there is less than substantial harm, this should be weighed in the planning balance against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm. For non-designated heritage assets, the policy must reflect the guidance set out within paragraph 135 of the previous Framework. This states that the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset. Gladman believe that this policy needs to be redrafted in order to ensure that it conforms with the guidance and requirements set through national policy. As currently draft this policy is unlikely to be found sound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1540**

Site ref (if applicable):

Person ID: **11797** Name: **Mr & Mrs Mark & Amanda Tattersall** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We make the following objections and observations in relation to Stainland village. Stainland's historic setting Stainland is a Pennine linear hilltop village. The spine of its historic buildings climbs through and reaches out into open countryside, along the old packhorse route. It is narrow at its centre, being only around 150 metres in width, and its main road is restricted to single lane here, due to historic buildings. At its pinnacle it stops and does not encroach into the wide-open countryside, respecting this unspoilt area, which allows long-reaching views into its historic setting. Stainland is approximately 2 miles from Elland centre and, importantly, along with Holywell Green, is completely surrounded by, and separated from the

urban area by, Green Belt, which retains the villages' status. Objection We do not consider the Local Plan to be sound, as there has not been an appropriate and accurate assessment of the suitability and sustainability of Stainland village to provide sustainable development on Green Belt land. The Local Plan fails to identify in its documents that: Stainland's main road is single lane in the centre; there are pedestrian safety issues; there is poor service and facility provision; and it has poor public transport accessibility. Highways/Pedestrian Safety The only main road through Stainland (B6112) is restricted to single lane in the centre of the village by historic buildings (4.18 metres at 371 Stainland Road) (photos attached). This road is shown to be at 96% volume to capacity (210 vehicles) in 2014 in the eastbound direction (source: WSP map - attached) (however, this is not shown in WSP Transport Technical Note 10, Figure 3 and figure 7.) The road gridlocks and vehicles regularly mount tarmacked pavements to pass, creating safety issues for pedestrians. Pedestrians have been clipped by cars. There is a lack of pavements throughout Stainland. There is no continuous pavement route for wheelchairs and pushchairs through Stainland village. The pavement is too narrow for these users by '1885 The Pub' and there is no pavement on the opposite side (photo attached). The suitability/sustainability of Stainland to support more housing has not been adequately considered. It has not been shown whether the single lane can accommodate extra capacity (it being already at 96% V/C in 2014) or what the impact of further vehicles on pedestrian safety would be. Many comments have been made over the years. It is unclear why these important issues have not been addressed. Similar issues are addressed elsewhere, for example, the Council's assessment summary for filtered site LP1494 at Heptonstall states that Heptonstall Road is unsuited for intensified use on account of its single lane width. Sustainability/Accessibility In the current Retail Hierarchy, both Stainland and Holywell Green are designated Neighbourhood Centres. However, the Local Plan adds Stainland village and Holywell Green village together and classifies them as a Local Centre in the Settlement Hierarchy. But they both have poor service and facility provision. In 2011, both Stainland and Holywell Green were undesignated in the Local Plan Retail Hierarchy 'due to their limited retail and service provision offer'. The only additional shop in Stainland is a beauty salon. NPPF 2018 Glossary refers to Town Centres as: 'References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance.' Stainland has no food shop selling day-to-day goods. It has no parade of shops. Within the site assessments, many of the accessibility to services and facilities assessments are based on journey times. This hides the poor service and facility provision in Stainland village itself. This means newly-developed Green Belt sites will create travel for most things, as they are poorly sustained in Stainland village. Stainland has poor public transport accessibility (as does Holywell Green). Buses are infrequent: 1 bus per hour to the GP surgery at West Vale (no service after 4.40pm, 1 bus per hour to a town centre within 15 minutes (Elland). This does not appear to meet certain criteria set out in the SAAM document. Stainland is over 2km from a rail station and will be over 2km from the new Elland rail station. Cycling and walking are limited by steep topography. Car usage will be high. This will create a greater impact on both the single lane and pedestrian safety. Neither Stainland nor Holywell Green has a GP surgery (unlike the other Local Centres). The current Infrastructure Delivery Plan incorrectly shows Stainland as still having a GP surgery, even though it moved to West Vale over 10 years ago (previous comments made). We disagree with the designation of Stainland as a high tier Local Centre, as the points above show its unsuitability. The Local Plan has not taken into account the negative constraints of the single lane, pedestrian safety issues, poor public transport accessibility and poor services and facilities when proving exceptional circumstances for the development of Green Belt land. On the basis of these points, we consider that the Local Plan is not sound. This is the basis of our objection. Additional Points Green Belt The 2016 Green Belt Review has not been consulted on, only its methodology. The Local Plan carries out 2 types of Green Belt Review. The first Review assesses large parcels of Green Belt around the settlements (Stainland's parcels are wider than the village itself). The second is a Green Belt Review of the site. There is no further stage/assessment of the impact new development has on the main parcel. The 2016 Green Belt Review results show the Green Belt parcels around Stainland (and also Holywell Green) as being 'most sensitive' parcels, with the recommendation to retain them in the Green Belt. However, even though the parcels performed strongly, of the 7 parcels

around Stainland Conservation Area, only 1 parcel scored under Green Belt purpose 4 (by Holywell Green). One of the parcels, GB068-00, under Purpose 4 states 'No' for 'Is the land part of the setting of a historic place or settlement listed building or conservation area?' However, the parcel includes part of Stainland Conservation Area (and site LP0075) within it. We object to this failure to recognise the importance of Stainland Conservation Area within the Green Belt Review/Local Plan. We also disagree with certain judgements within the Green Belt Review site assessments. Unlike many of Calderdale's Conservation Areas, Stainland Conservation Area has no Character Appraisal. It was designated a Conservation Area 36 years ago. Policy HE1 of the Local Plan says 'Regard should be given to Conservation Area Character Appraisals where one exists'. We believe Policy HE1 leaves Stainland Conservation Area vulnerable. This has the effect that, when decisions on planning are being made, Stainland will not have the advantage other Conservation Areas have. Stainland's Conservation Area is largely surrounded by undeveloped Green Belt land. General The junctions of the B6112, which have been monitored in the transport assessment, are either below or above the restricted section through Stainland village. This main B-road is sub-standard and narrow, with several pinch points. The historical built nature of Stainland means on-street parking is high, due to a lack of off-street parking. This necessary parking further restricts the roads. All exit roads from the top of Stainland have narrow, restricted sections. Stainland and Holywell Green had a 10% increase of dwellings between 2000 and 2010 but their services and facilities declined. Stainland has no brownfield land over 0.25ha, mainly because it is a small linear hilltop village. It (with Holywell Green) is the only Local Centre in Calderdale to have only Green Belt development. The Local Plan has removed an overall large area of the wildlife corridor around Stainland and Holywell Green. No explanation for its removal is given in the Local Plan or Evidence Base. Part of the Special Landscape Area at Stainland Moor has been removed. Many of the filtered sites in Stainland are not proposed developments. They include school grounds, allotments and planning permissions. Currently, there are 2 sites proposed for development in Stainland, LP0075 and LP0146. This overall comment is also relevant to those 2 sites. Local Plan document sections and the Public Examination As we wish to participate at the Public Examination of the Local Plan, we would like to attend sessions where decisions are being made on the topics below, which relate to our objections and observations above. Green Belt Historic environment Housing requirement and sites Settlement Hierarchy Sustainability Transport We believe these are relevant to, but may not be limited to, Policies GB1, HE1, IM1, IM5, RT1, RT4, SD1, SD2, SD3, SD7 within the Local Plan document.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Before Stainland village is potentially considered as being able to support any exceptional circumstances for the removal and development of Green Belt land around it, there needs to be an accurate assessment of its suitability and sustainability. This includes addressing the points made in our objections.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073998>

Comment ID **Lpp316**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The wording of this policy should go further. There is an opportunity to extend the knowledge of the Halifax and Calderdale heritage to better inform decision making, and ensure that management plans are in place for conservation areas within a reasonable timescale. HCT believe this is particularly important in Halifax where there are considerable pressures for change. The policy amendments suggested below would facilitate the implementation of this part of the local Plan.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add para in HE1 (after Support will be given.....are complied with) The Council will work with local partners in developing a local list of heritage assets The Council will ensure over a 10 year period conservation area management plans are in place for each of its conservation areas.

Additional Evidence Link:

Comment ID **Lpp375**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Calderdale has a rich and diverse historic environment. Its heritage assets make an important contribution to the economic well-being of the district, to the distinct identity of its towns, villages and countryside, and to the quality of life of its communities. Consequently, it is essential that the Plan sets out a robust strategy for the future management of this resource. The approach set out in this Policy identifies those elements which are of especial importance to the distinct character of the Plan area and provides a clear framework for consideration of development proposals which might affect their significance. As such, it is considered that this Policy complies with the NPPF requirement that Local Plans set out a 'positive strategy for the conservation and enjoyment of the historic environment'.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Framework requires a distinction to be made between designated and non-designated assets and different policy tests should then be applied to each.
2. Knowledge of the Halifax and Calderdale heritage can better inform decision making, and ensure that management plans are in place for conservation areas.
3. To ensure clarity, expand on policy to include more detail on if development is permitted which impacts on Class I or II archaeological site then there should be provision of recording, analysing and dissemination of results.
4. Conservation Areas without Character Appraisals are left vulnerable when planning decisions are made due to the wording of the policy which includes: "Regard should be given to Conservation Area Character Appraisals where one exists".

Council's Response:

1. The NPPF does not require the distinction between designated and non designated assets. Only that the significance of that asset is considered. Therefore, non designated would have less significance than a designated asset.
2. The supporting text identifies the importance of Calderdale's rich and varied heritage.
3. The Council would be open to amending the policy to ensure clarity of recording, analysing and dissemination of results from impacts on Class I or Class II archaeological sites.
4. Conservation Areas without Character Appriasals are not "left vulnerable" as the Policy HE1 protects all Conservation Areas by preserving or enhancing those elements that contributes to their significance.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Policy needs to be redrafted in order to ensure that it conforms with the guidance and requirements set through national policy.
2. Update HE1 to include reference to the Local Authority producing a Local List of heritage assets and conservation area management plans.
3. Recommend that if for whatever reason development is permitted that will impact on a Class I or Class II archaeological site, that the developer will be required to make adequate provision for recording and analysing the remains, interpretation of the results gained, public dissemination of the results, and deposition of the resulting archive with an appropriate museum or archive service.
4. Make clear that buildings can have an archaeological interest

Council's Response:

1. No change required - Historic England considers the policy complies with the NPPF requirement that Local Plans set out a "positive strategy for the conservation and enjoyment of the historic environment".
2. No change required - There is not a duty to produce a Local List. It has been noted in the supporting text and the Council will create a list when possible.
3. The Council would be open to amending the policy to ensure clarity of recording, analysing and dissemination of results from impacts on Class I or Class II archaeological sites. This could include replacing "such" with "any archaeological" after "In those cases where development affecting..." and moving paragraph six to below paragraph three.
4. The Plan does not say that buildings do not have an archaeological interest.

Document Section: Table 18.2 Monitoring: Policy HE 1 - The Historic Environment

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

main issues.

Council's Response:

Suggested Modifications

1. Add to Indicators: "Number of management plans in place for Calderdale's conservation areas"

Council's Response:

1. Management Plans are not part of the policy therefore an indicator is not required. However, the Council will update and create new Conservation Area Character Appraisals and Management Plans from time to time.

Document Section: 19 Green Belt and Rural Areas

Representations

Comment ID **Lpp1076**

Site ref (if applicable): **LP1078**

Person ID: **229412**

Name: **Thornhill**

Organisation: **Thornhill Estates**

Agent ID: **229408**

Name: **Mr Jonathan Dunbavin**

Organisation: **Associate I D Planning**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081642>

Comment ID **Lpp1420**

Site ref (if applicable):

Person ID: **1185901**

Name: **Avant Homes**

Organisation:

Agent ID: **1139514**

Name: **Nathan McLoughlin**

Organisation: **Mcloughlin Planning**

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

See attachments

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attachments for context of comment. In conjunction with other representation's, Avant's position on the Plan's approach to the Green Belt is unsound. Whilst Avant does not have an issue with the wording of Policy GB1, insofar as it reflects national guidance, paragraphs 19.4 and 19.5 refer to the use of the Green

Belt Review in supporting the Plan. The Green Belt within the Borough is expansive and extends to approximately 23,000 hectares. The Green Belt boundaries are drawn very tightly around the urban areas, which severely restricts opportunities for growth. As the Plan sets out, the site assessment methodology uses a sequential approach, which prioritises brownfield sites first before greenfield sites with the Urban Area or Green Belt sites. However, it is clear that the Borough does not have the supply of land within the existing Urban Area, which is sufficient to meet its housing need. The release of Green Belt is therefore inevitable if Calderdale is to meet its housing requirement in full and in a sustainable manner. This is further evidenced in the sheer number of sites, which are proposed in the Green Belt in the previous draft of the Plan and paragraph 7.10 of the 2017 Green Belt Review. It is also noteworthy that the Replacement Calderdale Unitary Development Plan (RCUDP) Inspector recommended that a review of the Green Belt be undertaken as part of the Local Plan. As set out in the Green Belt Review Methodology (April 2015) it was recognised that there were difficulties and inconsistencies caused by the tightly drawn boundaries of the Green Belt around some parts of the urban area. In some locations the Green Belt boundary followed irrational, arbitrary lines, or features on the Ordnance Survey Mapping, which bore no relationship to circumstances locally or features on the ground. In terms of reviewing the Green Belt, it is only possible to amend the Green Belt boundaries through the Local Plan process where it will be necessary to demonstrate that there are 'exceptional circumstances'. The Plan is supported by a review of the Green Belt Review in order to provide an understanding of the current strengths and weaknesses of the existing Green Belt and provide the basis for recommendations to change the Green Belt where appropriate. That review forms an important element of the evidence that underpins the new Local Plan and has been taken into account when considering sites. In terms of the methodology for the Green Belt review, following the initial site sieving and investigation, each site was tested against the five Green Belt purposes as set out in the Framework. The findings of the Green Belt review show that the vast majority of the parcels assessed were deemed to be 'Most Sensitive Green Belt Parcels'. However, it is noted that the Council are not in a position to only allocate sites within weakly performing Green Belt 'parcels' given the housing requirement and the supply of potential sites. Moreover, it will not be possible to develop some of the weakly performing green Belt parcels because they comprise sports and recreation provision, or have high ecological value. With regards to the proposed sites to be allocated in the Green Belt, as set out in the introduction, Avant's interest relates to the development of land adjacent to Exley Lane, North of Elland (Site No. LP1567). The site is located entirely within the Green Belt between Elland and Halifax (Exley). The site is conjoined with the Elland urban area and forms an indent between the development along Exley Lane and that along Woodlands Road and Plains Lane. In terms of the first purpose of the Green Belt to check the unrestricted sprawl of large built up areas; the site was assessed as having a low potential for unrestricted sprawl. It is framed by development to both the north and south, east and west. The site is not separate from the large built up areas and the loss of the Green Belt land in this location would not lead to ribbon development. The development of the land would not create an irregular settlement pattern and the land is not contiguous with other Green Belt up to and beyond the Borough boundary. In terms of the second purpose of the Green Belt to prevent neighbouring towns merging into one another, due to topography, although the site is intervisible with Elland to the south, there is little intervisibility between it and Halifax (Exley) to the north, giving the perception that the two urban areas would remain quite separate. The semi-urbanised immediate site context also means that the viewer cannot readily appreciate the site's role preventing coalescence when viewed from closer quarters. Two settlements: from Calderdale Way, there is commerce at Exley Hall Farm and then an almost continuous, sinuous built form of terraced, semi-detached and detached dwellings until Exley Hall Farm. At this point the land falls slightly northwards towards Exley, which is immediately visible only one or two small fields distant. The perception of the site as fulfilling this Green Belt purpose is only really appreciated when viewed from a distant elevated position from the south. This view is almost 2km from the site north-westwards across Elland and its business park in the near distance towards Exley and Halifax in the far distance. The site sits in the middle distance, comprising some of the open pasture here. Woodland is the other main feature of the middle distance with Elland Park Wood dominant to the east (right) and North Dean Wood to the west

(left) connected by the wooded corridor of the Calder Vale railway. Although the site forms part of the green area fringing the settlement of Elland, it is part of a much larger area of open land in the middle distance and therefore its loss would not materially reduce the extent or function of the Green Belt at this location. With regards to the third purpose of the Green Belt to assist in safeguarding the countryside from encroachment, the site was assessed as fulfilling this purpose. However, recognised in paragraph 6.48, the Borough does not have the supply of land within the existing Urban Area, which is sufficient to meet its housing need and therefore, the use of greenfield land will be inevitable. Notwithstanding this, the site is not subject to any formal landscape designation, it is not tranquil and is not subject to any public access or recreational use. Turning to the fourth purpose of the Green Belt to preserve the setting and special character of historic towns, it is noted from the Green Belt Review Methodology that this purpose was originally developed to protect the character of nationally recognised historic towns and cities such as York and Cambridge. However, it is stated that since this time, other policy mechanisms such as conservation areas and listed buildings have been developed and widely used to protect historic settlement character across a wide range of settlement scales from large areas to small components of villages and their settings. For the purpose of the Green Belt review, the assessment of this purpose primarily had regard to where there is a clear visual link between open space within the Green Belt and recognisable historic settlement patterns. This will often be indicated through the presence of a conservation area, which directly abuts or extends across open land. The land adjacent to Exley Lane does not abut a conservation area and therefore, the loss of this Green Belt land would not adversely affect the special character of a historic settlement. In terms of the fifth purpose of the Green Belt to assist in urban regeneration, the Green Belt Review Methodology concludes that all areas in the Green Belt by their nature and designation should contribute to the recycling of derelict and urban land. In this regard, there is no preferable site in the Green Belt when assessed against this Green Belt purpose. In conclusion, there are sound planning reasons for removing this land from the Green Belt. Avant considers that the Council's decision to delete the allocation from the Plan is unsound and contrary to National Guidance.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

See attachments

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106736><http://calderdale-consult.objective.co.uk/file/5106733><http://calderdale-consult.objective.co.uk/file/5106734>

Comment ID **Lpp220**

Site ref (if applicable):

Person ID: **1129145**

Name: **Mr Stephen Earle**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

I consider the Local Plan not legally compliant as it does not fully comply with Calderdale's Statement of Community Involvement (SCI). The SCI clearly sets out the approach to Community Involvement on page 3; Clarity, Inclusivity and Integrity. In my case, none of these core principles have been met, as my comments

(and the comments made by my agency) have not been given due consideration, responded to or even commented on. My request for a simple and minor green belt boundary change have simply been overlooked despite the same parcel being approved for a development (Site Ref: LP1095), therefore I believe the plan is non-compliant. My Agents Comment ID: LPD4257 (28th Sept 2017) My Comment ID: LPD5265 (29th Sept 2017) The original request was for slight modification to the green belt boundary which dissects a private garden at Wood Bottom Lane, Brighouse. The private garden is within a green belt parcel that was marked as mid-sensitive green belt in the latest green belt review (Green Belt Review Findings Site Reference 370-00). In addition this parcel of land has been allocated as suitable housing (Site Ref: LP1095). I request that this boundary modification is recommended by the council to the inspector following submission for his review. I have attached a document with a site plan and background information.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I request that both mine and my agents original comments from September 2017 are given due consideration as per Calderdale's Statement of Community Involvement. Following review I hope the council will find it suitable to recommend to the inspector that the green belt modification is adopted in the final plan.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5063724>

Comment ID **Lpp30**

Site ref (if applicable):

Person ID: **931414**

Name: **Mr Edward Greenwood**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

There seems to a problem with section 19.8 and section 19.9 insofar that they refer to paragraphs applicable to the NPPF of 2012 and not to NPPF of 2018 which the introduction refers.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp327**

Site ref (if applicable):

Person ID: **1182802** Name: **Mr Roger Maude** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

CMBC's behaviour in considering the release of land from the protection of Greenbelt status should be challenged. I am a resident of Park Road & I support the retention of the Greenbelt between Halifax and the historic town of Elland. The area around Plains Lane and Exley Lane has been considered for housing development as a part of Calderdale's Local Plan - and, as the father of a 24-year old, I understand the need for more, especially 'affordable', housing. Nevertheless, it is important to understand the vision behind the establishment of Greenbelt and to continue committing to its social value.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp388**

Site ref (if applicable):

Person ID: **1129568** Name: **Mrs Marilyn Brichard** Organisation:

Agent ID: **1129163** Name: **Mrs Marilyn Brichard** Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The plan underestimates the contribution that small sites can make to the housing supply and to the speed with which houses can be brought forward. Small to medium sized developers can bring sites forward quickly and even small sites can make a valuable contribution.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Amend the Green Belt boundary to allow this site to become a New Housing Site

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5067110>

Comment ID **Lpp477**

Site ref (if applicable):

Person ID: **1164742**

Name: **Mrs Janet Lawton**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Possibly legally compliant but the whole consultation process has been a disaster in terms of consultations and listening to local people. From beginning this process, when Calderdale Council held very informative and open presentations of planning options, they have , over the past two years, not listened to people, have made it difficult for residents to comment on an appalling website and totally ignored the comments of people in regard to the retention of the Green Belt. Legal? Probably. Fair and democratic - no!

Do you consider the plan to be Sound?: **No**

Sound Reason:

This will be detailed in comments on specific sites

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

This will be commented on in reference to specific sites but it is clear that Calderdale and Kirklees Councils have not co-operated in terms of their plans, which together will remove a large area of green and open land in the Brighouse, Mirfield and Bradley areas.

Suggested Modifications:

Remove the plans for Garden Suburbs and reconsider the Green Belt land which is planned for development.

Additional Evidence Link:

Comment ID **Lpp538**

Site ref (if applicable): **LP1463**

Person ID: **1129567**

Name: **Mr Sanjit Chaggar**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The local plan for the Thornhills, Clifton development is not legally compliant. There seems to be no concrete plan as to the provision of a safe community, and no involvement of the community already living in Clifton in the decision making process. The community already residing in the area have not been properly informed about this development, or the scale to which it could be. The proposed development does not appear to be an acceptable use of land, why build on greenbelt when there are many other brownfield sites that could be used instead? The development would be built on contaminated land, which may have been used for extensive mining, however the Council is not in possession of maps to show all mine workings. Is this not a legal requirement to find out if the land is fit for purpose?

Do you consider the plan to be Sound?: **No**

Sound Reason:

The proposed development does not appear to be an acceptable use of land, why build on greenbelt when there are many other brownfield sites that could be used instead? The development would be built on contaminated land, which may have been used for extensive mining, however the Council is not in possession of maps to show all mine workings.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There has been no effort to co-operate with the residents already residing in the area to discuss ideas or concerns surrounding the new development. The plan proposes a major development but with a lack of infrastructure and unplanned or not committed up to date delivery plan. Also the project is considered high value, and built on greenbelt land, the value of the houses will also be high, which are unaffordable homes to most people, and young families go on struggling to afford a place to live.

Suggested Modifications:

Why is greenbelt land being used at all, when there are other brownfield sites that could be used? The number of houses being proposed in this plan is unproportionate, and there is a lack of infrastructure to sustain this housing development. The number of houses needs to be modified in relation to the resources that already exist within the Clifton, Brighouse area.

Additional Evidence Link:

Comment ID **Lpp6**

Site ref (if applicable):

Person ID: **1176547**

Name: **Mr Conrad Thwaites**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

CMBC has sought to cloud the consideration of Greenbelt by introducing its own tests in addition to the nationally accepted 5 tests. I refer in particular to how the sites in the vicinity of Exley Lane, Elland were treated. The area between Elland and Halifax was assessed as being of the highest Greenbelt sensitivity,

yet CMBC introduced further tests of its own invention as a subsidiary exercise. This exercise found that part of the original area proposed for housing could be released from Greenbelt. This process was obscure and smacked of a stitch-up. Residents were excluded from the process (the subsidiary tests were only introduced at the last minute, after residents had made their submissions) and so felt, quite rightly, cheated by the process. The process needs to be open, clear and transparent if it is to retain the public's trust. Greenbelt fulfills a valuable purpose, and any removal from it needs to be dealt with very carefully and fairly, and in the public interest.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp64**

Site ref (if applicable):

Person ID: **1128648**

Name: **Mr Richard Hamer**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This representation relates to land adjacent to the western edge of Northowram village, often referred to as land off Upper Lane, and relates to all the land currently outside the village built-up area on its western side, which is excluded from the Green Belt. This representation regards the Local Plan as not Sound because there is conflict within the green Belt policy by reason of this identified land being excluded from the Green Belt but falling within its definition and 'purposes' The Local Plan incorporates sites that are currently in the Green Belt. The Green Belt Boundary is therefore once again the subject of Review as a part of the Local Plan process. The land identified within this representation is land which is excluded from development primarily because it would have an adverse impact on the setting of the Conservation Area and Listed Buildings. The land should not be built upon for the additional reasons that:- a) Development will be seen from the upper valley sides of the Shibden Valley, a Special Landscape Area, and accordingly will detract from the natural beauty of this valley. This will give rise to conflicts of policy. b) Further development of land at the edge of Northowram village will exacerbate already unacceptable environmental conditions within the village, in particular traffic danger and residential amenity. Because this land should not be developed, and because it lies adjacent to and on the edge of the Green Belt, and between the Green Belt and the Conservation Area, there is sound reasoning for having this land incorporated into the Green Belt. This land falls within the definition of the Green Belt by reason of its

forming three of the five Purposes of the Green Belt as defined with National policy and ratified by the Council draft Green Belt Policy. a) To check the unrestricted sprawl of large built-up areas. b) To assist in safeguarding the countryside from encroachment. c) To preserve the setting and special character of historic towns. Furthermore, the identified land fulfils the following as identified in the Local Plan:- a) To retain attractive landscapes, and enhance landscapes, near to where people live. b) To secure nature conservation interest. I consider the Local Plan as published to not be legally sound because it embodies conflicts of policy.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

All the land west of the suburban area of Northowram between its western village boundary and the Green Belt should be incorporated into the Green Belt. With the amendments proposed, this consideration that the Local Plan is not sound will be removed. However, this in itself does not make the Local Plan sound because there are other aspects of the Plan that render the Local Plan not sound.

Additional Evidence Link:

Comment ID **Lpp654**

Site ref (if applicable):

Person ID: **1129568**

Name: **Mrs Marilyn Brichard**

Organisation:

Agent ID: **1129163**

Name: **Mrs Marilyn Brichard**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Green Belt in Calderdale has been prioritised over all other competing demands for land use in the District. The land that is necessary to provide new housing and employment land in the District has been reduced as far as is possible to do in order to minimise Green Belt land use. The overall total of Green Belt loss is not the appropriate measure of the success of the Plan. The Local Plan provides the opportunity for the future of the District to be carefully considered. Such plans are supposed to be reviewed regularly and since inception in the 1990's this plan has been updated just once, rather than the four reviews it should have had. This means that the pressure for development to support the economy and vitality of the area has continued to increase. There is a comfort in maintaining the status quo but this avoids the very real need to take the hard decisions that are long overdue. Releasing land from Green Belt is not a negative step; it is the basis on which Calderdale can move forward. Limiting development opportunities restricts new employment and businesses. Limiting housing developments has a similar impact on the economy with fewer customers for the services which are in the smaller towns and villages. Locating significant numbers of new dwellings within easy reach of Leeds and Manchester may sound sustainable but they reduce the potential for economic benefit to the District's economy. Meanwhile the existing residents of the District are being left behind in a backwater of reduced services and a lack of investment.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The Green Belt should be reviewed on the basis of providing small scale opportunities for incremental development which are proportional to existing villages and towns. The land at The Meadows provides one such site.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074016>

Comment ID **Lpp672**

Site ref (if applicable): **LP1463**

Person ID: **1125817**

Name: **Mr D Boothroyd**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The Council has not provided adequate consultation and effective tools with which to do so. The website is very difficult to navigate and constantly crashes losing comments with no warning. Has this been so poorly designed with this in mind to deter people from commentating?

Do you consider the plan to be Sound?: **No**

Sound Reason:

The loss of the Greenbelt land will result in the loss of many species "" some rare and protected. In the Thornhills, Cliftonarea there is a small herd of deer and a colony of bats which are a protected species. This directly contravenes the National Planning Policy Framework. How would the Council endeavour to ensure this natural habitat is not destroyed?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There has not been sufficient publicity regarding the Local Plan with still many people unaware of the impact on Thornhills and Brighouse. The timings seem to have been designed to occur at peak holiday periods when many are not around.

Suggested Modifications:

Brownfield land not Green Belt land should be used for new housing. Why is this not the case?

Additional Evidence Link:

Comment ID **Lpp684**

Site ref (if applicable):

Person ID: **1129568**

Name: **Mrs Marilyn Brichard**

Organisation:

Agent ID: **1129163**

Name: **Mrs Marilyn Brichard**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Green Belt in Calderdale has been prioritised over all other competing demands for land use in the District. The land that is necessary to provide new housing and employment land in the District has been reduced as far as is possible to do in order to minimise Green Belt land use. The overall total of Green Belt loss is not the appropriate measure of the success of the Plan. The Local Plan provides the opportunity for the future of the District to be carefully considered. Such plans are supposed to be reviewed regularly and since inception in the 1990's this plan has been updated just once, rather than the four reviews it should have had. This means that the pressure for development to support the economy and vitality of the area has continued to increase. There is a comfort in maintaining the status quo but this avoids the very real need to take the hard decisions that are long overdue. Releasing land from Green Belt is not a negative step; it is the basis on which Calderdale can move forward. Limiting development opportunities restricts new employment and businesses. Limiting housing developments has a similar impact on the economy with fewer customers for the services which are in the smaller towns and villages. Locating significant numbers of new dwellings within easy reach of Leeds and Manchester may sound sustainable but they reduce the potential for economic benefit to the District's economy. Meanwhile the existing residents of the District are being left behind in a backwater of reduced services and a lack of investment.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The Green Belt should be reviewed on the basis of providing small scale opportunities for incremental development which are proportional to existing villages, settlements and towns. The land at Oaklea Manor provides one such site.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074028>

Comment ID **Lpp70**

Site ref (if applicable): **LP1463**

Person ID: **817527**

Name: **Miss Nicola Denford**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I refer in particular to proposed LP Site Reference LP1463. This proposed 'garden suburb' is situated in an area of existing green belt, which in itself should be reason enough not to develop the land. In addition to this, the Council spent months (and thousands of pounds of tax-payers' money) devising the methodology for a green belt review, and then further months reviewing all the green belt areas in Calderdale. In respect of the green belt review concerning the land at Clifton, the outcome for much of the land was 'Most Sensitive Green Belt Parcel'. One would therefore question, what was the point of carrying out the extensive reviews, if land classed as 'Most Sensitive', is then going to be put forward for development "" in the case of LP1463, the largest proposed development in the whole of Calderdale? The Council's comments on this site were: 'The site performs an important role in safeguarding the countryside from encroachment'. My comments above are not reserved purely for LP1463, but relate to the blatant disregard in the Calderdale Local Plan for the fundamental aim of Green Belt Policy - namely, to prevent urban sprawl. Calderdale Spatial Planning should be looking to develop brownfield sites and to regenerating disused sites, before they take the "easy option" (and the option which is preferable to developers) of wiping out our areas of green belt. Developers do not care about green belt, nor do they care about the opinions of local communities! At what point did hitting target figures for new housing become more important than retaining high-performing green belt?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

I will be covering this in my comments for individual sites.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp833**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As we've commented previously there is some degree of confusion, or alternatively debate, across the LP as to whether the policies either of NPPF 2012 or revised NPPF 2018 can or should be referred to (notwithstanding the advice of NPPF 2018 Annex 1 about transitional arrangements). In the case of Greenbelt the council technical paper on Exceptional Circumstances states at 2.4-5 that in view of the fact that 'the Government is clearly seeking to address the hitherto lack of direction on establishing exceptional circumstances ' It is therefore considered that it is appropriate to utilise this emerging policy [i.e NPPF 2018] for the current purposes.' Therefore, and earlier in the technical paper 2.2 , it makes reference to the guidance contained in paragraph 1.39 to the White Paper Fixing our Broken Housing Market . From this TP2.5 identifies a number of tests, to which we have added the TP's conclusion: 3) Does the strategy make

as much use as possible of suitable brownfield sites and underutilised land? ' The sequential approach enabled all of the available sites to be placed in a ranked order, and this has meant that for any given housing requirement scenario the most sustainable sites can be selected and the impact on the Green Belt minimised.' GBTP 3.16 4) Does the strategy optimise the density of development in town centres and locations well served by public transport? ' In conclusion the assessment of sites and the drafting of the Local Plan have been such that the need to release Land from the Green Belt has been minimised.' GBTP 3.22 6) Has the strategy explored the ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land? 'In conclusion it can be seen that the Council is committed to supporting and implementing projects that will offset at least a proportion of the impact on the Green Belt.' GBTP 3.31 However these conclusions are more in the form of generalised assertions than substantiated by evidence. We believe that there should be a more precise, or evidenced, or quantified demonstration that the tests have been met before it's accepted that 'exceptional circumstances' have been proven.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp892**

Site ref (if applicable):

Person ID: **1183577**

Name: **Mr Graham Foster**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Paragraph 137 of the NPPF 2018 states that before concluding that exceptional circumstances exist to justify changes to the Green Belt boundaries the strategic policy making authority should be able to demonstrate that it has examined fully all of the reasonable options for meeting its identified need for development. The Plan underestimates the contribution that small sites can make to the housing supply. Numerous small sustainable sites have been sieved out from the Plan. There should be no redrawing of the Green Belt boundaries until such time as these small sieved sites are reassessed and their contribution to meeting the housing need is deducted from the overall housing figures. The process used by the Council to determine the Green Belt boundaries, and determine exceptional circumstances, has led to a broad brush desk top exercise which does not take account of individual sites and their sustainability. In the Northowram and Shelf area where practically all the proposed new housing is on existing Green Belt land the identified sites are on quiet narrow country lanes. The lanes cannot be improved to accommodate public transport to get new residents to work and schools, which means that the only means of transport will be by private car. They cannot therefore be described as sustainable by any stretch of the imagination.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp897**

Site ref (if applicable): **LP1652**

Person ID: **1182670**

Name:

Organisation: **Willow Valley Golf & Country Club**

Agent ID: **1182667**

Name: **Mr Andrew Keeling**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The plan has failed (in the green belt and business sections) to properly consider the positive contribution that tourism can make to the economy. There is an existing evidence base (contained within the Councils tourism section) that could have been used to provide an assessment of provision, need and potential expansion. This may need up-dating or additional information but it has not been used with little reference to tourism in the plan. It is our belief that there is a good case for providing an additional supporting policy for tourism in general and for a site to be allocated for a major new destination in the form of a hotel/spa/conference centre.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Provide supporting policies for tourism and allocate a site for a new hotel complex

Additional Evidence Link:

<http://calderdale-consult.objective.co.uk/file/5074130><http://calderdale-consult.objective.co.uk/file/5088065><http://calderdale-consult.objective.co.uk/file/5088066>[http://calderdale-consult.objective](http://calderdale-consult.objective.co.uk/file/5246788)

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Green Belt Review and Local Plan Site Allocation Methodologies not consistent with National Policy and legislation.
2. Non-compliance with Statement of Community Involvement (SCI).
3. Calderdale has not fully demonstrated exceptional circumstances for the loss of Green Belt.

Council's Response:

1. The Green Belt Review and the assessment of sites within the Green Belt in the Local Plan were assessed against the five purposes of Green Belt as established in the NPPF. The Green Belt Review and Local Plan Site Allocation Methodology are considered to be in full conformity with National Policy and legislation.
2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22)
3. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.

Test of Soundness

Main Issues:

1. Reference is made to both the 2012 NPPF and the 2018 NPPF.
2. Green Belt Review and Local Plan Site Allocation Methodologies not consistently used to allocate sites.
3. Calderdale has not fully demonstrated exceptional circumstances for the loss of Green Belt.
4. The Green Belt section of the Local Plan does not sufficiently address the issue of tourism.
5. Not all land that fulfils the criteria for Green Belt designation has been designated as Green Belt.
6. Sites below the threshold value of 0.25ha should still be allocated for development.
7. The Plan fails to explore all brown field development opportunities or opportunities on underutilised land prior to proposing development on the Green Belt.
8. The loss of Greenbelt Land will result in the loss of wildlife.
9. The land to the west of LP1078 is suitable for development and should be included in that allocation to ensure a stronger more robust Green Belt boundary.
10. The Council has not included safeguarded land in the plan and therefore has no additional supply to meet longer term needs should the existing permissions, proposed allocations and windfall sites not come

forward as expected.

11. The Council has incorrectly prioritised protection of Green Belt over development needs.

12. There are sound planning reasons for removing land adjacent to Exley Lane, North of Elland (Site No. LP1567) from the Green Belt. As such, the Council's decision to delete the allocation from the Plan is unsound and contrary to National Guidance.

Council's Response:

1. The Local Plan is prepared under NPPF 2012. The Council has prepared the Plan in accordance with NPPF 2012 because the revised NPPF with its transitional arrangements was not published until July 2018, after the Council took the formal decision in June 2018 to publish the Plan in August.

2. The Calderdale Green Belt Review is one of a number of studies which provides guidance for and informs the preparation of the Calderdale Local Plan. Whilst establishing the extent of the Green Belt and its future protection are important parts of the process, the Local Plan has addressed many other issues including the need to accommodate sustainable new development.

3. Evidence Document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.

4. Policy GB1 and GB2 address development in the Green Belt and Area Around Todmorden, respectively. Tourism is addressed in more detail in Chapter 15 of the Local Plan.

5. The West Yorkshire Structure Plan was approved by the Secretary of State in July 1980 and came into force in August 1980. This showed the general extent of Green Belt within West Yorkshire. New Green Belts should only be established in exceptional circumstances. Any proposals for new Green Belts should be set out in strategic policies, which should set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary. It is not considered that the change in circumstances exists to necessitate the creation of new Green Belt.

6. Sites which were below 0.25 hectares were filtered from allocation. Many other local authorities have traditionally used a site size of 0.4 hectares, however due to the important contribution of small sites historically in Calderdale it is believed a 0.25 hectare threshold is more appropriate. Planning Practice Guidance states that a range of different sized sites will be required to deliver the required scale of development. It suggests that sites should be assessed which could support 5 or more dwellings or economic development sites of 0.25 hectares. Sites below 0.25 ha are likely to come forward as windfalls where an assumption has been made as to their contribution to housing numbers. Where appropriate, sites below 0.25 hectares have been amalgamated with another site to take it above the site size threshold. These smaller sites also have the opportunity to be allocated as part of Neighbourhood Plans.

7. With regards to the site assessment process, in order to identify the most sustainable sites a 'sequential' approach to housing allocations has been adopted that prioritises brownfield sites in the urban area, only using the most sensitive Green Belt when all alternative sites were used.

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council has examined fully all other reasonable options for meeting its identified need for development.

Evidence Document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt.

8. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment.

9. Site specific comment

10. National Planning Policy Framework suggests that local authorities should only 'safeguard' land 'where necessary'. If the plan that the authority puts forward has provisions to meet housing needs in full and if other sites are available for potential future development beyond the life of the plan, safeguarding land is considered unnecessary.

11. The NPPF attaches great importance to the protection of the Green Belt. The Local Plan is considered to be in conformity with the NPPF and therefore attaches the appropriate level of protection to the Green Belt in relation to development needs.

12. Site specific comment.

Duty to Co-operate

Main Issues:

1. The Council has not liaised, communicated or consulted effectively with Kirklees with regards to the removal of large areas of green and open land in the Brighouse, Mirfield and Bradley areas.

2. There has been no effort to co-operate with local residents in the Clifton area. There has been insufficient publicity regarding the Local Plan.

Council's Response:

1. See Submission Document SD 13 Duty to Cooperate Statement Including Statements of Common Ground (January 2019).

2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

Suggested Modifications

1. Provide supporting policies for tourism and allocate a site for a new hotel complex.

2. All the land west of Northowram between its western boundary and the Green Belt should be incorporated into the Green Belt.

3. Amend the Green Belt boundary to allow the site (The Meadows, Woodhouse Lane, Copley) to become a New Housing Site.

4. The number of houses proposed needs to be modified in relation to the resources that already exist within the Clifton, Brighouse area.

5. The land to the west of LP1078 is suitable for development and should be included in that allocation.
6. Safeguarded land should be included in the Local Plan.
7. The Green Belt should be reviewed on the basis of providing small scale opportunities for incremental development which are proportional to existing villages.
8. Land adjacent to Exley Lane, North of Elland (Site No. LP1567) should be removed from the Green Belt and allocated for development.

Council's Response:

1. Policy GB1 and GB2 address development in the Green Belt and Area Around Todmorden, respectively. Tourism is addressed in more detail in Chapter 15 of the Local Plan. Collectively this is considered sufficient in supporting and managing tourism related proposals in the Green Belt.
No modification required.
2. Site specific comment.
3. Site specific comment.
4. Infrastructure considerations to include the impact of development on the local road network have been taken into consideration as part of the site assessment process. In addition phasing of major developments will be planned in line with the provision of enabling infrastructure.
5. Site specific comment.
6. National Planning Policy Framework suggests that local authorities should only 'safeguard' land 'where necessary'. If the plan that the authority puts forward has provisions to meet housing needs in full and if other sites are available for potential future development beyond the life of the plan, safeguarding land is considered unnecessary.
No modification required.
7. With reference to the Village Envelope section of document EV 09 Exceptional Circumstances for the Release of Green Belt (2018), the creation of inset villages in the Green Belt is considered to provide opportunities for incremental development that is proportional to the specific inset village.
No modification required.
8. Site specific comment.

Document Section: 19.1 Paragraph

Representations

Comment ID **Lpp162**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Over 92% of the proposed housing in Shelf and Northowram is on existing Green Belt and much of it scores very highly against the five purposes of greenbelt defined in the NPPF. The majority of these sites in both villages are given over to agriculture and are on quiet, narrow country lanes. Many of them do not meet the council's own accessibility criteria and will require private transport (cars) to remain viable, they could not therefore by any stretch be described as sustainable. If the protection of agriculture and sustainability are so important to the Council, they must explain why they propose these sites for development and in the opinion of their officers, the sites 'do not have any significant constraints'.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp299**

Site ref (if applicable):

Person ID: **1161367**

Name: **Mr Mark Holt**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

I would like to appeal against LP1605 exclusion to be removed from the greenbelt, although it falls short of

the area required it does not for fill the criteria for green belt, although I accept the wood lands should remain in green belt the area forming the land around the house (2000 sq/m) is available for development and could provide much needed houses at affordable prices. The policy for green belt is To prevent urban sprawl and retain open land for outdoor pleasure, this land lends itself to none of these, it is surrounded by a factory to one side (the other side of the factory has been passed LP 1041) residential development to the other and across the road, the land is land locked and can only be viewed by standing on a wall, the reasons for the land being filtered is it is insignificant, if this is the only reason which it is then I ask that it is removed from the green belt as it should not have been included in the first place, I believe it was included from behind a desk, a further plot across the road within 50m has also been approved LP1543, while I accept these will provide more dwellings the basic fact remains they are in the same area as mine provide and comply with green belt policy more than mine but are just larger. I therefore wish to appple against mine being rejected on these grounds I accept that the woodland remains within the green belt so I am asking for the partial removal of green belt status (2000 sq/m) around my property.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp444**

Site ref (if applicable):

Person ID: **1181866**

Name: **Mr Nigel Riach**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

19.1 The large scale garden suburbs in Woodhouse and Clifton are urban sprawl, which is precisely why the Green Belt must be preserved in these two areas. Brighouse already has some of the worst air quality in Calderdale (and nationally), developing on these two "green lungs" will exacerbate the problem dramatically.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

The loss of greenbelt at Woodhouse, coupled with loss at Bradley in nearby Kirklees, and further potential loss due to the possible junction 25A development, seem to demonstrate that there has been insufficient co-operation between Calderdale and Kirklees.

Suggested Modifications:

Additional Evidence Link:

Comment ID Lpp574

Site ref (if applicable): **LP1463**

Person ID: **1125815** Name: **Mrs K Boothroyd** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The annihilation of the Thornhills, Clifton Green Belt (and indeed the land at Woodhouse, Brighouse - LP1451) with no effective validation is in total contradiction to the National Planning Policy Framework upon which the Local Plan is required to be based. The Local Plan and preferred strategy does not protect the Green Belt land in Thornhills, Clifton (nor Woodhouse, Brighouse). It is proposed to build huge numbers of houses on Green Belt land and the council's strategy will not protect it. How do you propose to protect this priceless asset? One of the core principles in the National Planning Policy Framework is that planning should recognise the fundamental character and beauty of the countryside. Where in the local plan does it include strategic policies for the conservation and enhancement of the natural environment, including landscape? How is it proposed to replace this valuable asset in Thornhills, Clifton? Paragraphs 79 to 92 National Planning Policy Framework clearly set out that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. How does the local plan meet this clear importance placed on green belts? The local plan is in clear violation of this framework. How will this be addressed? Why are Green Belt sites in Clifton being proposed when research reported by Campaign to Protect Rural England (2011) shows: There are enough derelict (brownfield) sites available and suitable for building at least a million new homes. England's major house builders are sitting on huge areas of land with planning permission which could provide over 280,000 new homes. Long-term empty houses could provide homes for an additional 300,000 families. Green Belt shouldn't be thought of as an easy option; people need their countryside for satisfactory emotional health and wellbeing. Some Local Authorities appear to interpret the 'rules' around Green Belt development in a very lax manner. My question is why aren't brownfield sites being utilised? We need to ensure that the Green Belt is protected from the threat of development because it is vital that we have the opportunity to breathe clean air, to relax, re-energise ourselves, and to be able to listen to the country sounds that calm us, walk the dog, play games, have family outings, have somewhere to take the children sledging, not only for our generation but for future generations to come. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, water or noise pollution or land stability. The local plan clearly contravenes this with its proposals of 2000 additional houses on Green Belt land in Clifton. Despite Green Belt's protected status, there's a constant threat of development while suitable brownfield sites go unused. Why is the council not utilising their power to restrict development on such sites. How does the plan conserve the natural beauty and purpose of the Green Belt land? I would question why the proposals have been made for building on the Green Belt land in Thornhills, Clifton. What other alternatives have been considered? What is the main reason for building in Clifton specifically? This important aspect has not

been made clear within the plan, and I would also question why other alternatives have been rejected? Why is it preferable to build on green belt land and not brownfield land? Who is benefiting from the selection of green belt land for development?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

No clear strategy or explanation as to why Green Belt land is more favourable to Brownfield land for housing allocations.

Suggested Modifications:

Utilise Brownfield land rather than Green Belt land. Remove the Brighthouse 'Garden Suburbs' from the Plan.

Additional Evidence Link:

Comment ID **Lpp673**

Site ref (if applicable): **LP1463**

Person ID: **1128397**

Name: **Mr Jacob Boothroyd**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

No meaningful consultation process. The portal, with all its functionality issues, appears to have been designed to confuse and deter residents from using. Has this been a deliberate attempt to prevent consultation with residents?

Do you consider the plan to be Sound?: **No**

Sound Reason:

Thornhills Lane, Clifton is a vital piece of Green Belt land as it more than meets the four main purposes and characteristics of Green Belt land as set out in the Government's National Planning Policy framework. The local plan contravenes the directive from central government that protection of the Green Belt must be paramount. The Plan represents a disproportionate form of development within the Thornhills, Clifton Green Belt land and in the absence of any honest justifiable special circumstances would by its inappropriateness have a harmful impact on the open, rural and undeveloped character of the Green Belt. The loss of our natural open countryside would be lost forever to the detriment of us and our future generations.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

The local plan contravenes the directive from central government that protection of the Green Belt must be paramount.

Suggested Modifications:

Remove the housing proposals on Green Belt land from the local plan and utilise Brownfield sites.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Greenbelt release at Thornhills Lane, Clifton (LP1463) and in the Local Plan in general contravenes national planning guidance on Green Belt.
2. The proposed Garden Suburbs constitute urban sprawl.
3. LP1605 should be removed from the Green Belt as it does not satisfy the purposes for including land in the Green Belt.
4. The Plan fails to explore all brown field development opportunities or opportunities on underutilised land prior to proposing development on the Green Belt.
5. Questions raised over the accuracy of site assessments in relation to constraints.

Council's Response:

1. Site specific comment.
2. See Evidence document EV40 Justification for the Garden Suburbs.
3. Site specific comment.
4. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council has examined fully all other reasonable options for meeting its identified need for development. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt.
5. Matters relating to the accuracy and consistency of site assessments are dealt with in EV51.1 the Site Allocations Assessment Methodology - Publication Draft 2018.

Duty to Co-operate

Main Issues:

1. The Local Plan contravenes national planning guidance on Green Belt.
2. The Loss of two large areas of Greenbelt at Woodhouse and Bradley demonstrate insufficient cooperation between Calderdale and Kirklees.

Council's Response:

1. The Local Plan is considered to be in full conformity with National Policy and legislation.
2. See Submission Document SD 13 Duty to Cooperate Statement Including Statements of Common Ground (January 2019).

Suggested Modifications

1. Remove housing proposals on Green Belt land from the Local Plan and utilise Brownfield sites.
2. Remove the Brighthouse 'Garden Suburbs' from the Plan.

Council's Response:

1. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council has examined fully all other reasonable options for meeting its identified need for development including the potential utilisation of Brownfield sites. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt.
No modification required.
2. See EV40 Justification for the Garden Suburbs document.

Document Section: 19.2 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

As per our comments against sites LP0221, LP0782 and LP1543 in Shelf and Northowram, these sites perform either 4 or 5 purposes of greenbelt as defined by the NPPF, could the council therefore explain why these sites are proposed for development and have 'no significant constraints' as stated on their assessments, when there are numerous small, sustainable sites omitted from the plan.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

LP0221, LP0782 and LP1543 in Shelf and Northowram must be removed from the list of proposed allocations.

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1181866** Name: **Mr Nigel Riach** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

19.2 Taking each point at a time, relating to the proposed developments at Woodhouse and Clifton, I would comment as follows: These are urban sprawl, and must be prevented. They will cause neighbouring

urban areas to merge. They are encroachment onto areas of countryside, where the need for its preservation is at its highest, particularly given the poor air quality in Brighouse. They do preserve the essential character of Brighouse and Clifton, which will be lost if the plan remains unchanged. CIL Draft Charging Schedule. The large Garden Suburbs developments at Clifton and Woodhouse will require extensive infrastructure provision, whereas smaller sites elsewhere will, for the most part, be accommodated by existing provision, such as doctors, schools etc. The charges for the Garden Suburbs should there be greater than elsewhere. The plan charges are the opposite of this, with Hebden Bridge charged £85 and Clifton £40.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Question raised as to why sites are proposed for development that score highly in the Green Belt review and have significant constraints when a number of small sustainable sites are omitted from the Local Plan.
2. The proposed developments at Woodhouse and Clifton will constitute urban sprawl, cause neighbouring areas to merge, will encroach into areas of countryside and will damage the character of Brighouse and Clifton.

Council's Response:

1. Sites which were below 0.25 hectares were filtered from allocation. Many other local authorities have traditionally used a site size of 0.4 hectares, however due to the important contribution of small sites historically in Calderdale it is believed a 0.25 hectare threshold is more appropriate. Planning Practice Guidance states that a range of different sized sites will be required to deliver the required scale of development. It suggests that sites should be assessed which could support 5 or more dwellings or economic development sites of 0.25 hectares. Sites below 0.25 ha are likely to come forward as windfalls where an assumption has been made as to their contribution to housing numbers. Where appropriate, sites below 0.25 hectares have been amalgamated with another site to take it above the site size threshold. These smaller sites also have the opportunity to be allocated as part of Neighbourhood Plans.
2. See EV40 Justification for the Garden Suburbs document.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. LP0221, LP0782 and LP1543 in Shelf and Northowram must be removed from the list of proposed allocations.

Council's Response:

1. Site specific comment.

Document Section: 19.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

NPPF para 83 establishes that once Green Belt boundaries are established they should not be changed except under exceptional circumstances. The Technical Paper ' Exceptional circumstances for the release of Green Belt' attempts to justify exceptional circumstances without actually stating what they are for any particular site. Rather it tries to establish exceptional circumstances by arguing that the plan as a whole, only needs to demonstrate compliance with seven criteria and that once this compliance has been demonstrated, all removal of land from Green Belt must therefore be exceptional. We challenge this wholly false interpretation of para 83 as it does not allow a detailed examination of exceptional circumstances for individual sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **717396**

Name: **Mrs Hoare**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

NPPF para 83 states that once Green Belt boundaries are established they should not be changed except under exceptional circumstances. The Technical Paper ' Exceptional circumstances for the release of Green Belt' attempts to justify exceptional circumstances without reference to any specific site. Instead it tries to establish exceptional circumstances by arguing that the entire plan only needs to demonstrate compliance with seven criteria and that once this compliance has been demonstrated, all removal of land from Green Belt must by default be exceptional. I feel strongly that this is a false interpretation of NPPF para 83 as it does not detail examination of exceptional circumstances for individual sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Calderdale has not fully demonstrated exceptional circumstances for the loss of Green Belt.

Council's Response:

1. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 19.5 Paragraph

Representations

Comment ID **Lpp1308**

Site ref (if applicable): **LP1141**

Person ID: **1183427** Name: **C/O Agent DPP .**

Organisation: **Northowram Stone LLP**

Agent ID: **965602** Name: **Matt Rhodes**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attachment Para 19.5 Green Belt and section 6.0 of the accompanying report for full details

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Modifications The Green Belt Parcel should be excluded from the Green Belt and included in the settlement limits of Northowram and potentially be included within a housing location for the Site.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5101980><http://calderdale-consult.objective.co.uk/file/5103771>

Comment ID **Lpp543**

Site ref (if applicable): **LP0196**

Person ID: **980588** Name: **Mr Mark Baxendale**

Organisation:

Agent ID: **960432** Name: **Mrs Charlotte McKay**

Organisation: **Principal I O P Consulting**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See attached representation. We do not agree with site LP0196 being rejected as a housing site and consider that it should be removed from Green Belt for the reasons set out within the attached representations.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

See attached representations

Suggested Modifications:

Remove site LP0196 from the Green Belt to create a more defensible Green Belt boundary.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073671>

Comment ID **Lpp830**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We believe that the 2016 Greenbelt review was undertaken effectively, particularly because as the technical paper on Greenbelt Exceptional Circumstances states 'The Green Belt Review was undertaken using a policy neutral approach and as such it did not seek to identify sites for development or justify potential sites that had already been identified.' 1.8 This, we understand is different from what happened in other neighbouring authorities. The result - that 390 out of 454 parcels (86%) were found to perform well - demonstrates the sound underpinning of this key component of the LP, and confirms the tight wrapping of the Greenbelt around Calderdale's urban settlements. This is a fundamental constraint within which the LP has to work, setting limits on the amount of development, and where it can or can't be located.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp88**

Site ref (if applicable): **LP1451**

Person ID: **1114219**

Name: **Mr Henryk Peterson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

NPPF and Council's own evidence base state alteration of Green Belt boundaries should be fully evidenced and justified, should be based only on exceptional circumstances and should ensure permanence of boundaries in the long term. The distribution of proposed housing allocations in particular the proposed garden suburbs (LP 1451; LP 1463) involving a Green Belt boundary alteration, cannot be justified using a rationale of improving delivery of housing. There are more sustainable ways of achieving housing delivery without recourse to large scale release of Green Belt land. Alternatives e.g potential sites that adjoin settlements such as LPO951 off Stainland Road which has now been placed in Green Belt, could involve inclusion of allocations that better reflect settlement hierarchy, improve spatial distribution of new housing over the district, & better meet housing needs in a more sustainable way as well as ensuring greater certainty in future delivery of housing. Turley's Housing Technical Paper refers to Nathaniel Lichfield's 2016 report which states " But large scale sites are not a silver bullet. Their scale, complexity & (in some cases) up front infrastructure costs means they are not always easy to kick start. And once up and running there is a need to be realistic about how quickly they can deliver new homes. Past decades have seen too many large scale developments failing to deliver" Based on this critical assessment, the use of an exceptional circumstance argument that proposes alteration of the Green Belt boundary to achieve large scale allocations, appears unjustified. The "garden suburb" concept does not provide sufficient justification for alteration of the Green Belt boundary in these instances, as better alternatives for housing delivery exist. The land proposed as garden suburbs should therefore be retained in Green Belt.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Place the draft garden suburb allocation into Green Belt Alternative Green Belt sites, as were proposed in the Initial Draft Local Plan e.g land off Stainland Road, should be considered as housing allocations, with minor alteration of the Green Belt boundary. This would represent a more sustainable approach to the delivery of housing development. The suggested alternative was considered in the Green Belt Review (2016). The Review found such land did not fully meet Green Belt criteria. That exceptional circumstance existed to alter the Green Belt boundary providing as basis for the lands inclusion as a draft housing allocation. This draft allocation should be re-introduced on to the submission plan.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Calderdale has not fully demonstrated exceptional circumstances for the loss of Green Belt.
2. Green Belt boundary adjacent to filtered site LP1141 is not defensible as drawn.
3. Green Belt boundary adjacent to filtered site LP0196 is not defensible as drawn.

Council's Response:

1. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.
2. Site specific comment.
3. Site specific comment.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Green Belt boundary should be redrawn adjacent to filtered site LP1141 to make it more defensible.
2. Remove site LP0196 from the Green Belt to create a more defensible Green Belt boundary.

Council's Response:

1. Site specific comment.
2. Site specific comment.

Document Section: 19.8 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP0000**

Person ID: **1183535**

Name: **Clifford**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Several Brownfield sites within the Greenbelt which have been put forward in the Call for Sites process. When the Local Plan team updated their 'spreadsheet' to take into account incorrect information originally applied for several sites put forward ... * Now scoring 2 or less (out of 5 maximum) * Nothing was then followed up on for these sites in re-consideration for being taken forward - Why ? * There is no evidence of re-consideration to be found anywhere in the draft Local Plan ? * Some of these sites have extant approvals on proportions of the land already * Therefore are already considered suitable by the Council for housing by that very fact. * Government Policy states Brownfield sites are to be given priority for development which includes in the Greenbelt (hence para 89 of NPPF). * There should be evidence included in the draft Local Plan related to the relevant sites when further factual information was provided. And/or if the Council had incorrect information initially - which then needed to be re-considered/further re-assessment - in order to legally support the methodology was duly and fairly re-processed.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Same points / reasons as given above.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Same points / reasons as given above.

Suggested Modifications:

Please see notes at start of these comments for modifications required.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Green Belt sites have not been reconsidered for allocation where new information has come to light during the plan making process making them more suitable for development.

Council's Response:

1. The Local Plan evidence base has constantly evolved during the plan making process and has fed directly into the site assessment and selection process. This has resulted in a number of filtered sites being brought back into the site assessment process.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 19.10 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This issue is particularly discussed in our Overview Paper. This short and cryptic paragraph does not do justice to the importance, and also the popular interest in, the Greenbelt issue. Its wording does not adequately disclose to most consultees what the plan is intending, and how technically it will go about doing that. The reference in the second sentence to 'exceptional circumstances' should have included a signpost to the technical paper, and then a discussion about its process and conclusions. The reference in the third sentence to 'a number of potential changes' to the GB boundary that 'are set out in other areas of this document' isn't strictly true. No explanation is provided as to how to locate the individual sites affected, whereas the 2017 version included a list of such sites at this point (its 19.10. It also contained a list of the village envelopes proposed to be either washed over or taken out of GB; that also is now missing, and indeed the LP document contains no reference whatsoever to 'village envelopes'). The wording of the policy GB1 contains no active language describing the criteria or process by which sites might be removed from Greenbelt, or who will be requesting and who deciding those individual choices. In fact, there is an extended discussion about the council's 'exceptional circumstances' argument in the technical paper, and at 2.5 it identifies seven tests which it seems to assert have each individually been met. So e.g for test 4 'Does the strategy optimise the density of development in town centres and locations well served by public transport?', the conclusion is 'the assessment of sites and the drafting of the Local Plan have been such that the need to release Land from the Green Belt has been minimised' 3.26 In other words it does not say that the process being proposed should require that exceptional circumstances be identified on an individual site by site basis, from which it would thus be able to explicitly construct a ranked list of sites that should be removed on Greenbelt (in order to meet housing or employment land requirements) according to testable (and challengeable) criteria. As an example, the report Local Plan "" Housing Requirements and Potential Allocations considered by the local plan working party in January 2017 contained a list of all possible housing sites, apparently in ranked order and with those meeting '3-5 of the identified GB purposes' at the bottom. Because of the absence of this explicit site by site criteria driven ranking process, it can't be clear to consultees how the process of selecting which individual sites are actually to be withdrawn from Greenbelt - presumably as a result of a decision by the inspector - is to be undertaken, and then how individually but also collectively, it will be proven that a judgement of 'exceptional circumstances' have been demonstrated. This all seems haphazard, insufficiently structured, unsatisfactory and therefore unsound.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Paragraph is insufficient and should include an explanation regarding the deletion of village envelopes and further detail on exceptional circumstances and a signpost to the exceptional circumstances technical paper.

Council's Response:

1. The Council considers that a signpost in Paragraph 19.10 to the Village Envelope section of evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) is not necessary. The document is contained within the Local Plan Examination Library and is publicly accessible.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 19.11 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP0951**

Person ID: **1114219**

Name: **Mr Henryk Peterson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

There is a basis for considering alteration to the Green Belt boundary on the south side of Stainland Road, where the Green Belt Review identifies land does not meet all purposes for inclusion in Green Belt. Release of small areas of land such as this, adjoining existing settlements, represents a more sustainable way of meeting housing requirement rather than through application of the garden suburb concept. The exceptional circumstance principle for altering the Green Belt boundary to achieve residential development given shortage of brownfield sites, should only be applied if it is supported by a Green Belt review and that such alteration does not materially detrimentally affect the remaining Green Belt. Greater harm will be caused to Green Belt through large scale land releases for housing compared with a possible alternative small scale land release approach, as it would be more sympathetic to the Green Belt and better respect settlement hierarchy.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

To allocate land for housing in particular on the south side of Stainland Road given it adjoins an existing rural settlement, will help achieve sustainable development as is close to a school, shops and public transport. Also the Green Belt Review notes the land does not meet all the purposes of Green Belt. Modification should not be solely limited to this site- there are other previous draft allocations involving potential alteration of the Green Belt boundary that could be reconsidered, as they provide a better development option as a an approach to development than the one advanced by the Council

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1114219**

Name: **Mr Henryk Peterson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

A Green Belt Review was justified, and proposed alterations to the Green Belt boundary to exclude previously overwashed villages to provide village envelopes is supported in principle given such settlements no longer meet the 5 purposes of Green Belt. However both NPPF and the Green Belt review emphasis that Green Belt boundaries should be able to demonstrate they are "likely to be permanent". As drafted the revised Green Belt boundary is often too tightly drawn around village envelopes ignoring the presence of residential curtilages/ residential boundaries, within which development pressure over time could arise. The permanence of the Green Belt boundary would be better ensured if recognition was given to following features such as the boundaries of residential curtilages associated with village envelopes and features that serve residential functions within village envelopes.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The proposed Green Belt boundary associated with village envelopes should be drafted to more fully respect existing residential curtilages / features on the ground so that its permanence could not be potentially compromised during the life of the plan. The boundary around village envelopes should be relaxed and not so tightly drawn e.g currently shown in some instances up to the back edge of buildings, or excluding access points /drives to residential homes within a village envelope. Amendment on the lines suggested would make the plan sound, able to demonstrate the boundary would be "likely to be permanent" as required by NPPF.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The spatial distribution (involving the garden suburb concept) will cause larger harm to the Green Belt than small scale land release.
2. The Green Belt boundary would be better protected if recognition was given to features such as the boundaries of residential curtilages and features that serve residential functions within village envelopes.

3. The revised Green Belt boundary is often too tightly drawn.
4. Land on the south side of Stainland Road should be considered for release from the Green Belt as the Green Belt Review finds it doesn't meet all purposes for inclusion in the Green Belt.
5. Green Belt Land should only be released for development where it is supported by the findings of the Green Belt Review and it does not harm the remainder of the Green Belt.

Council's Response:

1. See evidence document EV40 Justification for the Garden Suburbs. Paragraph 1.1 notes that an important theme in consideration of the spatial distribution of housing development has been the relative merits of a larger number of more modest allocations 'pepper-potted' throughout the district versus a smaller number of large strategic allocations.
2. Boundaries should be clearly defined using readily recognisable features where possible. Weak boundaries, such as residential curtilages, can be vulnerable to urban encroachment, whereas strong boundaries are less likely to be altered on an ad hoc basis, and are more likely to withstand the passage of time. Therefore this approach was adopted in identifying revisions to the Green Belt boundary.
3. Whilst it is acknowledged that small parts of the revised Green Belt boundary remain closely drawn around urban areas, boundaries should be clearly defined using readily recognisable features where possible. Weak boundaries, such as residential curtilages, can be vulnerable to urban encroachment, whereas strong boundaries are less likely to be altered on an ad hoc basis, and are more likely to withstand the passage of time. Therefore, where changes were required, the strongest, most defensible boundary was selected as close as possible to the existing urban area.
4. The Calderdale Green Belt Review is one of a number of studies which provides guidance for and informs the preparation of the Calderdale Local Plan. Whilst establishing the extent of the Green Belt and its future protection are important parts of the process, the Local Plan has addressed many other issues including the need to accommodate sustainable new development.
5. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Spatial distribution should be reconsidered to allow for small scale Green Belt land release rather than current approach involving garden suburbs.

2. Village Envelope boundaries should be relaxed and not so tightly drawn.

3. Allocate land for housing on the south side of Stainland Road given it adjoins an existing rural settlement and will help achieve sustainable development.

Council's Response:

1. See evidence document EV40 Justification for the Garden Suburbs. Paragraph 1.1 notes that an important theme in consideration of the spatial distribution of housing development has been the relative merits of a larger number of more modest allocations 'pepper-potted' throughout the district versus a smaller number of large strategic allocations.

No modification required.

2. The Village Envelope section of evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) details the replacement of Village Envelopes with villages inset in the Green Belt or villages washed over with Green Belt.

No modification required.

3. Site specific comment.

Document Section: Policy GB1 Development in the Green Belt

Representations

Comment ID **Lpp1268**

Site ref (if applicable):

Person ID: **1139521**

Name: **Cllr Sophie Whittaker**

Organisation: **Councillor**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

All allocated sites in Rastrick, except one small site (LP0846 " 12 dwellings) and a half of another (LP0893), are either Green Belt sites, greenfield, designated Open Space, part of the Wildlife Corridor, used for agricultural purposes, or a combination of the aforementioned. Not only do the Council not stipulate how they plan to tackle the inevitable deterioration of public health through increasing air pollution levels, they have failed to address how they plan to enable and support healthy lifestyles - for example through the provision of accessible green spaces, safe walking and cycling infrastructure, sports facilities, allotments, etc. " when they are recommending the development of land that contribute significantly to improving the local environment, and are well used by members of the public for fitness, health and wellbeing. As previously stated, Rastrick has a population that is already 4 times that of Calderdale as a whole, in an area that only accounts for 1.4% (spatially) of the Borough. Excessive development in Rastrick, to the proposed scale, is on Green Belt/greenfield sites. Why? Because the area is so densely populated, that there are no other sites large sites available. So, it seems that Calderdale, instead of allocating the housing numbers our more fairly and proportionally across the Borough, they have decided to target Green Belt/greenfield sites in Rastrick & Brighouse, meaning that existing residents have to suffer the loss of the majority of their open spaces and can expect to see their public health decline as there is no plan to help sustain and improve it. The Council have therefore radically failed in their strategic approach to address their own priorities and objectives of tackling health inequalities, obesity, physical activity, and air quality, in a Borough where deprivation is higher than the national average.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5103797>

Comment ID **Lpp1493**

Site ref (if applicable):

Person ID: **1183599** Name: **Mr Andrew Wood** Organisation: **Consultant Planner CPRE**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp165**

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Several of the Green Belt sites in Shelf and Northowram either contain Priority Habitat or in the case of one site, is adjacent to Listed Buildings. Measures are proposed to mitigate the effect of development on these natural or heritage assets but they all involve some form of a buffer zone between development and the asset. These buffer zones form part of the Green Belt but, following allocation, the proposed development area will not be part of the Green Belt. The council must therefore explain what designation it intends to apply to the buffer zones in order to protect them from encroachment by future development proposals or planning applications.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp183**

Site ref (if applicable):

Person ID: **1182367**

Name: **Ms Janet Hanson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Excessive use of Green Belt - NO green belt should be used until all the Brown Field sites have been used. The additional properties proposed are nearly all on green belt. Calderdale is entrusted to you to develop and enhance for everyone. As guardians of Calderdale you must protect it for future generations. Redevelop and improve what we have before using green belt and certainly green belt sites should NOT be redefined as green field just to achieve Government targets.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp244**

Site ref (if applicable):

Person ID: **1128225**

Name: **Mr Alan Goodrum**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

The Green Belt is a vital part of the planning framework and its boundaries should only be changed in very exceptional circumstances. Its continuity and permanence are important factors in maintaining the intrinsic character of the area.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp526**

Site ref (if applicable):

Person ID: **717396**

Name: **Mrs Hoare**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

NPPF para 83 states that once Green Belt boundaries are established they should not be changed except under exceptional circumstances. The Technical Paper ' Exceptional circumstances for the release of Green Belt' attempts to justify exceptional circumstances without reference to any specific site. Instead it tries to establish exceptional circumstances by arguing that the entire plan only needs to demonstrate compliance with seven criteria and that once this compliance has been demonstrated, all removal of land from Green Belt must by default be exceptional. I feel strongly that this is a false interpretation of NPPF para 83 as it does not detail examination of exceptional circumstances for individual sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp709**

Site ref (if applicable):

Person ID: **1094062**

Name: **Miss Helga Oates**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

NPPF Para 83 states that once Green Belt boundaries are established they should not be changed except under exceptional circumstances. The Technical Paper ' Exceptional circumstances for the release of Green Belt' attempts to justify exceptional circumstances without reference to any specific site. Instead it tries to establish exceptional circumstances by arguing that the entire plan only needs to demonstrate compliance with seven criteria and that once this compliance has been demonstrated, all removal of land from Green Belt must by default be exceptional. I feel strongly that this is a false interpretation of NPPF Para 83 as it does not provide detailed examination of exceptional circumstances for individual sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp834**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

See the comments on paragraph 19.11 including that the wording of the policy contains no active language describing the criteria or process by which identified sites might be removed from Greenbelt; or by which 'exceptional circumstances' will be demonstrated; or who will be requesting and who deciding those individual choices.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp900**

Site ref (if applicable):

Person ID: **949265**

Name: **Mr Ian Clay**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

NPPF paragraph 83 clearly states that Green Belt boundaries should not be changed except in exceptional circumstances. However, the policy GB1 refers to 'limited infilling in villages' I feel that this statement is too open and does not follow NPPF guidelines that green Belt boundaries stated above and that Policy GB1 should be more defined.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp919**

Site ref (if applicable): **LP0122**

Person ID: **1129568**

Name: **Mrs Marilyn Brichard**

Organisation:

Agent ID: **1129163**

Name: **Mrs Marilyn Brichard**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Green Belt in Calderdale has been prioritised over all other competing demands for land use in the District. The land that is necessary to provide new housing and employment land in the District has been reduced as far as is possible to do in order to minimise Green Belt land use. The overall total of Green Belt loss is not the appropriate measure of the success of the Plan. The Local Plan provides the opportunity for the future of the District to be carefully considered. Such plans are supposed to be reviewed regularly and since inception in the 1990's this plan has been updated just once, rather than the four reviews it should have had. This means that the pressure for development to support the economy and vitality of the area has continued to increase. There is a comfort in maintaining the status quo but this avoids the very real need to take the hard decisions that are long overdue. Releasing land from Green Belt is not a negative step; it is the basis on which Calderdale can move forward. Limiting development opportunities restricts new employment and businesses. Limiting housing developments has a similar impact on the economy with fewer customers for the services which are in the smaller towns and villages. Locating significant numbers of new dwellings within easy reach of Leeds and Manchester may sound sustainable but they reduce the potential for economic benefit to the District's economy. Meanwhile the existing residents of the District are being left behind in a backwater of reduced services and a lack of investment.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The site has had the flooding issues resolved by the provision of a surface water drainage system which directs water into the beck As such it is no longer at risk from flooding. The site is all private garden and has a number of buildings contained within it. It is not an open area and does not contribute to the purposes of Green Belt

Additional Evidence Link:

Comment ID **Lpp932**

Site ref (if applicable):

Person ID: **11797**

Name: **Mr & Mrs Mark & Amanda
Tattersall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Green Belt Objections Please also see our separate comment with objections on employment which are relevant to the Green Belt. Additional Removal of Green Belt We object to the removal of an extra 27

hectares of Green Belt land (Green Belt Technical Paper para 4.1). There has been no previous consultation on this removal and the reason given for its removal is not clear. We already know of sites where extra Green Belt removal has a negative impact on heritage assets. Also, if the land removed is all viable, this could equate to a further 702 to 1,620 dwellings (based on densities of either 26dph or 60dph). This would likely increase future windfalls. Currently, it is not known if these dwellings could be accommodated sustainably. NPPF Green Belt Policy We are pleased to see that para. 2.5 of the Green Belt Technical Paper notes the Council's intention to utilise the 2018 NPPF Green Belt policy. However, firstly the considerations given following this decision fall short of the aim of the NPPF policy. For example, NPPF para 137 states: 'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.' This is not included within the 6 considerations within para. 2.5. In Calderdale's case, because of congestion, air pollution and limited potential to expand roads, we believe this should be an essential requirement within the Local Plan. Secondly, we cannot see evidence within the Local Plan of the application of certain of the 6 considerations. For example, making as much use as possible of suitable brownfield sites and underutilised land. Population and housing requirement NPPF states: 'NPPF Preparing and reviewing plans Para 31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.' The latest ONS population figures, 2016-based, show an increase in Calderdale's population of 8,652 for the plan period (2018-2033). This is around 6,000 fewer people than were projected to grow in the previous 2014-based ONS figures. Almost all of the increase is in the older population. The latest 2016-based Household projections also shows a slowdown, with a lower increase of approximately 7,000 properties. Currently the Local Plan is working on a housing requirement figure of 12,600 which equates to 840 dpa. Barton Willmore have recently released the new housing requirement figure for Calderdale that is based on the New Government Standard Method. It is 566 dpa. This reflects the continued slowing down of the projected increase of the population. This is a reduction in the overall housing requirement figure of over 4,000 dwellings. Therefore, the latest statistics for Calderdale for the plan period are: 8,652 population increase 8,490 dwellings (New Government Standard Method ONS 2016-based) 8,295 job growth The growth in population is mainly in the over 60s bracket (working age population decreasing). The ratio of people per dwelling is particularly low, especially when taking into account the household projection figure in isolation from the Government Standard Method one. Given the recent reduction in projected population growth and also the various disparities, we do not believe exceptional circumstances for releasing the amount of Green Belt land in the Local Plan can be shown. We believe the Local Plan is not sound. Potential land We believe there is potential to utilise further land before the release of any Green Belt land. Brownfield land Urban Greenfield Greenfield area around Todmorden not in SSSI/SPA/SAC Density. The minimum density of 30dph should be increased due to the large increase in the ageing population and the government's aim to increase densities in NPPF para 137b. Mixed use sites These sites have no employment allocation. They have a density multiplier on 50% of the site. Site LP0509 and LP0370 have no housing allocation either. Employment land Current planning permissions not included in the 97ha allocation Para 6.38 of the Local Plan 'a more intensive use of existing employment land could provide an additional 9ha of employment land'. This 9ha is not allocated. An additional 37.47ha of land allocated for employment for replacement of existing land/premises lost from employment use. However, the land and premises lost have not been accounted for elsewhere. If they contribute to windfalls this may mean the windfall allocation should be higher. 1,782 empty properties (an increase of the figure within last year's Draft Local Plan). Windfalls The proposed windfall allocation in the Local Plan is considerably lower than historic rates. Employment growth On 12 th February 2018, the Council's Cabinet Members elected to endorse the Standard National Method for calculating housing requirements, with no adjustment for employment growth. There should therefore be no increase to housing for employment growth. General Calderdale urban area is 4,704.5ha Of 408ha Green Belt loss, 79ha is village envelopes, leaving 329ha of Green Belt loss. Development of this additional Green Belt will equate to a 7% increase of the urban area over the plan period. 92% of the Housing Requirement figure is to be provided in the Eastern third of the Borough. There is a clear move towards the M62. Green Belt

Review The 2016 Green Belt Review outcome has not been consulted on, only its methodology. The Local Plan carries out 2 types of Green Belt Review. The first review assessed large parcels of Green Belt land around the settlements (some wider than the actual settlement). The second Green Belt Review was of the site itself. There is no further stage assessing the impact new development would have on the main parcel. We object to elements of this procedure. The Technical Paper 'Exceptional circumstances for the release of Green Belt land' para. 1.8 states that the Green Belt Review did not seek to identify sites for development or justify potential sites that had already been identified'. This is true of the first Green Belt Review (where the overall Green Belt parcels performed well). However, the second Green Belt Review, which is an assessment of the site itself, does seek to justify potential sites within the Local Plan. Many of these sites performed less well than their overall parcel.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Justification of the exceptional circumstances for the release of a further 27ha of Green Belt including an assessment of its sustainability and impact. Green Belt policy to include: 'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.' Reduction in population and further potential land to be considered before the release of Green Belt.

Additional Evidence Link:

Comment ID **Lpp934**

Site ref (if applicable):

Person ID: **11797**

Name: **Mr & Mrs Mark & Amanda
Tattersall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Employment objections Background On 12 February 2018, the Council's Cabinet Members elected to endorse the Standard National Method for calculating housing requirements with no adjustment for employment growth. It follows that there should be no increase to housing for employment growth. However, there is currently a large disparity between Calderdale's working-age population and the Local Plan job growth figure of 8,295. The June 2018 Draft Local Plan (released for Councillors, not for public consultation) showed an increase, since the 2017 Draft, in the allocation of land and jobs within the employment section. Land allocation had been increased from 60ha to 97ha (all potential sites allocated) and jobs increased from 5,955 to 8,295. This was following a 'selective update' using WYCA's REM. At that time, the Infrastructure Delivery Plan showed only a small increase in the working-age population of 172 between 2014 to 2032. Current The latest ONS population figures, 2016-based, show an increase in Calderdale's population of 8,652 for the plan period (2018-2033). This is around 6,000 fewer people than

were projected to grow in the previous 2014-based ONS figures. There is a substantial decline in the working age population, with almost all of the increase being in the over-60s bracket. Therefore, not only is there no increase in the working-age population to support the 8,295 jobs, but that population is reducing over the Plan period. We object to there having been no comparison and adequate consideration of the disparity between the working-age population and the increased job growth figure of 8,295 prior to the release of the Local Plan. It is not clear how the extremely large job deficit will be filled or if the proposals to accommodate such a high number are realistic. Page 17 para 4.2.9 of the Employment Technical Paper concludes that 1,129 dwellings per annum would be needed to support the 8,295 jobs. Currently the Local Plan is working on a housing requirement figure of 840 dpa. Barton Willmore have recently released the new housing requirement figure for Calderdale that is based on the New Government Standard Method. It is 566 dpa. This reflects the continued slowing-down of the projected increase of the population. This clearly shows a further disparity between the number of houses based on the population growth (566dpa) and the number to support the job growth of 8,295 (1,129dpa). The 566 dpa is closer to the UDP figure of 450dpa. Recent completions, which average 505 dpa, are also a similar level to the UDP figure. The Local Plan has not adequately addressed how these disparities will be accommodated or whether this can be done sustainably. As such, we do not consider the Local Plan to be sound Employment land During the employment land allocation there are instances where identified land has not been allocated, including: Current employment planning permissions are not included in the overall 97ha allocation (para 6.37) 'a more intensive use of existing employment land could provide an additional 9ha of employment land'. This 9ha is not allocated. (para 6.38) An additional 37.47ha of land is allocated for employment use for replacement of existing land/premises lost from employment use. However, the land and premises lost have not been accounted for elsewhere. Mixed use sites. These sites have no employment allocation. They have a density multiplier on 50% of the site. Site LP0509 and LP0370 have no housing allocation either. The employment land allocation was increased from 60 hectares to 97 hectares. Paragraphs 4.1.7 and 4.6.1 of the Employment Technical Paper provide reasons for the increase in employment land. However, nearly all of the reasons for the increase in the amount of employment land appear to duplicate the ones already given in the 2017 Draft Local Plan. The only apparent difference is a provision for unmet need and spatial imbalance. The Local Plan allocates all potential new sites, 97ha gross (para 6.35). A large proportion of the employment land allocation is for warehousing, which requires a lot of land but supports very few jobs. It is clear throughout the documents that potential employment land is limited. Para 6.36 'It has however been difficult to identify new land of any significant size, reflecting the topographical and environmental constraints of the Borough.' Given the above points and that overall the need for Green Belt has been triggered, as well as there being a limited supply of employment land in the Borough, we do not consider the Local Plan to be sound. We are unclear why the Employment Land Review dated June 2018 refers to the 2015 SHMA throughout when the Council have recently released a new SHMA dated April 2018, which is prior to the Employment Land Review. The new SHMA has been carried out shortly before the latest release of the 2016-based ONS population projections (June 2018).

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The increase in employment land to be adequately justified. Consider unallocated land for potential use including alternative uses. Housing need should not be increased due to employment as this has not been agreed with Council members and also because it has not been tested for sustainability.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan fails to explore all brownfield development opportunities or opportunities on underutilised land prior to proposing development on the Green Belt.
2. The Plan fails to demonstrate site specific exceptional circumstances for loss of Green Belt.
3. The Green Belt evidence is contrary to NPPF guidance (Para 137) as it fails to give first consideration to areas well served by public transport.
4. The Plan should not enable limited infilling in villages as this is contrary to NPPF guidance on boundary changes and exceptional circumstances.
5. The distribution of the sites and location of the Green Belt release within close proximity to Leeds and Manchester will reduce the benefit to Calderdale's economy.
6. The Plan fails to include requirements for the enhancement of the Green Belt.
7. Policy GB1 should be more defined and less open to interpretation.
8. Buffer Zones proposed as part of site allocations will no longer be designated as Green Belt thus reducing their ability to perform their protective function.
9. The reason for the removal of an additional 27ha of Green Belt is not made clear in the associated technical paper. The additional removal will negatively impact on heritage assets and will potentially result in the development of 1,620 dwellings which may not be sustainable.
10. The outcome of the 2016 Green Belt Review has not been consulted on.
11. A third stage needs to be added to the Green Belt Review assessing the impact new development would have on the Green Belt Parcel.
12. The Council has incorrectly prioritised protection of Green Belt over development needs.

Council's Response:

1. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council has examined fully all other reasonable options for meeting its identified need for development. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt.

2. Evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.
3. The Green Belt Review and the assessment of sites within the Green Belt in the Local Plan were assessed against the five purposes of Green Belt as established in the NPPF. The Green Belt Review and Local Plan Site Allocation Methodology are considered to be in full conformity with National Policy and legislation.
4. The Village Envelope section of evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) details the replacement of Village Envelopes with villages inset in the Green Belt or villages washed over with Green Belt. Inset villages are where it is proposed that no Green Belt policy applies and settlements that are washed over are subject to Green Belt policy.
5. See Exceptional Circumstances for the Release of Green Belt 2018, specifically Appendix 2 (LPWP Report August 2016: Distribution of Growth).
6. The Local Plan is considered to be in full conformity with National Policy and legislation.
7. Policy GB1 is worded in order to ensure an adequate amount of direction without being overly prescriptive.
8. Buffer Zones proposed as part of site allocations provide protection for a variety of factors to include biodiversity, heritage and flooding. These Buffer Zones are not intended to provide Green Belt protection and as such do not need to be designated as Green Belt.
9. Section 4 of evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) states that the 27ha of Green Belt Loss in question can be attributed to minor alterations to the Green Belt boundary in order to remove irregularities and to take account of circumstances on the ground. These include boundaries that currently run through buildings, across gardens or follow weak and illogical boundaries.
10. The Green Belt Review forms part of the Local Plan evidence base and does not make any changes to the Green Belt. Changes to the Green Belt are proposed through the Local Plan. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).
11. A third stage to the Green Belt review is not considered necessary as the impact new development would have on the Green Belt has already been considered during the Green Belt Review and the assessment of sites located in the Green Belt in the Local Plan.
12. The NPPF attaches great importance to the protection of the Green Belt. The Local Plan is considered to be in conformity with the NPPF and therefore attaches the appropriate level of protection to the Green Belt in relation to development needs.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. This policy should:

- a). Set out what the Council intends to do to fulfil a Green Belt enhancement objective (an enhancement strategy);
- b). Give guidance on how new development should contribute to and enable that enhancement strategy, and should not undermine it.

2. Justification of the exceptional circumstances for the release of the further 27ha of Green Belt detailed in the associated technical paper.

Council's Response:

1. The Local Plan is considered to be in full conformity with National Policy and legislation.
No modification required.

2. Section 4 of evidence document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) states that the 27ha of Green Belt Loss in question can be attributed to minor alterations to the Green Belt boundary in order to remove irregularities and to take account of circumstances on the ground. These include boundaries that currently run through buildings, across gardens or follow weak and illogical boundaries.

No modification required.

Document Section: Policy GB2 Development in the Area Around Todmorden

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan fails to include requirements for the enhancement of the Green Belt.

Council's Response:

1. The Local Plan is considered to be in full conformity with National Policy and legislation.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. This policy should:

- a). Set out what the Council intends to do to fulfil a Green Belt enhancement objective (an enhancement strategy);
- b). Give guidance on how new development should contribute to and enable that enhancement strategy, and should not undermine it.

Council's Response:

1. The Local Plan is considered to be in full conformity with National Policy and legislation.
No modification required.

Document Section: 20.1 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We would firstly refer to the following quotes: - 'Plants and animals become most sensitive to local extinction when their habitat is fragmented and reduced in size. The concept of the Wildlife Corridor is accepted as a realistic approach to nature conservation, in urban as well as rural areas, where it assists the integration of otherwise isolated areas of wildlife interest. The Corridors provide link habitats through which temporarily displaced species can migrate to other, less threatened sites.' AND 'Some Corridors may appear to end in locations which are not shown as important wildlife sites because at this point the Corridor broadens out into the countryside generally, the whole of which is of nature conservation importance.' AND 'Development will not be permitted in a Wildlife Corridor if it would:- i) damage the physical continuity of the Corridor; or ii) impair the functioning of the Corridor by preventing movement of species; or ii) harm the nature conservation value of the Corridor.' The Council will no doubt recognise the source of these quotes as section 11.53 of the RCUDP and in the case of the last quote, Policy NE15 of the RCUDP. Whilst we recognise that the RCUDP is soon to be consigned to the history books and the 'Wildlife Corridor' has been replaced by the 'Wildlife Habitat Network'; the policy and text quoted above is still as relevant today as it was in 2006. The need for housing may have changed but the need to protect our environment and ecology is MORE IMPORTANT now than it ever was. Bearing in mind the quotes above, we cannot imagine a more hypocritical set of policies as those contained in this section of the Local Plan. How can the council propose policies that require the protection, development, enhancement and joining up of Green Infrastructure whilst at the same time proposing to develop huge swathes of Greenbelt, Open Space and Wildlife Habitat in Shelf and Northowram? It beggar's belief, it defies all common sense and logic. Whoever developed such policies alongside the proposals for development should hang their heads in shame.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp539**

Site ref (if applicable): **LP1463**

Person ID: **1129567**

Name: **Mr Sanjit Chaggar**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

There seems to be no concrete plan as to the provision of a safe community, and no involvement of the community already living in Clifton in the decision making process. The community already residing in the area have not been properly informed about this development, or the scale to which it could be. The proposed development does not appear to be an acceptable use of land, why build on greenbelt when there are many other brownfield sites that could be used instead? It is also out of touch with the realities of the politics surrounding air quality, which Calderdale is already one of the worst in England and needs improving considerably, which realistically could take years and years to be brought within legal limits.

Do you consider the plan to be Sound?: **No**

Sound Reason:

There are no solid plans on how to manage the already growing concern regarding air quality. No regard for Ecology, to protect rare species for future generations. No consideration to keep a green infrastructure and natural environment to promote health and well-being for the present and future generations.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

There has been no effort to co-operate with the residents already residing in the area to discuss ideas or concerns surrounding the new development. The plan proposes a major development but with a lack of infrastructure and unplanned or not committed up to date delivery plan.

Suggested Modifications:

Why is greenbelt land being used at all when there are other brownfield sites that could be used? The number of houses being proposed in this plan is unproportionate, and there is a lack of infrastructure to sustain this housing development.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Lack of involvement of the community in decision making process.

Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan

preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

Test of Soundness

Main Issues:

1. Housing allocations on Green Belt, Open Space and Wildlife Habitat in Shelf and Northowram conflict with policies in this section.
2. Lack of plans to manage air quality.
3. Lack of regard paid to protecting ecology.
4. No consideration of green infrastructure and natural environment in promoting health and wellbeing.

Council's Response:

1. The Council considers that the evidence submitted supports and justifies the content of the Local Plan. Environment, social and economic considerations are central themes to the Local Plan. They have therefore had an important influence on the drafting of policies and identification of potential sites. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment.
2. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.
3. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment.
4. Health and wellbeing policies are detailed in Chapter 12: Health and Wellbeing of the Local Plan. A health impact assessment (HIA) helps ensure that health and wellbeing are being properly considered in planning policies and proposals. The policies and proposals of the Local Plan have been subject to HIA through the Sustainability Appraisal that was undertaken prior to its publication. In addition, health and wellbeing in relation to green infrastructure and the natural environment are specifically referred to in paragraphs 20.2 and 20.16 and tables 20.6, 20.7 and 20.9 of the Green Infrastructure and Natural Environment chapter.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy GN1 Securing green infrastructure provision

Representations

Comment ID

Site ref (if applicable):

Person ID: **11803** Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. We are pleased to see the recommended changes to the final bullet point.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183599** Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured

as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp167**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPF)**

Organisation: **Chairperson SNLPF**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Whilst we could support this policy, we find it perverse and hypocritical in its application to various sites in Shelf and Northowram, which we have commented on separately. Greenbelt and Open Spaces (rural and urban) fall into the wider definition of Green Infrastructure. Therefore, any proposed development on those sites would be directly counter to the aims and objectives of this policy and must therefore be refused, begging the question 'Why are they being proposed for removal from the Green Belt and subsequent development? It seems incredibly hypocritical, short sighted and inefficient to require developers to replace Green Infrastructure with something equal to or better than the existing infrastructure that their development has destroyed. This is especially so when local opinion does not

support the development in the first place.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp181**

Site ref (if applicable): **LGS26**

Person ID: **1182325**

Name: **Ms Kirsty Carver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I want to support the allocation of the land Daisy Bank Allotments and the woodland being designated as local greenspace It is one of the remaining green spaces left in an urban built up area. This is much valued by the residents for the following reasons: Historic interest: There is an old path frequently used that has been a right of way for over 100 years. Environmental impact: We have a problem with water on Rothwell Drive. At the moment we have water flooding into our gardens from an old spring. This has got much worse since two new houses have been built at the top of Rothwell Drive. The woodland and trees help us with flooding and problems with water. As the name suggests 'Well Head' etc means we have some very old sites of water etc in this area. Health: It is well documented that we need to preserve trees and woodland near built up areas. If houses are built in this area it will contribute to pollution and further endanger our childrens health. Light and noise pollution. Wildlife: We have so much loved protected species living in this area. We see bats every evening. We have a rare woodpecker, owl and frogs and toads. We also have a black fox. We do not want their habitat destroyed. We collected a petition of over 800 signatures of people who support saving this small area of of trees and green space I the middle of an urban town. On 4-5 occasions we value this land so much we have picked up litter and taken to the tip/ arranged for council to pick it up. The allotments could be turned into a community garden. We could create a path through the woods for the local school children and elderly residents. For the wildlife, environment, health and wellbeing of this community please don't build houses and destroy daisy bank allotments and the woods. We need to protect this green space.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp28**

Site ref (if applicable):

Person ID: **1119998**

Name: **Mr Simon Tucker**

Organisation: **Area Planner Canal & River Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

In relation to Policy GN1, we welcome the approach of securing green infrastructure provision by protecting and enhancing green infrastructure assets through the Development Management System. It is important to recognise that new waterside developments can place extra liabilities and burdens upon the waterway infrastructure, in terms of ongoing management and maintenance "" notably including increased usage of the towpath. We believe that, in order to ensure that the Local Plan is effective, it is vital that contributions can be secured where required to make necessary off-site improvements to ensure that green infrastructure (including the towpath network) is robust enough to accommodate additional usage brought by development.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

n/a

Additional Evidence Link:

Comment ID **Lpp622**

Site ref (if applicable): **LGS26**

Person ID: **1126674**

Name: **Mr Andrew Bateman**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale appear to have ignored National Planning Guidance which states that landowners 'will be consulted at an early stage on any proposals to designate any part of their land as a local Green Space'. Calderdale acknowledge that a decision was taken to carryout the assessment work prior to contacting

landowners and hence the proposed designation of LGS26 as Local Green Space is chiefly based on biased submissions which contain false and misleading statements, anecdotal comments and assumptions. By the time landowners were aware of this land use assessment, it had become a proposal and has, as a consequence, attracted many ill-informed and inaccurate comments. Calderdale's initial site assessment use suggested this should area of land should be for housing development. The designation as a Local Green Space has been arrived at without any relevant factual supporting evidence and if designated as outlined will not have any impact on stated targets of the policy - 'improved health and wellbeing' nor 'improved access to Local Green Space'.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp7**

Site ref (if applicable):

Person ID: **1176547**

Name: **Mr Conrad Thwaites**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

CMBC makes great play of its care of the environment, but in reality does not live up to its rhetoric. For example, the care of roadside verges and other areas of amenity land such as cemeteries. It is now widely accepted that biodiversity is very greatly enhanced by leaving such pieces of land (a lot of land in the case of roadside verges) to go "wild". All manner of ecosystems are encouraged by just leaving land alone. However, CMBC insists on vigorously cutting such spaces, and even cutting back roadside trees which have no safety implications whatsoever, the reasons appear to be merely for tidiness. A policy of managed neglect should be adopted, along with some education of the public as to the benefits of such a practice.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp873**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan should adopt a policy of managed neglect for relevant Green Infrastructure.
2. Land owners have not been properly consulted regarding Local Green Space designation.
3. Loss of Green Infrastructure through site allocations for development is in direct contrast to the aims of Policy GN1.

Council's Response:

1. The Local Plan does not preclude the use of managed neglect for relevant Green Infrastructure.
2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).
3. Whilst it is acknowledged that there will be some loss in the overall provision of Green Infrastructure

through site allocations for development, the Council has a duty to plan for housing need otherwise its plan will be found unsound. The level of housing need in Calderdale has been derived using the Government's standard housing methodology, and used the most recent datasets published by the Office of National Statistics in 2016.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy GN2 A joined up green infrastructure network

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

YWT welcomes: ' Development will not be permitted in a Wildlife Habitat Network if it would damage the physical continuity of the Network; or impair the functioning of the Network by preventing movement of species; or harm the nature conservation value of the Network .' Seeking to connect biodiversity habitats; Maintaining critical biodiversity assets and providing long term security for these as identified in the Calderdale Biodiversity Action Plan

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached We are pleased to see the inclusion of "'and water corridors' at the end of the first bullet point.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109653>

Comment ID **Lpp1497**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5122736><http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp168**

Site ref (if applicable):

Person ID: **1171108** Name: **Mr Brian Crossley (SNLPF)** Organisation: **Chairperson SNLPF**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Can the council explain how the Local Plan designation of Wildlife Habitat Network (WHN) differs from the Wildlife Corridor designation as used in the RCUDP? Whilst we could support this policy, we find it perverse and hypocritical in its application to various sites in Shelf and Northowram, which we have commented on separately. Development on those sites would be directly counter to the aims and objectives of this policy and must therefore be refused, begging the question 'Why are they being proposed for development?' Joined up green infrastructure is essential if we are to encourage and enhance biodiversity and the movement of wildlife. The Council should therefore explain how proposed sites LP0221, LP1041 and LP1543 in Shelf and Northowram will NOT work directly counter to the aims of this policy. Development of these sites will destroy the last remaining link from ancient woodland and wildlife corridor to the wider greenbelt network beyond.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp205**

Site ref (if applicable):

Person ID: **1114219** Name: **Mr Henryk Peterson** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The notation on the policy map identifying wildlife "zones" is claimed by this policy to be an interpretation of "valued space" mapping "critical biodiversity" areas, seeking to avoid harm to nature conservation. However as shown on the plan it appears arbitrarily drawn over washing buildings & hard development which quite easily could be removed from such a draft designation given such existing forms of development are features that are not of habitat value and their exclusion would not harm the continuity of the designation. The designation it is noted often seeks to align with water courses and woodland but sometimes includes extensive areas of land that adjoin / but then sometimes excludes adjoining land with no logical rationale when such areas are compared/ contrasted on the ground.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Over washing of buildings and hard development such as houses, annexes, hard standings should be removed from the designation, if the function of the designation is not materially impaired as their inclusion serves no purpose. Parity of treatment as regards inclusion of land areas adjoining water courses and woodland in the designation should be seen to be applied when drafting the boundary of such a designation.

Additional Evidence Link:

Comment ID **Lpp636**

Site ref (if applicable):

Person ID: **1183504**

Name: **Ms Penny Eastwood**

Organisation: **Co-ordinator SOURCE Partnership**

Agent ID: **1183503**

Name: **Ms Penny Eastwood**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Add a bullet point:- 'connecting areas of deprivation with areas of jobs growth by green transport corridors' A joined up GI network is to be commended. However, the mapping needs to be displayed in much finer detail if it is to have a meaningful contribution to the planning process. Areas of existing GI should be mapped, and areas identified on plan in some order of priority as to what their desirable habitat should be, in order to contribute most effectively to wildlife corridors, air quality, and sustainable drainage.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add a bullet point:- ' connecting areas of deprivation with areas of jobs growth by green transport corridors' A joined up GI network is to be commended. However, the mapping needs to be displayed in much finer detail if it is to have a meaningful contribution to the planning process. Areas of existing GI should be mapped, and areas identified on plan in some order of priority as to what their desirable habitat should be, in order to contribute most effectively to wildlife corridors, air quality, and sustainable drainage.

Additional Evidence Link:

Comment ID **Lpp874**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Explanation is needed as to how the Wildlife Habitat Network designation differs from the Wildlife

Corridor designation it replaces.

2. Wildlife Habitat Networks appear to be arbitrarily drawn and often do not relate well to features on the ground.

3. Additional bullet point required in Policy GN2.

Council's Response:

1. Wildlife Corridors have been superseded by Wildlife Habitat Networks in the Local Plan. The concept of Wildlife Habitat Networks will be used by the Council in assisting the integration of otherwise isolated areas of wildlife interest. Development will not be permitted in a Wildlife Habitat Network if it would damage the physical continuity of the Network; or impair the functioning of the Network by preventing movement of species; or harm the nature conservation value of the Network.

2. West Yorkshire Ecology Service produced the Wildlife Habitat Network for Calderdale. The process of generating the Wildlife Habitat Network in Calderdale was a Geographical Information System mapping exercise utilising a mixture of habitat and species evidence from the West Yorkshire Ecology Service database, aerial photographs, national habitat inventories and professional understanding and judgement.

3. Policy GN2 seeks to ensure that the Green Infrastructure Network in Calderdale is joined up. The existing bullet points in policy GN2 are considered to largely cover the matters raised in the suggested additional bullet point.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Over washing of buildings and hard development such as houses, annexes, hard standings should be removed from the Wildlife Habitat Network designation.

2. Add a bullet point:- "connecting areas of deprivation with areas of jobs growth by green transport corridors".

Council's Response:

1. West Yorkshire Ecology Service produced the Wildlife Habitat Network for Calderdale. The process of generating the Wildlife Habitat Network in Calderdale was a Geographical Information System mapping exercise utilising a mixture of habitat and species evidence from the West Yorkshire Ecology Service database, aerial photographs, national habitat inventories and professional understanding and judgement. No modification required.

2. Policy GN2 seeks to ensure that the Green Infrastructure Network in Calderdale is joined up. The existing bullet points in policy GN2 are considered to largely cover the matters raised in the suggested additional bullet point.

No modification required.

Document Section: 20.6 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

We welcome the inclusion of statutory designated sites within Paragraph 20.6. However there is no mention of non-statutory nature conservation sites, such as Local Wildlife Sites and Ancient Woodlands. Local Wildlife Sites are a vital part of protecting and enhancing biodiversity nationally. The report by Professor Sir John Lawton "Making Space for Nature" - <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today> and the Natural Environment White Paper <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature> both identify Local Wildlife Sites as a very important stepping stones to allow wildlife to move. In many parts of the UK, they are the principal wildlife resource but their designation is non-statutory and their only protection comes via the planning system. They are not protected by law like SSSIs or National Nature reserves. Whilst SSSIs are a representative sample that meet national criteria, LWSs include all sites that meet local selection criteria. Developments which lead to detrimental impacts on Local Wildlife Sites, are therefore likely to damage the biodiversity value of the Local Wildlife Site and lead to net losses in biodiversity. Ancient woodland is woodland that has existed since 1600AD. Because they have developed over such long timescales, ancient woods have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable. Ancient woodlands are therefore irreplaceable and impossible to recreate through compensation planting schemes. Because of this they have been offered additional protection in Paragraph 118 of the NPPF, which states that: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. We therefore advise that the Local Wildlife Sites and Ancient Woodlands are added to Paragraph 20.6 in order to offer them better protection from development and conform to national policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. No mention of non-statutory nature conservation sites such as Local Wildlife Sites and Ancient Woodlands.

Council's Response:

1. Paragraph 20.6 is intended to exclusively refer to the two European designated wildlife sites in the borough. Paragraph 20.6 forms part of the narrative for Policy GN3 which refers to a number of non-statutory nature conservation sites.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Local Wildlife Sites and Ancient Woodlands be added to paragraph 20.6 in order to offer them better protection from development and conform to national policy.

Council's Response:

1. Paragraph 20.6 is intended to exclusively refer to the two European designated wildlife sites in the borough. Paragraph 20.6 forms part of the narrative for Policy GN3 which refers to a number of non-statutory nature conservation sites.
No modification required.

Document Section: 20.7 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **892727**

Name: **Mr David Hunt**

Organisation: **Conservation Officer -
Yorkshire R S P B**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The RSPB currently objects to the Calderdale Council Local Plan Publication Draft on the grounds that it is unsound and ineffective because of insufficient detail in the Appropriate Assessment (AA) of the Habitats Regulations Assessment (HRA). Our comments are restricted to the HRA (in particular, the AA) of the Plan. Lack of comment on any other aspect of the Plan should not be interpreted as support. Our objection specifically relates to the current lack of evidence on how the impacts of recreational use of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) will be adequately mitigated in the Plan. It is the view of the RSPB that this lack of sufficient evidence on recreational use of the SPA/SAC from within Calderdale at this stage of the Plan process means that, the proposed policy wording in paragraph 10.31 of the HRA (below) is inadequate in demonstrating how this, as mitigation, can, 'detract pressure away from the South Pennine Moors as a result of growth around the district'. Policy wording: 'Allocation and applications will be required to provide natural or public open space on site. The scale and size of the natural or public open space to be provided will be determined by the size of the development. Where it is either not feasible to provide public or natural open space on site a financial contribution will be sought to facilitate the need for natural open space off- site' The AA then concludes in paragraph 11.3 that: 'However it is still uncertain at this stage as to whether some elements of the plan have the potential to result in significant adverse effects to the South Pennine Moors (phase 2) SPA & SAC. This is the result of the impact of air pollution from traffic and recreational impact on the moor.' The RSPB agrees with this paragraph. Calderdale Council cannot currently conclude that the Plan will not lead to adverse effects on the South Pennine Moors SPA/SAC. The AA document requires improvement before a conclusion can be reached that the policies concerning recreational use and public open space provision will have no adverse effect on the integrity of the European protected sites. We welcome the acknowledgement in Paragraph 10.34 of the AA that 'at present, adverse effects on the integrity to the South Pennine Moors (phase 2) SPA and SAC as a result of recreation impacts arising from the allocation and policies screened in from the Calderdale Local Plan and in combination with other plans cannot be ruled out at this stage due to the lack of evidence. This will be reviewed in a later version of the Calderdale Council HRA.' For the RSPB to withdraw its current objection, a revised HRA and AA, taking into account the evidence of recreational impact on the SPA/SAC and an appropriate mitigation strategy across Calderdale will be required.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Section 5.4 of the Calderdale HRA documents evidence of the potential negative impacts from recreational use on the South Pennine Moors SPA/SAC, from previous surveys. The RSPB welcomes the statement in Paragraph 10.29 that Calderdale Council have themselves carried out visitor surveys to inform the mitigation required. The RSPB, as outlined in the section above, does not agree though with the proposed policy wording in Paragraph 10.31. We do not feel that this wording can sufficiently act as mitigation, when it is acknowledged that adverse impacts on the SPA/SAC cannot currently be ruled out. The modification required that the RSPB considers necessary to ensure the soundness of the Plan is an updated and revised HRA/AA. This should include: The results from the Calderdale visitor surveys and any other evidence obtained; Analyses of the evidence, including any potential in-combination effects from neighbouring local authority Plans (e.g. Bradford and Kirklees); and A revision of the proposed policy wording to inform the mitigation - to include detail on the provision of suitably accessible public open space and the funding of this. As part of the City of Bradford Core Strategy HRA (adopted July 2017), visitor surveys were conducted to assess the potential impacts of recreational use on the South Pennine Moors SPA/SAC. It was established that 75% of all visitors to the South Pennine Moors SPA/SAC came from within 10.5 kilometres of the site boundaries. Additionally, 75% of Bradford residents travelled from within 5 kilometres to reach the SPA/SAC. The RSPB welcomes the statement made in Paragraph 5.4.8 that ' The research undertaken for the HRA of the Bradford Core Strategy is being drawn upon as appropriate to inform the HRA of the Calderdale Local Plan, following its same use in the Kirklees Draft Local Plan HRA report'. 'As a large proportion of Calderdale lies within 10.5 kilometres of the SPA/SAC boundary, including the urban settlements of Halifax, Hebden Bridge and Todmorden, we believe that adopting the same 'Zone of influence' model as used by Bradford Council would be appropriate.' The Bradford Core Strategy has adopted a specific policy, SC8 "" Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence . Within this Policy, three Zones (A-C) were established in order to effectively mitigate impacts on the SPA/SAC. Zone C is the most pertinent to the issue of recreational use, as this takes in land up to 7 kilometres from the SPA/SAC boundary. As part of the detail of Zone C, Bradford Council have specified that mitigation may be either that ' the developer elects to offer, either on-site and/or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace ' or ' in the form of a financial contribution from the developer ' with specific information on how any contributions would be used. The precise detail on the financial contributions and the level of predicted recreational impact on the SPA/SAC is to be detailed in a Supporting Planning Document (SPD). The proposed Bradford Policy SC8 SPD is also to include detail on the 'improvement of existing natural greenspaces, provision of alternative new greenspaces, arrangement for future maintenance in perpetuity, provision of dog-walking areas, access and visitor management projects, and monitoring .' It will be important for a similar level of detail to be considered by Calderdale Council as robust mitigation is required. There is currently not sufficient detail regarding the provision of adequate greenspace in the proposed Policy wording. The RSPB was involved in this consultation and is supportive of Policy SC8's Zone C and the approach taken by Bradford Council. The RSPB welcomes the acknowledgement in paragraph 10.33 of the Calderdale HRA that, ' The mitigation may need to be stringent such as the policy wording used by Bradford Council in their Core Strategy.' Given that 75% of all visitors to the SPA/SAC were found to originate from within 10.5 kilometres of the site boundary in the Bradford HRA visitor surveys, and with Calderdale being the neighbouring authority to the south, the RSPB would recommend that the mitigation does need to be as stringent as that used by Bradford Council. A detailed mitigation strategy to replace the current policy wording in Paragraph 10.31 should be in the AA in the revised HRA to inform the Local Plan as soon as possible. Without this, it will still not be possible for Calderdale Council to ascertain that there will not be significantly adverse effects upon the South Pennine Moors SPA/SAC. The RSPB is keen to work constructively with Calderdale Council on the development of the Plan.

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan is unsound and ineffective because of insufficient detail in the Appropriate Assessment (AA) of the Habitats Regulations Assessment (HRA).

Council's Response:

1. The HRA is being examined by the Council in order to determine whether there are any sites where Appropriate Assessment is required following the recent European Judgement, particularly where sites may have been screened out as mitigation measures were relied on to address any impacts at the planning application stage. See Submission Documents SD 12.4 Habitat Regulations Assessment Report Update (2019), SD 12.5 HRA Appendices 1-4 Update (2019) and SD 12.6 HRA Appendix 5 Update (2019). A meeting with Natural England is to be convened in order to discuss the findings. Should Appropriate Assessment be required this will be undertaken.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Updated HRA providing sufficient detail in the Appropriate Assessment (AA) of the Habitats Regulations Assessment (HRA).

Council's Response:

1. The HRA is being examined by the Council in order to determine whether there are any sites where Appropriate Assessment is required following the recent European Judgement, particularly where sites may have been screened out as mitigation measures were relied on to address any impacts at the planning application stage. See Submission Documents SD 12.4 Habitat Regulations Assessment Report Update (2019), SD 12.5 HRA Appendices 1-4 Update (2019) and SD 12.6 HRA Appendix 5 Update (2019). A meeting with Natural England is to be convened in order to discuss the findings. Should Appropriate Assessment be required this will be undertaken.

No modification required at this stage.

Document Section: Policy GN3 Natural Environment

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336** Name: **Yorkshire Wildlife Trust** Organisation: **Yorkshire Wildlife Trust**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

The use of the word 'expected' YWT notes the wording of the first paragraph of GN3 states that: ' The Council will seek to achieve better management of Calderdale's natural environment by expecting developments to: ' YWT does not think that simply 'expecting' developments to adhere to the proceeding points of this section of the Policy is adequate to ensure that they do so. The definition of expect is to regard as something as likely to happen or someone is likely to do something, rather than require someone to do something, or that an action is compulsory. The use of the word 'expecting' in this policy does not therefore provide certainty that developments will be conducted in accordance with the wording of Policy GN3, as it is not compulsory for them to do so. A stronger wording of GN3 is therefore need to ensure that developments are conducted in accordance with GN3. The word 'required' instead would give more certainty, as the definition of required is ' the need for a particular purpose, to make necessary, or to specify as compulsory' . We therefore advise that 'expecting' is changed to 'require' in order to ensure that developments are conducted in accordance with points i to xi of the first part of Policy GN3.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **228336** Name: **Yorkshire Wildlife Trust** Organisation: **Yorkshire Wildlife Trust**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Point iv) We note that point iv) of GN3 states that: ' Take appropriate steps to maintain or enhance the favourable conservation status of populations of protected species '. Whilst we support the wording to maintain and enhance populations of protected species, there are many other species which have been highlighted by national policy to be of conservation concern, which are not designated as protected species. Such species include those listed in the UK Biodiversity Action Plan. We therefore advise that the wording for Point iv) is amended to reflect this. Such could include: ' Take appropriate steps to maintain or enhance the favourable conservation status of populations of protected species and species of conservation concern'.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5078786>

Comment ID **Lpp1016**

Site ref (if applicable):

Person ID: **1121682**

Name: **Ms Carol Cosens**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

There is no explanation from Calderdale Council's planning as to why you have reduced and removed so much of our wildlife corridor.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1184**

Site ref (if applicable):

Person ID: **1069334** Name: **Ms Megan Pashley** Organisation: **Gladman Developments Ltd**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy GN3 sets out the Council's proposed approach to achieving better management of Calderdale's natural environment . Paragraph 113 of the previous Framework refers to the need for criteria based policies in relation to proposals affecting protected wildlife or geodiversity sites or landscape areas, and that protection should be commensurate with their status and gives appropriate weight to their importance and contributions to wider networks. Gladman are pleased to note that the policy aligns with the Framework given that the policy makes a distinction and recognises that there are two separate balancing exercises which need to be undertaken for national and local designated sites and their settings.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1486**

Site ref (if applicable):

Person ID: **11803** Name: **Mr Abdul Gaffar**
Environment Agency Organisation: **Environment Agency**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Thank you for adding "'water quality' to bullet point ii and adding the additional bullet point xii, which we recommended in our previous response.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109653>

Comment ID **Lpp1498**

Site ref (if applicable):

Person ID: **1183599** Name: **Mr Andrew Wood** Organisation: **Consultant Planner CPRE**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp1509**

Site ref (if applicable):

Person ID: **897896**

Name: **Mr Merlin Ash**

Organisation: **Natural England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached Policy GN3 Natural Environment Natural England notes and welcomes the inclusion of wording suggested in paragraph 10.21 of the Habitats Regulations Assessment regarding functionally connected land and non-physical disturbance in policy GN3. We also welcome the inclusion of requirements relating to this issue in the supporting information for relevant allocations.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5109658>

Comment ID **Lpp169**

Site ref (if applicable):

Person ID: **1171108**

Name: **Mr Brian Crossley (SNLPP)**

Organisation: **Chairperson SNLPP**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We disagree with the hierarchy given in sect iii) that gives mitigation as the first step, - 'The adverse impacts of the development must be proportionately addressed in accordance with the hierarchy of: mitigation, compensation and finally offsetting.' There is a move nationally to halt the loss of habitat, species and biodiversity and this policy does not go far enough to follow that move. The national hierarchy specifies avoidance before mitigation and finally compensation. Biodiversity and habitat creation do not happen overnight, it takes many generations to develop and mature. You cannot rip up the landscape and replace it overnight with a few new trees or bat boxes. Whilst we could support this policy, we find it

perverse and hypocritical in its application to various sites in Shelf and Northowram, which we have commented on separately. Development on those sites would be directly counter to the aims and objectives of this policy and must therefore be refused, begging the question 'Why are they being proposed for development?'

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp206**

Site ref (if applicable):

Person ID: **1114219**

Name: **Mr Henryk Peterson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The notation identifying habitat networks appears arbitrarily drawn on the policy map over washing buildings & hard development which quite easily could be removed from such a draft designation given such existing forms of development are features that are not of habitat value and their exclusion would not harm the continuity of the designation. The policy designation protecting wildlife networks often seeks to align with water courses and woodland as shown on the policy map but sometimes includes extensive areas of land that adjoin and then sometimes excludes adjoining land with no logical rationale being seen to be applied when such areas are compared/ contrasted on the ground.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Over washing of buildings and hard development such as houses, annexes, hard standings should be removed from the designation, if the function of the designation is not materially impaired as their inclusion serves no purpose. Parity of treatment as regards inclusion of land areas adjoining water courses and woodland in the designation should be seen to be applied when drafting the boundary of such a designation.

Additional Evidence Link:

Comment ID **Lpp29**

Site ref (if applicable):

Person ID: **1119998**

Name: **Mr Simon Tucker**

Organisation: **Area Planner Canal & River Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

River and canals act as wildlife corridors, and are especially vulnerable to pollution. In relation to the wording of Policy GN3, we welcome the aims in part ii. to seek better management of the habitats, water quality, physical structure and local distinctiveness of the Borough's canal and river corridors, which we believe would make the plan effective in meeting the aims of paragraph 180 of the National Planning Policy Framework.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

n/a

Additional Evidence Link:

Comment ID **Lpp402**

Site ref (if applicable):

Person ID: **1182962**

Name: **Stainland District Parish Council**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy GN3 Wildlife Corridors Stainland & District Parish Council object to the substantial removal of its Wildlife Corridors and absence of new wildlife designation in the area, as well as the failure to mention the reduction within the Local Plan document. The Wildlife Corridor has largely been pushed back from the villages of Stainland and Holywell Green and has been replaced, to a much lesser extent, with the new Wildlife Habitat Network designation. The original Wildlife Corridor is now very fragmented, appearing to cover mainly trees in the area. There is only one Local Wildlife site, which is below the bottom of Stainland Memorial Park. There is currently no public documentation explaining the reason or criteria for the

reduction of the wildlife status. Wildlife still remains in the area. Stainland, Holywell Green and the remainder of the Parish area are within a Site of Special Scientific Interest Impact Risk Zone.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

We are sure the Inspector will be able to decide the best way forward based on the comments.

Additional Evidence Link:

Comment ID **Lpp581**

Site ref (if applicable):

Person ID: **1182866**

Name: **Fieldhouse**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I object to the substantial removal of Wildlife Corridors and the absence of new wildlife designation in the area, and that this removal has not been acknowledged or recorded in the Local Plan document. The Wildlife Corridor has largely been pushed back from the villages of Stainland and Holywell Green and has been replaced, to a much lesser extent, with the new Wildlife Habitat Network designation. The original Wildlife Corridor is now very fragmented, appearing to cover mainly trees in the area. There is only one Local Wildlife site, which is below the bottom of Stainland Memorial Park. There is currently no public documentation explaining the reason or criteria for the reduction of the wildlife status. Wildlife still remains in the area. Stainland, Holywell Green and the remainder of the Parish area are within a Site of Special Scientific Interest Impact Risk Zone.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Green belt land should be protected

Additional Evidence Link:

Comment ID **Lpp750**

Site ref (if applicable):

Person ID: **11797**

Name: **Mr & Mrs Mark & Amanda
Tattersall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We object to the substantial removal of wildlife corridors from the villages of Stainland and Holywell Green. There is currently no public documentation explaining the reason for the reduction of the corridors. The Wildlife Corridor has largely been pushed back from the villages and has been replaced, to a much lesser extent, with the new Wildlife Habitat Network designation. The area's original Wildlife Corridor is now very fragmented, appearing to cover mainly trees and watercourses in the area. There is only one Local Wildlife site, which is below the bottom of Stainland Memorial Park. When viewing the overall new wildlife designations in Calderdale, some Wildlife Habitat Networks are located on roundabouts where there are trees. Wildlife still remains in the area of Stainland and Holywell Green. This includes owls, toads, newts, hedgehogs, herons, frogs, deer, foxes, bats and twite. Without functioning Wildlife Corridors, local species populations can become unviable because of low numbers and there is also a danger of inbreeding, placing further pressure on the species. They aid the joining of the green infrastructure network and help to connect biodiversity habitats and preserve biodiversity and highlight the possible presence of protected species, such as bats. Stainland and Holywell Green are within a Site of Special Scientific Interest Impact Risk Zone.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Retain the wildlife corridors around the villages of Stainland and Holywell Green to continue to support the wildlife in the area. Also identify the net loss of wildlife in Calderdale that will occur due to the new designations.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074036>

Comment ID **Lpp883**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We support this policy but at the moment it does not include an attempt to encompass potentially harmful development activity in the upland or moorland areas, including peat bogs, which could weaken or erode their ability to retain or slow the flow of water down into the valley bottom. Between this policy and CC4 Catchment Management a stronger effort needs to be made to extend the ability of the local plan to shape upland land management, so that it has the necessary powers to prevent harmful activity.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. First sentence of policy should 'require' and not 'expect'.
2. Criterion iv should also refer to species of conservation concern.
3. Local Plan Policy GN3 is not in accordance with national policy and guidance.
4. Wildlife Habitat Networks appear to be arbitrarily drawn and often do not relate well to features on the ground.
5. Replacement of Wildlife Corridors with Wildlife Habitat Networks and a lack of explanatory documentation.
6. Local Plan Policy GN3 does not deal with upland and moorland areas.
7. Additional wording required in Policy GN3 to cover non-protected species.

Council's Response:

1. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to 'requiring'.
2. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to also include 'species of conservation concern'.

3. Local Plan Policy GN3 is considered to be in accordance with national planning policy and guidance.
4. West Yorkshire Ecology Service produced the Wildlife Habitat Network for Calderdale. The process of generating the Wildlife Habitat Network in Calderdale was a Geographical Information System mapping exercise utilising a mixture of habitat and species evidence from the West Yorkshire Ecology Service database, aerial photographs, national habitat inventories and professional understanding and judgement.
5. Wildlife Corridors have been superseded by Wildlife Habitat Networks in the Local Plan. The concept of Wildlife Habitat Networks will be used by the Council in assisting the integration of otherwise isolated areas of wildlife interest. Development will not be permitted in a Wildlife Habitat Network if it would damage the physical continuity of the Network; or impair the functioning of the Network by preventing movement of species; or harm the nature conservation value of the Network.
6. Whilst Local Plan Policy GN3 does not specifically mention upland and moorland areas, the protection afforded to the natural environment by this policy covers the whole of the borough to include upland and moorland areas.
7. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to address this comment.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Replace 'expect' with 'require'.
2. Add 'species of conservation concern' to criterion iv.
3. Over washing of buildings and hard development such as houses, annexes, hard standings should be removed from the Wildlife Habitat Network designation.
4. Retain the wildlife corridors around the villages of Stainland and Holywell Green to continue to support the wildlife in the area. Also identify the net loss of wildlife in Calderdale that will occur due to the new designations.
5. wording for Point iv) is amended to 'Take appropriate steps to maintain or enhance the favourable conservation status of populations of protected species and species of conservation concern'.

Council's Response:

1. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to 'requiring'.
No modification required.
2. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to also include 'species of conservation concern'.

No modification required.

3. West Yorkshire Ecology Service produced the Wildlife Habitat Network for Calderdale. The process of generating the Wildlife Habitat Network in Calderdale was a Geographical Information System mapping exercise utilising a mixture of habitat and species evidence from the West Yorkshire Ecology Service database, aerial photographs, national habitat inventories and professional understanding and judgement. No modification required.

4. Wildlife Corridors have been superseded by Wildlife Habitat Networks in the Local Plan. The concept of Wildlife Habitat Networks will be used by the Council in assisting the integration of otherwise isolated areas of wildlife interest. Development will not be permitted in a Wildlife Habitat Network if it would damage the physical continuity of the Network; or impair the functioning of the Network by preventing movement of species; or harm the nature conservation value of the Network. No modification required.

5. Representation is referring to Local Plan Initial Draft 2017. The wording of this policy changed in the Local Plan Publication version to 'Take appropriate steps to maintain or enhance the favourable conservation status of populations of protected species and species of conservation concern'. No modification required.

Document Section: Table 20.3 Monitoring: Policy GN3 - Natural Environment

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185257**

Name: **Mr John Lever**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

In the last consultation concerns relating to the environment were not addressed. There will be extensive impact on the wildlife in our area, including deer, badger, foxes, bats, newts and a range of wild birdlife including diminishing numbers of garden birds (including greenfinches) and birds of prey. How can the biodiversity of the area be maintained? Will the many natural streams be diverted without affecting the flood plain? What impact will the destruction of hedgerows and trees have on wildlife and the quality of life of the human population?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Local Plan will have a negative impact on the natural environment.

Council's Response:

1. The Council considers that the evidence submitted supports and justifies the content of the Local Plan

Environment, social and economic considerations are central themes to the Local Plan. They have therefore had an important influence on the drafting of policies and identification of potential sites. Policies within the Green Infrastructure and Natural Environment chapter of the Local Plan, specifically Policy GN3, set out a clear and positive strategy to ensure the Council effectively manages its natural environment.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy GN4 Landscape Character

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183171** Name: **Brosters Environmental Ltd** Organisation: **Brosters Environmental Ltd**

Agent ID: **1150535** Name: **Mr Dan Mathewman** Organisation: **Knights Professional Services Ltd**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **957088** Name: **Mrs Thelma Hodgkinson** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

the M62 in that area.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082298>

Comment ID **Lpp1185**

Site ref (if applicable):

Person ID: **1069334** Name: **Ms Megan Pashley** Organisation: **Gladman Developments Ltd**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy GN4 states that new development should be designed in a way that is sensitive to its landscape. The policy further identified seven Special Landscape Areas in the Borough, where development will not be permitted if it is considered that the landscape quality will be affected. Whilst Gladman support the intention to protect Special Landscape Areas, the Local Plan should avoid blanket protection policies such as this, as it may act to unnecessarily stifle sustainable growth opportunities located within the areas. This is at odds with national policy, seeking to boost significantly the supply of housing and applying a presumption in favour of sustainable development. We again refer to Paragraph 113 of the previous Framework and reiterate that it is essential that criteria based policies in relation to landscape should be in line with their relative status. In its current form, Gladman consider that the policy is contrary to the requirements of the Framework.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1499**

Site ref (if applicable):

Person ID: **1183599** Name: **Mr Andrew Wood** Organisation: **Consultant Planner CPRE**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp1503**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy GN4 and Policy Map (Special Landscape Areas) We note the comments of the Shibden Valley Society relating to the boundary of the Shibden Valley SLA. Whilst we have not had an opportunity to study closely all the boundaries of SLAs, their objection highlights two issues that we believe affect the soundness of the policy. Firstly, the presence of harmful developments within a landscape does not necessarily mean that the boundary should be drawn to exclude those harmful elements. The boundary inevitably creates a policy difference, and it is essential to avoid further degradation of an SLA by including the features that degrade it and setting a policy context for their determining their future development and/or restoration. Secondly, it therefore follows that the SLA boundaries should reflect transition points in the underlying landscape (vistas, topography, geology etc) and the features that characterise it. These will be able to continue as defensible boundaries long into the future as specific land-uses come and go. As an example, it is our view that had these two points been embraced by the current Development Plan, then the prominent and damaging existing development at Swalesmoor Farm (site WLP2) would not have been permitted: it lies outside the SLA boundary but has a profound impact upon the SLA.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp376**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Calderdale's landscapes make a huge contribution to the distinctive character of the District and are an important element of the setting and character of its historic settlements. We support this Policy which will help to ensure that development proposals safeguard this key aspect of Calderdale's character.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp403**

Site ref (if applicable):

Person ID: **1182962**

Name: **Stainland District Parish Council**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy GN4 Special Landscape Area Stainland & District Parish Council object to the removal of part of Special Landscape Area 5 at Stainland Moor (near the M62), as the reasons given appear insufficient and also apply within other Special Landscape Areas which are not to be removed. The reasons given are: Proliferation of overhead cables, masts and turbines Poorly maintained stone walls appeared to be crossed by a busy commuter route (Marsden Gate). Wall condition varies throughout the SLA and can vary year on year. The possible busy commuter route is less busy than many in the rest of the SLA that covers Calderdale. The majority of the masts have been there for over 50 years and were there when the SLA was designated. There is a more recent wind turbine. Wind turbines are prolific throughout the SLA in Calderdale. It would be concerning if they became a reason to remove land from the SLA designation, which would undermine its importance.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

We are sure the Inspector will be able to decide the best way forward based on the comments.

Additional Evidence Link:

Comment ID **Lpp469**

Site ref (if applicable):

Person ID: **1182807** Name: **Mrs Jean Redford** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I object to the removal of the Special Landscape Area 5 at Stainland Moor for what I believe are unsound reasons namely a proliferation of overhead cables, masts etc, poorly maintained dry stone walls and the Moor being crossed by a busy commuter route. All over the country there are overhead cables these have been there ever since electricity was brought to the area over 50 years ago, the poorly maintained dry stone walls on the Moor are no different to the rest of dry stone walls in Yorkshire or even England, some are better looked after than others. The busy commuter route - Marsden Gate sees very little traffic unless there is a big problem on the M62 Motorway and then they sometimes divert the traffic off that and Marsden Gate does get used by vehicles coming of the motorway.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp475**

Site ref (if applicable):

Person ID: **1182866** Name: **Fieldhouse** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Policy GN4 Special Landscape Area I object to the removal of part of Special Landscape Area 5 at Stainland Moor (near the M62), as the reasons given appear insufficient and also apply within other Special Landscape Areas which are not to be removed. The reasons given are: i, Proliferation of overhead cables, masts and turbines i, Poorly maintained stone walls i, appeared to be crossed by a busy commuter route (Marsden Gate). Wall condition varies throughout the SLA and can vary year on year. The possible busy commuter route is less busy than many in the rest of the SLA that covers Calderdale. The majority of the masts have been there for over 50 years and were there when the SLA was designated. There is a more recent wind turbine. Wind turbines are prolific throughout the SLA in Calderdale. It would be concerning if

they became a reason to remove land from the SLA designation, which would undermine its importance.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp544**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The existing SLA boundary along Swales Moor Road should be retained (see proposals map) No justification is given for the change from the previous SLA boundary. The draft local plan has incorporated the recommendation from LUC in terms of moving the edge of the landscape character area because of the damage to the landscape arising from the quarries. Swales Moor Road provides a permanent and defensible boundary and the quarries are necessitated by the need for minerals which will be restored to open countryside, with conditions requiring their restoration to the original landform and character. The nature of the Shibden Valley's bare topped landscape makes it the most vulnerable of Calderdale's seven SLA's to inappropriate development to the setting of the SLA. It is to protect this setting that it is important not to roll back the existing SLA boundary

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Amend proposals map boundary to coincide with existing SLA boundary.

Additional Evidence Link:

Comment ID **Lpp727**

Site ref (if applicable):

Person ID: **11797**

Name: **Mr & Mrs Mark & Amanda
Tattersall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

We object to the removal of part of Special Landscape Area 5 at Stainland Moor (near the M62), as the reasons given appear insufficient and also apply within other Special Landscape Areas which are not to be removed. The reasons given are: Proliferation of overhead cables, masts and turbines Poorly maintained stone walls appeared to be crossed by a busy commuter route (Marsden Gate). Wall condition varies throughout the SLA and can vary year on year. The possible busy commuter route is less busy than many in the rest of the SLA that covers Calderdale. The majority of the masts have been there for over 50 years and were there when the SLA was designated. There is a more recent wind turbine. Wind turbines occur elsewhere in SLAs. It would be concerning if they became a reason to remove land from the SLA designation, which would undermine its importance. The Local Plan also proposes this land for potential wind turbines up to 25 metres high. As the land rises to a ridge, turbines here would be highly visible. Many points are made in the The South Pennines Wind Energy Landscape Study which suggest the land location would be a constraint on wind turbines.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

The area of land should be retained in the Special Landscape Area. This will maintain confidence in the Special Landscape Area designation and planning system.

Additional Evidence Link:

Comment ID **Lpp875**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. As worded, the policy is contrary to requirements of NPPF.
2. Changes should be made to Special Landscape Area as follows:
 - i. Changes to the Special Landscape Area boundary along Swales Moor Road should not be made;
 - ii. Part of Special Landscape Area 5 at Stainland Moor should not be removed;
 - iii. The boundary of the SLA should not necessarily be drawn to exclude harmful developments.
 - iv. SLA boundaries should reflect transition points in the underlying landscape and the features that characterise it.
 - v. Policy GN4 washes over the land known as Sharneyford Works, Sharneyford, Todmorden. The policy is a restrictive policy that seeks to control the provision of new structures and requires mitigation and enhancement measures.

Council's Response:

1. Local Plan Policy GN4 is considered to be in accordance with national planning policy and guidance.
2. The Special Landscape Area as shown on the policy map was drafted using evidence from the Calderdale Borough Landscape Character Assessment and Review of Special Landscape Area Designation study, 2016 (EV10). The Council therefore considers that the evidence submitted supports and justifies the content of the Local Plan.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend proposals map boundary to coincide with existing SLA boundary. Sharneyford Works should no longer be washed over by SLA6 of policy GN4 on the proposals map.

Council's Response:

1. The Special Landscape Area as shown on the policy map was drafted using evidence from the Calderdale

Borough Landscape Character Assessment and Review of Special Landscape Area Designation study, 2016 (EV10). The Council therefore considers that the evidence submitted supports and justifies the content of the Local Plan.

No modification required.

Document Section: 20.15 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183504**

Name: **Ms Penny Eastwood**

Organisation: **Co-ordinator SOURCE
Partnership**

Agent ID: **1183503**

Name: **Ms Penny Eastwood**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Comments:- in order to ensure that such works are actively encouraged in appropriate locations, are most effective, and have minimal adverse impacts on biodiversity, we advocate the production of a 'woodland creation map' identifying the best places for tree planting. This would integrate existing 'woodlands for water' and 'working with Natural processes' mapping with detailed West Yorkshire Ecology data, and would also take into account areas which were once wooded, and areas of unstable land. The council's draft woodland strategy should be released, and should be referenced in the Local Plan.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Comments:- in order to ensure that such works are actively encouraged in appropriate locations, are most effective, and have minimal adverse impacts on biodiversity, we advocate the production of a 'woodland creation map' identifying the best places for tree planting. This would integrate existing 'woodlands for water' and 'working with Natural processes' mapping with detailed West Yorkshire Ecology data, and would also take into account areas which were once wooded, and areas of unstable land. The council's draft woodland strategy should be released, and should be referenced in the Local Plan.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. A Woodland Creation Map should be produced identifying the best places for tree planting.

Council's Response:

1. The Council is currently producing an updated woodland strategy which will help guide tree management in the borough. The strategy will be used to guide the development of opportunities for tree and woodland protection and also to increase biodiversity across the borough. A woodland creation map could form part of this updated strategy.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. A Woodland Creation Map should be produced identifying the best places for tree planting.

Council's Response:

1. The Council is currently producing an updated woodland strategy which will help guide tree management in the borough. The strategy will be used to guide the development of opportunities for tree and woodland protection and also to increase biodiversity across the borough. A woodland creation map could form part of this updated strategy.

No modification required.

Document Section: Policy GN5 Trees

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

YWT welcomes point iii of GN3, which states that: ' iii. Development proposals which will result in the loss of or damage to Ancient Woodland sites and their associated flora and fauna will not be permitted '. Such is in accordance with Paragraph 118 of the NPPF. We note that no reference has been made to the British Standard for Trees (BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations), which are the best-practice guidelines for planning and practical management work in relation to trees. We therefore advise that all developments are conducted in accordance with the British Standard for Trees, and that this is secured within the Policy Wording within GN5.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please

note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5122736><http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp266**

Site ref (if applicable):

Person ID: **902038**

Name: **Mr Richard Ramsden**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I believe that in areas of proposed development greater regard should be taken of existing trees even if in only moderate condition in order to boost the percentage of tree cover to European standards.

Additional Evidence Link:

Comment ID **Lpp630**

Site ref (if applicable):

Person ID: **1183496**

Name: **Mr John Marshall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Under Table 20.5: Policy GN5-Trees, the 'TARGETS' say "Increase the Borough's woodland cover each year to 2031 in line with the Tree and Woodland Strategy for Calderdale 2017-2027". The Draft Strategy drawn up by a Council Officer, following an initial meeting with stakeholders on February 1st 2017, should have gone to Cabinet for their approval. This has not happened despite frequent dates given, all of which have been postponed. The most recent date for the Strategy to come before the Council's Cabinet is October 2018 but this has now been postponed, yet again, until January 2019. This does not help foster confidence in the Council's commitment. The absence of an approved Tree Strategy is not stated in the appropriate sections of the Local Plan. The Council's website only has on view a Draft Strategy, which by inference could yet be modified. Because of the delay, maybe its target dates should reflect circumstances and be altered to 2019-2029.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp639**

Site ref (if applicable):

Person ID: **1183504**

Name: **Ms Penny Eastwood**

Organisation: **Co-ordinator SOURCE Partnership**

Agent ID: **1183503**

Name: **Ms Penny Eastwood**

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Needs to be more proactive on expanding tree cover:- Add 5. Development proposals that seek to facilitate an increase in overall tree cover in order to contribute to biodiversity , recreation and natural flood management aims will be encouraged.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add 5. Development proposals that seek to facilitate an increase in overall tree cover in order to contribute to biodiversity , recreation and natural flood management aims will be encouraged.

Additional Evidence Link:

Comment ID **Lpp877**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. No reference to the British Standard for trees (BS 5837: 2012) which are the best practice guidelines for planning and practical management work in relation to trees.
2. The Council does not have an adopted Woodland Strategy which has implications for achieving targets in Table 20.5 and Policy GN5 in general.
3. Policy not proactive in terms of increasing overall tree cover.

Council's Response:

1. British Standard BS5837 trees is referred to in paragraph 20.14 and along with paragraphs 20.12, 20.13 and 20.15 provides the narrative for policy GN5. Further, Annex 3 Trees on or adjacent to development provides further detailed technical information to assist implementation of Policy GN5.
2. The Council is currently producing an updated woodland strategy which will help guide tree management in the borough. The strategy will be used to guide the development of opportunities for tree and woodland protection and also to increase biodiversity across the borough. Once adopted, this will help achieve the targets in Table 20.5.
3. The Council considers the policies contained within the Green Infrastructure and Natural Environment section to be sufficiently proactive in terms of increasing green infrastructure and overall tree cover.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Include reference in the policy wording to the British Standard for trees (BS 5837: 2012) which are the best practice guidelines for planning and practical management work in relation to trees.
2. Add point v: Development proposals that seek to facilitate an increase in overall tree cover in order to contribute to biodiversity, recreation and natural flood management aims will be encouraged.

Council's Response:

1. British Standard BS5837 trees is referred to in paragraph 20.14 and along with paragraphs 20.12, 20.13 and 20.15 provides the narrative for policy GN5. Further, Annex 3 Trees on or adjacent to development provides further detailed technical information to assist implementation of Policy GN5.
No modification required.
2. The Council considers the policies contained within the Green Infrastructure and Natural Environment section to be sufficiently proactive in terms of increasing green infrastructure and overall tree cover.
No modification required.

Document Section: Table 20.5 Monitoring: Policy GN5 - Trees

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183496**

Name: **Mr John Marshall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Table 20.5: Policy GN5-Trees 'TARGETS' state, "Increase the Borough's woodland cover each year to 2031 in line with the Tree and Woodland Strategy for Calderdale 2017-2027". The Draft Tree and Woodland Strategy drawn up by Council Officer, following an initial meeting with stakeholders on February 1st 2017, should have already gone to Cabinet for their agreement. This has not happened and all provisional dates for its adoption have been postponed. The most recent date for the Strategy to come before the Council's Cabinet is October 2018 but this also has now been postponed until January 2019. The Council's commitment to trees and woodlands is not fostered by its reluctance to discuss the subject. The absence of an approved Tree Strategy is not mentioned in the appropriate sections of the Local Plan. The Council website has only a view of the Draft, which by implication could yet be modified. The delayed approval should be acknowledged and the dates on the Strategy be altered to 2019-2029.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Council does not have an adopted Woodland Strategy which has implications for achieving targets in Table 20.5.

Council's Response:

1. The Council is currently producing an updated woodland strategy which will help guide tree management in the borough. The strategy will be used to guide the development of opportunities for tree and woodland protection and also to increase biodiversity across the borough. Once adopted, this will help achieve the targets in Table 20.5.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy GN6 Protection and Provision of Open Space, Sport and Re

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185314**

Name: **Mr Dave McGuire**

Organisation: **Sport England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Sport England welcomes the following provision within Policy GN6 'Development proposals for new or replacement schools or other education facilities, extensions to existing education establishments and changes of use for school or other educational and training purposes that include sports and recreation facilities, will only be permitted where recreational facilities are provided to the wider community outside of school hours'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given

that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See soundness comments

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830><http://calderdale-consult.objective.co.uk/file/5122736>

Comment ID **Lpp377**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support this Policy. Many of the areas identified under the provisions of Policy GN6 are heritage assets, lie within Conservation Areas, or contribute to the setting of other heritage assets. Therefore, this Policy will also help to conserve key elements which contribute to the significance of Calderdale's heritage assets

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp94**

Site ref (if applicable):

Person ID: **1182123**

Name: **Mr James Wood**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

In 2010, Calderdale council sold the Cemetery Lodge, 132 Lightcliffe road and the land to the rear. It was sold and comments in local press from council staff that the land was surplus to requirements. The land was used by the council for council purposes and not for public use. The building at the rear was staff mess and not for public access or use. This land was defined to have no interest and is waste land. Whilst it's fully appreciated the main cemetery should be open space, the plan needs to be updated to reflect the sale of the land portion of 132 lightcliffe road and removed from open space allocation as it is no longer part of the council cemetery. See below link to council minutes confirming the land is surplus to requirement. Keeping this plot lumped together with the council cemetery is not sound or legal http://www.calderdale.gov.uk/nweb/COUNCIL.minutes_pkg.view_doc?p_Type=AR&p_ID=641

Do you consider the plan to be Sound?: **No**

Sound Reason:

No, as above, the plan does not reflect the sale of land at 132 lightcliffe road and reflect the land serves no council or public purpose and was surplus to requirements.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Land at rear of 132 lightcliffe road be shown to be private land and full consideration given to it's clasification on a stand alone basis and taking into account it was for private council use and surplus to requirements

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Property and land that is surplus to requirements should not be included in the Open Space designation.

Council's Response:

1. The representation makes reference to land at rear of 132 Lightcliffe Road that is surplus to requirements in terms of open space. The land and buildings in question have been sold by the Council and are used as a private dwelling and associated garden. An ammendment is recommended to delete this property and land from Open Space designation. Modification required.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Land at rear of 132 Lightcliffe Road should be removed from the Open Space designation.

Council's Response:

1. Ammendment recommended to delete this property and land from Open Space designation. Modification required.

Document Section: Policy GN7 Allotments

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 19.3, Policies GB1 and GB2: Green Belt; and GN1 to GN7 We support policies GB1 and GB2 as far as they go, but there is a missing link. The requirements for local authorities to enhance their Green Belt, quoted in para 19.3 (NPPF2012 para 81, NPPF2018 paras 141 and 142), are not reflected in GB1 or GB2. As a result, the Plan will not be effective in implementing this crucial, enhancement role of Green Belt as set out in national policy. In our view an additional policy is required to deal with this. The additional policy should: "Ç Set out what the Council intends to do to fulfil this enhancement objective in the Green Belt (an enhancement strategy); "Ç Give guidance on how new developments should contribute to and enable that enhancement strategy, and should not undermine it. Clearly some of this meshes with the Green Infrastructure policies GN1 to GN7, in the sense that those policies encapsulate many of the enhancement activities that we would wish to see implemented. What is missing is a basis for harnessing the Green Belt as a land resource for the implementation of the GI policies.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp620**

Site ref (if applicable):

Person ID: **952213**

Name: **Mr & Mrs Daniel &
Amanda McDermott
(MRICS & CMLI)**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Allotments at proposed housing site LP0397 have been allowed to fall into disrepair, and should be reinstated. There is an unmet demand for allotments within reasonable walking distance.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Allotments at proposed housing site LP0397 have been allowed to fall into disrepair, and should be reinstated. There is an unmet demand for allotments within reasonable walking distance. Suggested modification: allocate site LP0397 as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town). This will increase the recreational amenity of the space and value to the local community.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 20.24 Paragraph

Representations

Comment ID

Site ref (if applicable): **LGS26**

Person ID: **1068242**

Name: **Mr John Needham**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This endurance question was assessed by Calderdale and the answer given for LGS26 in the Evidence Base (Local Green Space 2017) is as follows :- 'The private ownership of the site and the absence of any Public Rights of Way could cast some doubt on the future use of parts of the site. However, given the site's Open Space designation and the presence of a large number of protected trees, the site should endure beyond the plan period if designated as Local Green Space.' This does not make any sense. It contains misleading information and is irrelevant in answering the question. The WHOLE site is privately-owned and has an absence of public rights-of-way (not just 'parts of the site'). The Evidence Base refers to 'the site's Open Space designation' without any reference to the fact that under the current RUDC at least half of the site is designated 'Primary Housing Area', and even the part of the site that is currently designated as 'Open Space' was, until December 2016, proposed for housing development in the initial Local Plan Proposed Sites. The main reason given by Calderdale Council for the proposed designation as LGS is the site's 'important visual amenity'. As the only public view of the site is from the Cat Steps footpath, it would be logical to ask the question 'will the view from the Cat Steps endure as an important visual amenity?' The land owner could erect a simple hedge, similar to neighbouring properties (or a fence as was the situation many years ago when the site was fenced off as a smallholding). Such a hedge would probably enhance the appeal of the Cat Steps and make it look much tidier. It would discourage trespassers and fly-tippers. Most importantly, it would screen the land from the Cat Steps and Conservation Area. The whole of site LGS26 would be hidden from the public view, just like other properties on the Cat Steps and Clover Hill Walk. This would further disprove the claim that site LGS26 provides an 'important visual amenity'. The answer to the endurance question should surely be NO, the proposal is NOT capable of enduring beyond the end of the plan period. Additional Evidence: 1. Photo of Cat Steps 2. Photo of Cat Steps with impression of a hedge 3. UDP plan of the site

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Council should not designate LGS26 as Local Green Space as the findings of the assessment are contested.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. LGS26 should not be designated as Local Green Space.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable

of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

No modification required.

Document Section: 20.26 Paragraph

Representations

Comment ID

Site ref (if applicable): **LGS26**

Person ID: **1183446** Name: **Mr Graham Holdsworth** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The NPPF states that the LGS designation should only be used 'where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife'. The Site Assessment carried out by Calderdale asked the question 'Can the site be shown to be demonstrably special to a local community?' Regarding beauty, their simple answer was 'The site is visually attractive and contributes positively to the local landscape, character and the setting of the settlement and provides part of the historic setting for the adjacent conservation Area.' Regarding Historic Significance, Calderdale concludes 'The site provides part of the historic setting for the adjacent conservation Area.' Regarding the Richness of wildlife, (which Calderdale Council gives as one of the two reasons for the proposed LGS designation) they respond with the underwhelming statement 'The site contains a number of protected trees'. No further evidence is provided, yet Calderdale have stressed that the Local Plan must be based on robust evidence. The LGS26 proposal is flawed. A more thorough assessment would demonstrate that there is nothing about the site that could qualify as being 'special'. The site has no particular beauty. It is untidy scrubland, the growth on which has occurred since the site was formerly used as hen pens, a paddock for ponies and dog breeding. No evidence is provided to illustrate beauty and certainly not special beauty. The site has no historic significance. Again no evidence has been provided by Calderdale. Claims that the site has a 'richness of wildlife' are a great exaggeration of the facts and have no foundation. Even the protected trees on the site have no great merit. An independent Arboricultural Safety Survey carried out in December 2012 on the area adjacent to the Cat Steps did not give the trees a glowing report. Most are well past their sell-by-date. At least one tree will need to be taken down at some time, due to its damage to the wall by the Cat Steps. Since the trees were protected in 1987, two of these trees rotted and have fallen down and 2 trees were taken down (with permission) due to danger to an adjacent property. Even the Council's tree officer (K. Grady) has stated that he may agree to the removal of the protected trees, subject to landscaping. All the protected trees are all on the perimeter of the site.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp613**

Site ref (if applicable): **LGS26**

Person ID: **1068242**

Name: **Mr John Needham**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

LGS26 is, indeed, reasonably close to the community BUT there is no way that it can be said to 'serve' the community. The site is private, with no public access and at least 80% of the site cannot even be seen by the public. Most of the site is remote and isolated. It provides no benefit to the Clover Hill community. After assessing the site Calderdale Council concluded that LGS26 has a 'Special Role' because of its Beauty, Historic Importance, and Richness of Wildlife. When The Evidence Base (Local Green Space Report 2017) is consulted for the evidence to support these claims we find that the sum total of evidence provided are the following three statements:- ' The site is visually attractive and contributes positively to the local landscape, character and the setting of the settlement.' ' The site provides part of the historic setting for the adjacent conservation Area' ' The site contains a number of protected trees ' Where is the evidence? Where has it been demonstrated that the site is special to the local community? Whilst it is a fact that a very small part of the site LGS26 is adjacent to a boundary of the Conservation Area, this is surely not enough evidence to come to the conclusion that even a part of the site is sufficiently 'special', - and certainly not the whole site Calderdale Council has failed to provide the required robust and convincing evidence. It has failed to appreciate the high bar of evidence required by the NPPF. The site has no special beauty - e ven when judged from the privacy of the interior of the site. It is not pristine natural land. Evidence of former activities can be clearly seen. The area is strewn with stone, brick foundations, remains of brick buildings are still evident and the undergrowth conceals concrete foundations. The northern boundary is littered by fly-tipping of old sinks, paving stones etc. There are no distant views of the site. The whole of site LGS26 is private, without public rights of way or access. Consequently it is only fair to judge the site's contribution to the attractiveness and setting when viewed from the limited public vantage points. There is only one small public view of the site, and that is from the Cat Steps footpath. What sets this solitary view apart is not its visual attractiveness but the fact that there is an open view into the site. Most private land along Clover Hill Walk, including the Cat Steps cannot be seen into because of walls, hedging or fencing. If the owner were to erect a simple hedge or fence, similar to neighbouring properties, then this would hide any perceived beauty, probably add to the attractiveness of the Cat Steps "" and possibly discourage trespassers and the continual dumping of garden waste onto the land. It would screen the land from the Conservation Area. The site has been fenced before, when the site was used as a smallholding. The site has no special historic significance. There are no historic buildings, ruins, ancient trees or hedgerows on the site. No historic events have taken place on the site. As regards a richness of wildlife , Calderdale Council rates this so highly that it gives this as one of the two reasons for proposing the site for LGS designation - 't he site also has wildlife and biodiversity value that is worthy of Local Green Space designation'? And yet there isn't a shred of independent evidence provided by Calderdale to support this. It is not designat ed as a Site of Scientific Interest. No formal long-term studies of wildlife have been carried out to prove that there is anything special about the site. Calderdale Council has chosen to believe

exaggerated, fabricated and unsubstantiated claims that the site is teeming with rare species of wildlife. Surely they should at least have sought independent evidence before coming to their conclusion. The truth is that there is nothing particularly special about the site. Claims that foxes and bats can be observed in the wider area may be true, but there is no independent evidence to link them to site LGS26. There is nothing on the site that cannot be found in any domestic garden. It is a fact that there are some protected trees along the perimeter of the site but, except for these protected trees, there are no mature trees on the site "only trees that have self-seeded, mostly sycamore, that have grown over the last 30 years. Additional Evidence: 1. Cat Steps with impression of a hedge 2. Plan of TPOs on site LGS26 3. Photo of brick foundations example

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072390>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Council should not designate LGS26 as Local Green Space due to the lack of evidence supporting this designation and inaccurate assessment.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space

should be consistent with those for Green Belts.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. LGS26 should not be designated as Local Green Space.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

No modification required.

Document Section: Policy GN8 Protection of Local Green Spaces

Representations

Comment ID **Lpp1186**

Site ref (if applicable):

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Policy GN8 seeks to designate 3 parcels of land as Local Green Space. Gladman are encouraged that the criteria for designating a Local Green Spaces generally accord with the guidance set out at Paragraph 76 and Paragraph 77 of the previous Framework. Gladman remind the Council that the previous Framework makes clear at Paragraph 76 that designation of land as LGS should be consistent with the local planning of sustainable development for the area. Paragraph 76 states that: 'Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.' Further guidance is provided at previous Paragraph 77 which sets out three tests that must be met for the designation of Local Green Spaces. Paragraph 77 states that: 'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used: - Where the green space is in reasonably close proximity to the community it serves; - Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreation value (including as a playing field), tranquillity or richness of its wildlife; and - Where the green area concerned is local in character and is not an extensive tract of land.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5089285>

Comment ID **Lpp1293**

Site ref (if applicable):

Person ID: **1185068** Name: **Mr Phillip Buckley** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

1) They said land should be re-designated as allotment gardens. If replaced will increase significantly recreational and value to local community. Would also add further to more diverse species increasing more wild life. 2) Has a ecological appraisal of site been completed. May be morally un trust to destroy habitat for future generations and wild life alike.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1294**

Site ref (if applicable):

Person ID: **1131713** Name: **Ms Elaine Wiggins** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

1) The local green space in "demonstrably special" to both local and wider community hence the number of positive responses to the local plan. 2) Any tree present will have 'visual amenity' to humans, and more for the wild life which use the area. 3) The allotments may not have been used as such for some while but has any thought been put towards offering plots to other local residents or even people who are waiting lists for other local allotments? 4) Mention has been made of a tree next to the 'cat steps' and damage to a wall close by - this has been refuted by the local council as all was actually required was a little house boundary. Something which is lacking overall in the area. 5) Mention of an inspectors report (for an area of land west of LP1493) from 20 years ago should bear little weight now. Rules and regulations can change a

lot in that period of time. Certainly the area as a "wildlife highway" has more wildlife value than 'domestic gardens' for example you would not expect to keep with badgers or foxes in a domestic garden. 6) The site is not 'remote and isolated' a look on, for example 'Google maps' shows its worth to the local ecosystem just in the number of trees and their canopy they provide to the corridor.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1301**

Site ref (if applicable):

Person ID: **1139622**

Name: **Ms Susan Townend**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1303**

Site ref (if applicable):

Person ID: **1183474**

Name: **mr praveen betha**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

It is a really good step to declare the Daisy Bank Woods as local green space as this protects the natural habitat of a lot of protected species. This would also mean the local environment is protected. The local residents would benefit from this decision and this would show that the council is determined to protect this green space and stopping it from becoming a concrete jungle.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp1517**

Site ref (if applicable):

Person ID: **1186346**

Name: **Mr Stuart Naylor**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Less of this Local Green Space would adversely affect the privacy and general nature of the houses in Rothwell Drive.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Table 20.8 Proposed Local Green Space

Representations

Comment ID **Lpp1519**

Site ref (if applicable):

Person ID: **1186346**

Name: **Mr Stuart Naylor**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Less of this Local Green Space would adversely affect the privacy and general nature of the houses in Rothwell Drive.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp221**

Site ref (if applicable): **LGS26**

Person ID: **1182481**

Name: **Mrs Nicola Brennan**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I propose that we turn Daisy Bank Allotments (Wooded Area) Clover Hill into a Local green space for the following reasons: Wildlife: We have seen a rare black fox. We have bats in the woodland. We have a woodpecker. We have toads and frogs. We want to preserve this wildlife in the centre of Halifax. Flooding: We have an ongoing problem with water flooding into our garden. We think this is from an old stream running down Rothwell Drive. Currently the trees are helping alleviate this problem by absorbing some of the water. We need to preserve the woodland for this very important issue. Building on the

wooded area and removing this green space (trees) will make matters worse. The children in this area benefit from a green space in which they can play and observe the wildlife. Its good for their health.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp237**

Site ref (if applicable): **LGS26**

Person ID: **1182538**

Name: **MRS MARY GREENWAY**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I want to designate this area as a green space for the following reasons: The woodland supports local wildlife eg foxes bats owls woodpeckers etc. The trees help with our continues problems with drainage and water in this particular area. There is a tree preservation order already in place for certain areas in the woodland. This is a densely populated area in the centre of Halifax and its important to retain this as a green space. We have problems in this area with water, springs and drains. We need to keep the green space and the trees that help is manage this widespread problem. If we lose the green space the quality of the air will be greatly reduced. Currently the green space and trees are valued by the residents as a place of calm and its a peaceful area which is why we all chose to live here. Visitors frequently comment that the area feels like we live in the countryside rather than a town centre (less than one mile away).

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp426**

Site ref (if applicable): **LGS26**

Person ID: **960014**

Name: **Mr S Wiggins**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

A) The trees add to the attractiveness of the walkway known as the 'Cat Steps' B) The area provides a touch of the country and the wild in the centre of town. C) It includes protected trees. D) The local community group have organised clean-ups and has expressed an interest in helping with further rubbish clearance - all in accordance with a woodland management plan. E) The proposed green space is the only one designated in the centre of Halifax, in a built up area F) Part of it is already designated Open Space Urban under RCUDP allocation GOS1. G) The site is clearly special to the local community as demonstrated by an 800+ petition presented to Full Calderdale Council Meeting on 18th July 2018. H) The woodland provides a green and wildlife corridor between the built-up areas about it.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp536**

Site ref (if applicable): **lgs26**

Person ID: **960008**

Name: **Ms Susan Yates**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I am writing to state that I would like the woodland area off Daisy Bank, Savile Park ref LGS26 to be preserved as a local green space. It is home to a huge variety of wildlife, including badgers and bats. The trees are a mature woodland, which help to stop the land slipping when there is heavy rainfall, as well as being habitat for animals and insects. We need semi wild green spaces to enable wildlife to thrive and for the balance in our ecosystem. This area allows excessive rain to drain from the housing above without causing flooding. More concrete and stone does not allow rain to drain away. I hope you will support the preservation of the above green space.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp551**

Site ref (if applicable): **LGS26**

Person ID: **1128767**

Name: **Mrs Kathleen Walsh**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I am keen to support the designation of Daisy Bank Woods as a greenspace to benefit the entire local community. This woodland provides essential habitat for a wide range of wild creatures and protected species such as bats and owls; there is also a family of black foxes which depend on the area which forms part of the green corridor which they need to roam and hunt in. If the woodland is not protected, and regarded as a local amenity, it is likely that pressure will increase from local developers who are determined to build on the land, even though the steeply sloping nature of the land makes it unsuitable for such development. I have uploaded a report written by Alison Tyman regarding the geology of the area which confirms this. Should the land be developed, it would have an undesirable negative impact on the visual appeal of the Savile Park Conservation Area. The woodland is adjacent to the much loved Cat Steps, one of the few remaining reminders of Old Halifax in the vicinity. That a woodland space has survived so close to the centre of Halifax is something to celebrate and protect and preserve for the future.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073952>

Comment ID **Lpp577**

Site ref (if applicable): **LGS26**

Person ID: **1182325**

Name: **Ms Kirsty Carver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I want to add addition comments: We need this land to be designated as a green space: To preserve the Tawny Owl. Urbanisation has caused a decline in numbers. (Guardian 29th September 2018) We have an owl and bats. Its vital we designate this a Wildlife area and stop the felling of trees. The whole habitat needs to be preserved and protected. We need to protect our children from air pollution. To do this we need to protect the trees. The air pollution levels breach human rights (UNICEF Sat 29th September Guardian 2018) This has devastating health impacts. We need to preserve these special, much loved trees. They create a biodiverse corridor in the middle of an urban built up area. We need these trees protecting. As a community we love these trees. They can be seen from the top of Rothwell Drive to the bottom of Well Head to Clover Hill. Its a valued space, part of the history of Halifax. These trees and allotments were established well before all the houses. Its the only green space left. Please do everything you can to keep it. Its not to judgement of everyone who holds the power. Please act in the interest of our community and the people, the history of Halifax. We need to protect the wildlife and the health and well being of the community. Creating a green infrastructure in this area, reinstating the old allotments will do this. Thank you.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp610**

Site ref (if applicable): **LGS26**

Person ID: **1183446**

Name: **Mr Graham Holdsworth**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The assessment of the site LGS26 by Calderdale Council has been clearly one-sided and not a rigorous and even-handed appraisal of all the facts. The nPPG states that Local Green Space designations will rarely be appropriate where the land already has planning permission or where it is allocated or proposed for development in the Local Plan. In such instances, no further assessment should be carried out. The Evidence Base - 'Local Green Space Report 2017' informs us that an assessment was made regarding the Planning History of the site. But the question was not answered fully. Whilst it is correct that the site does not have current planning permission, the assessment does not give a fair indication of the site's planning history. - Half of the site is currently designated as 'Primary Housing' under the current Unitary Development Plan. - Part of the site (north of Daisy Bank) has had planning permission in the past, subject to a better site access. This access has only become available in recent years, hence the building

application of 2014. -The Council know of my wish to develop the site, and indeed have approached me and encouraged me to submit plans (which were then drawn up). Although they had recently turned down a specific housing proposal (finally turned down 19th February 2016), I had further alternative proposals ready to submit. The Council knew the above, initially encouraged my proposal, and took my money on a planning application. They then blocked my initial proposal, saying that the access route was not over land owned by myself. I suspect that by then the Local Green Space submission had already been received by the Council, and they had a change of heart. Consulting Landowners The Evidence Base - 'Local Green Space Report 2017' states the following:- 4.2 The Local Green Space call for sites exercise took place over a 9 month period from 12th May 2015 to 29th February 2016. [This was in the original report. The call for sites was later re-opened] 4.5 The national Planning Practice Guidance (nPPG) suggests that land owners will need to be contacted at an early stage on any proposals to designate any part of their land as Local Green Space. 5.4 The nPPG encourages Local Authorities to contact land owners of potential Local Green Space designations as early as possible. The report then goes on say The decision was taken to carry out the assessment work prior to contacting the land owners so that the council knew which sites were being considering for Designation as Local Green Space in the District. Letters to private landowners were sent out in December 2016 This shows that, by their own admission, Calderdale Council did not take up the nPPG suggestion of notifying landowners 'at an early stage'. As the initial closing date for submissions was 29 th February 2016, at least 9 months elapsed before the landowners were informed (December 2016). By this time the Council had completed their site assessment, and the initial submission had become a proposal. The landowners were given no more notice than the public at large. As a consequence, ill-informed comments went uncorrected, the assessment lacked balance and an ill-conceived designation was proposed. Important Visual Amenity? The main reason given for the proposed LGS designation is that the site has an important visual amenity value to the adjacent conservation area, the setting and character of the settlement as a whole and the local community I disagree. The site is private with no public rights-of-way. Only a small part of the proposed LGS26 i.e part of the site adjacent to the Cat Steps can be seen from a public viewpoint. This section of the LGS26 site (adjacent to the Cat Steps) has, for well over a decade, been the subject of many letters of complaint from the Council 's Environmental Department requiring me to clear up fly-tipping (all tipped by local residents). Fly-tipping, especially of garden waste, is a continual problem and still goes on to this day. Even council employees have been guilty of this. This is how the site is treated by some of the local community. It was only when I applied for permission to build a house on the site that the local residents showed any interest in the site, and it was then given the distinction of being 'an important visual amenity'. As the owner of this piece of land, I am considering erecting a fence or a hedge, similar to elsewhere on Clover Hill Walk and the Cat Steps. This will discourage fly-tippers and trespassers. It would also prevent a view into this private site, and place a physical separation from the adjacent Conservation Area (see additional evidence). This section of the site (adjacent to the Catsteps) is only part of LGS26, a much larger section adjoins from east to west. All of this is currently either designated as a 'Primary Housing Area' or, before the Local Green Space proposal was put forward (in December 2016) was proposed for housing development in the Council's Potential Sites document. The whole of the adjoining sites cannot be seen from a public viewpoint, nor by any local houses from the east, south or west, and only from the rear of approximately six houses to the north. It is from the latter area that a recent 'Save Daisy Bank Woods' petition was instigated. This petition should be renamed more-appropriately as 'Save the View from My House'. Additional Evidence 1. Photo "" Impression of Cat Steps with a hedge Former Planning Inquiry An area of land to the west of LGS26 and the adjacent site LP1493 (formerly allotments now the housing development of 'The Coppice') was the subject of a Planning Inquiry by the M of E 20 years ago. This site is an extension of the same sloping site as LGS26. The Inspector's report concluded the following points:- - the site's visual amenity was of value to the immediately surrounding properties only, and therefore would not inhibit development. - the site was not of benefit or value to the local community and that retention of open spaces could not be justified merely because they provided neighbouring dwellings with private views or secluded positions. - although the site (described as 'secluded backland') broke up the urban area, most of it was seen only from

surrounding properties and that it afforded few important public views. - there was no evidence that the potential wildlife value was any greater than most domestic gardens. - the importance was emphasised of the need to develop such sites. - the area was well above the national standard for open spaces requirement. Following the inquiry houses were built on the site. In my view little, if anything, has changed in the area and the Inspector's comments apply equally to the adjacent site LGS26, as it stands today. Local Open Space Standards There have been comments in previous consultations that the designation of LGS26 as Local Green Space would be necessary to ensure that Local Open Space standards are met. This is not true. The area around LGS26 is better placed than most places in Halifax. There are several parks varying from five minutes walk (Savile Park) to 15-20 minutes walk to Scar Wood site. There is also Manor Heath, some 10 minutes walk away.. All these are south from LGS26. North is Peoples Park, east is Sparrow Park and Stoney Royd. All the above are within easy walking distance for a man of my age, 77. With regards to Sports, we have tennis courts, running tracks, swimming baths, squash courts etc etc. all on our doorstep. The Petition A petition to 'Save Daisy Bank Woods' is referred to in previous comments. This is not what it seems, however. It is an obvious attempt to protect private views of the site from adjacent gardens at Rothwell Drive and cynically exploit the Cat Steps footpath, and its link to the Conservation Area to achieve their aims. There is no such place as 'Daisy Bank Woods'. It is a recently made-up term to give a false impression of an ancient woodland. This is not the case, as most trees have sprouted in the last 30 years - excepting the protected trees. The petition stresses that 'this woodland is next to the proposed heritage site, the Cat Steps' - however, this public footpath has failed to impress Heritage England, who have dismissed this proposal. The petition uses exaggerated phrases such as 'programme of ongoing tree felling' and ' a habitat and wildlife sanctuary being destroyed'. Claims of special wildlife are well over the top. I can confirm that there are foxes in the area in general "" many of my chickens have been killed by them "" but foxes are in residence all over Halifax, including the roundabout at the end of Aachen Way. Since the first reports of black foxes in the Lakes some 20 years ago, they can now be seen all over England, as black mated to red produce more black than red offspring. The petition is a case of blatant Nimbyism, on the part of the person who organised it. Due to the nature of online petitions, I suspect that most of the '800 people in the area' would not even know where Halifax was, never mind the Cat Steps. The petition should be treated with the contempt it deserves. By the way, is this the same man that environmental officers made remove almost a dozen bags full of plastic bottles he had dumped over the wall into 'the woodland'? The ploy of using a petition is typical of a small but vocal handful of individuals, under the guise of a benign community group, who are quite prepared to bend the truth and make wild accusations and exaggeration in order to achieve their goal. They make little attempt to promote the true facts. The group have conspired to spread false information about the legality of the site ownership, the rights-of-way on the site, the irresponsible felling of trees on the site etc. The site is private with no public rights-of-way. It has always been privately-owned. It has never belonged to the local community. Unfortunately, the community group is a total sham, and they need to look in their own backyard. Other issues, more pressing than site LGS26, are ignored Regarding the rubbish dumped over the Cat Steps wall one commenter says 'the majority of the rubbish is from old collapsed hen houses'. This is nonsense. There were never hen huts on this part of the site by the Cat Steps, and the rubbish has been dumped from the footpath. All recorded fly-tipping over the last two decades has been traced for to its source by the local Environmental Department, and also in most cases reported to the Country Landowners Association. At what cost to the ratepayers? Contrary to the false impression given in the petition, of a 'programme of ongoing tree felling' , there have been only two occasions in the last 18 months since the site was proposed for LGS designation (December 2016) on which any trees were taken down in site LGS26. These were in March 2018, for a total of 2 to 3 hours only. Here are further FACTS. 1. The Council were consulted prior to this felling, and consent was given. 2. In response to wild allegations, there have been subsequent visits to the site by the Calderdale TPO officer and a representative of the Forestry Commission. The latter has stated that nothing had been done that gave him the least concern, and that the small number of trees felled was inconsequential. There was certainly no breach of the Forestry Act, nor anything approaching a breach. 3. NO protected trees have been felled, of course. It is

entirely wrong that this falsehood should be continually stated in public consultations. Site LGS26, forms part of a site that was formerly used as allotments or smallholdings. Different parts of the site are under different ownership but are still owned by the same people or their families who bought it well over 50 year ago. The owners have all at sometime actually enjoyed the benefits of tending an allotment or smallholding, but either through old age or moving out of the area have long since given it up. The site is overseen by Trustees, who have lived in the neighbourhood for over 60 years, not by a 'developer who has purchased' the site. This was the phrase used when the Clover Hill Community Group was first formed, and is typical of the way in which facts are twisted by certain people. Hopefully the Inspector can differentiate fact from fiction, and fantasy from reality when considering the comments on site LGS26.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073987>

Comment ID **Lpp615**

Site ref (if applicable): **LGS26**

Person ID: **1068242**

Name: **Mr John Needham**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It is an inappropriate proposal and is not based on robust and credible evidence. The proposal does not meet the high standards required by the NPPF. The Evidence Base (Local Green Space 2017) gives two reasons for the proposed LGS designation. The main Reason for proposing LGS26 as Local Green Space as 'The site has an important visual amenity value to the adjacent conservation area, the setting and character of the settlement as a whole and the local community. This statement is not supported by the facts. The majority of the site (at least 80%) cannot even be seen from a public viewpoint. The only viewpoint (from the Cat Steps) does not deserve to be described as an 'Important visual amenity'. The site is privately-owned and has no public rights-of-way and most of the site is remote and isolated from the Clover Hill community. Anyone walking the length of Clover Hill Road, Daisy Bank, Glen View and Glen Terrace would not even see the site. Even from the back street of Clover Hill Road the site cannot be seen, due to the sloping nature of the site (see additional evidence). The only public view of the site, and the only public interface with the adjacent Conservation Area, is from the public footpath, known as the 'Cat Steps'. From this point there is a very limited view into the LGS26 site. How can a Local Green Space designation for the whole site be justified? Certainly not as an important visual amenity. From the Cat Steps the site can be seen to be an untidy scrubland, which for many years has been used as a dumping ground for garden waste and other fly-tipping. Calderdale Council have called upon the owner on many occasions to clear rubbish dumped by others. It is a continual problem. The second reason given for the proposed LGS designation is that 'the site also has wildlife and biodiversity value that is worthy of Local Green Space

designation'. This statement is not true and is not supported by any independent evidence. Calderdale Council have produced little or no evidence to support their proposal, and certainly not the robust and convincing evidence required by the NPPF. The lack of supporting evidence was pointed out in a previous consultation, yet no addition has been made. This is a fair indication that no evidence exists. By their own admission, Calderdale Council did not take up the nPPG suggestion of notifying landowners 'at an early stage' (see point 5.4 of 'Local Green Space Report 2017') As the initial closing date for submissions was 29th February 2016, at least 9 months elapsed before the landowners were informed (December 2016). By this time the Council had completed their site assessment, and the initial submission had become a proposal. The landowners were given no more notice than the community at large. It appears that the Council, local councillors and others have been disproportionately influenced by a small number of individuals. Under the cover of being a genuine community group, they have, for their own reasons chosen to cloud the issue with misinformation, false accusations and exaggeration in order to achieve their aim and to enlist supporters. It is quite understandable that some people in the neighbourhood wish to support the status quo rather than see the site used for building development, and have genuine concerns. However, many have been misled, for example, by the deliberate mis-representation of the site's ownership status and the invention of public rights-of-way, where none exist. Rather than letting the facts speak for themselves, every attempt has been made by some people to exaggerate and overstate the importance of the site, its wildlife and other attributes, whilst the obvious less attractive points, such as untidiness and fly-tipping, have been ignored. It is only since a planning application was submitted in 2014 that the site has suddenly become 'special'. The conservation area status of the Cat Steps has been over-emphasised by the community group in relation its setting with site LGS26. The community group's existence relies solely on the single issue of opposition to development of the former allotments site. It shows little concern for other issues in the neighbourhood, and particularly to the untidy and unsatisfactory situation at the top of the Cat Steps. A recent attempt has been made to enhance the status of the Cat Steps by appealing to Historic England for a listing. Whilst the Cat Steps footpath has a certain charm it was not special enough to impress the Historic England, who have dismissed the appeal. And yet some commenters still claim it to be 'a proposed English Heritage site'. A LGS designation would severely restrict the options available to the owners of the site. Therefore it cannot be unreasonable for the owners to expect that the NPPF criteria are met with a robust proposal containing compelling evidence. Such evidence is yet to be seen. This proposal to designate LGS26 as Local Green Space should be dismissed as unproven and inappropriate. The site should revert to previous proposals and be developed for housing.

Additional Evidence: 1. Plan of Clover Hill area and Cat Steps, illustrating lack of public views of site LGS26
2. Photo A - from public vantage point at Daisy Bank
3. Photo B - from private vantage point, showing section of LGS26
4. Typical example of fly-tipping

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072402>

Comment ID **Lpp621**

Site ref (if applicable): **LGS26**

Person ID: **952213**

Name: **Mr & Mrs Daniel &
Amanda McDermott
(MRICS & CMLI)**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Boundary should be more carefully considered. The whole area marked as woodland on plan must be included in the protected 'Daisy Bank Woodland' Local Green Space and excluded from the housing allocation (LP0397). This is an important local biodiversity corridor to protect, with residents regularly experiencing bats, hedgehogs, owls, woodpeckers, jays, many small birds, and other wildlife including a black fox. It should therefore also be designated as a Local Wildlife Site (as well as a Local Green Space). The housing allocation should be re-designated as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town). This will increase the recreational amenity of the space and value to the local community.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Boundary should be more carefully considered. The whole area marked as woodland on plan must be included in the protected 'Daisy Bank Woodland' Local Green Space and excluded from the allocation LP0397. The woodland area should also be designated as a Local Wildlife Site (as well as a Local Green Space). The housing allocation LP0397 should be re-designated as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town). This will increase the recreational amenity of the space and value to the local community.

Additional Evidence Link:

Comment ID **Lpp624**

Site ref (if applicable): **LGS26**

Person ID: **1126674**

Name: **Mr Andrew Bateman**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The designation of this area of land as a Local Green Space appears to have been based on misleading and false information together with inaccurate methodology and will not result in addressing stated policy

targets. Daisy Bank allotment site is privately owned. Current ownership includes local people who formerly gardened there or their family members. All existing owners are known of and have been consulted relating to its future use. The site is managed by myself and other Trustees. The site was used for garden allotments and chicken sheds but has been unused for some 20 years. The site is heavily overgrown with nettles, brambles etc and some self seeded saplings. It is not an area of beauty from any perspective. There is nothing about this area of self seeded scrubland and former chicken sheds that is local in character and as private land does not serve the local community. There are no historic artefacts on the site and no historic events have taken place there. There are no public footpaths or public rights of way through or across the site. There are some protected trees on the periphery of the site and in a section to the west of the proposed Local Green Space although none are good specimens and several are in a poor condition. Designation as LGS will not add anything to the protected level of these trees which will continue to be maintained and managed under guidance from the Calderdale Tree Officer and Forestry Commission Officer as at present. Whilst the site may be 'close' to a local community, it does not serve the community in any way. It cannot be seen by the majority of them and they have no access to it. Designation as LGS will not alter this. Comments that there are paths on site where 'locals can wander' or 'an area where children can play' are totally false and easily evidenced on site inspection. The designation of this land as LGS will not result in any additional access to this land by the local community. A stated reason for the proposal to designate this site as a LGS is that it has 'an important visual amenity value to the adjacent conservation area'. (Please note that the site is not in the conservation area as stated in the document proposals). Although the site is adjacent to the conservation area, due to the topography of the land it has very little impact as a visual amenity. The only public view of any of this land, at ground level, is from a short section of the perimeter as it borders the Cat Steps. This would not sustain if the landowners installed a fence or hedge similar to neighbouring properties along the Cat Steps. The central part of the former allotment garden provides virtually no visual amenity to the local community of Clover Hill. The gently sloping site is primarily seen through tree and shrub screening from some gardens on the North side however 'retention of open spaces and/or designation as Local Green Space cannot be justified, nor provide a valid reason for designation, because they provide neighbouring dwellings with private or secluded positions'. Another justification by Calderdale for designation as LGS is that the area has 'local wildlife and biodiversity' yet they have been no site assessment to justify this. This is incongruent when Calderdale state that the Local Plan must be robust and evidence based. Anecdotal evidence about the presence of wildlife in the area is exaggerated, somewhat fictitious and misleading. It includes statements, and pictures, about foxes in a garden but the same could be stated about gardens throughout Skircoat Ward and indeed the Town Centre streets. This does not however indicate that this area of the former allotments is a special habitat for them. Comments that there is a richness of birdlife in the area is again unsubstantiated and could be made about any area of local gardens and roads that have bushes and trees in the vicinity. This anecdotal evidence provided by supporters of LGS designation perhaps corroborates findings from previous inspectors reports into an adjacent site to the effect that the garden allotments are of no greater value to wildlife than local domestic gardens. Stated targets from the proposed designation as LGS are 'Improved health & wellbeing' and 'Improved access to Local Green Spaces'. As this is private land with no public access, it is difficult to ascertain how LGS designation will have any impact on these targets for the Clover Hill Community. The site should not be allocated Local Green Space designation and should revert to the original designation as per Calderdale's site assessment report.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp682**

Site ref (if applicable): **LGS26**

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I support the designation of the land at Daisy bank allotments (wooded area) as local green space. The council should be doing better than this though and designating the area (policy number GN8, reference LGS026), and the adjacent proposed housing site (LP0397, policy number SD7) as a local wildlife site as well as local green space. The more I read and find out about woodland, habitats and the law; the more certain I am that the area needs to be protected and in fact there have been some instances of harm and deliberate mis-advice given by the council. Some of which (I believe)breach UK and EU law with regard to the protection of endangered species, namely wild birds and bats. To support my argument, I would like to outline some guidance given by the Bat Conservation Trust, quoted from their website: www.bats.org.uk 'Bats and the law In the UK, bats and their roosts are protected by law meaning that it is illegal to damage, destroy or disturb bats or their roost sites . A roost is defined as any place that a wild bat uses for shelter or protection, and the roost is protected whether bats are present or not. Bat populations have been declining not only in the UK, but across Europe and are therefore protected under the European Union's Habitats Directive in addition to country specific legislations. The relevant legislation in England & Wales is the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2010 (as amended). It is the land owner's responsibility , in addition to those conducting the works, to ensure that protected species, such as bats, have been taken into account before any actions are conducted that could disturb those animals. This legislation is still applicable regardless of the presence of a TPO and felling licences. If a roost has been confirmed, and is likely to be lost, a European Protected Species (EPS) derogation licence is likely to be required. If the presence of a bat roost is suspected you will typically need to seek the services of an experienced ecological consultant with knowledge of bats to conduct a survey; establishing any impacts the works are likely to have. The consultant should also be able to assist with any EPS licence application required.' As stated through evidence to the council, including pictures, and videos of bats during this calendar year the area is home to protected species; In addition to this many many trees have been felled this year, the council is aware of this and has been made aware of this. These have been felled without any ecological survey or report taking into account roosting sites or disturbance of protected species, bats in this case. In addition to this, after reading the outline of the European Union's habitats directive article 6, I have found that species of wild birds are also protected. Again, many trees have been felled, significantly decreasing their habitat and disturbing the protected species. There are owls, jays and woodpeckers to name a few wild birds living in the remaining woodland. Article 6 of the habitats directive states 'The Birds and Habitats Directives, sometimes jointly called 'Nature directives', are the cornerstones of the EU's biodiversity policy. They enable all 28 EU Member States to work together, within a common legislative framework, to conserve Europe's most endangered and valuable habitats and species across their entire natural range within the EU, irrespective of political or administrative boundaries. Establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory,

administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites (Article 6(1)); Take appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive (Article 6(2)). Survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission or a mitigation licence. Surveys need to show whether protected species are present in the area or nearby, and how they use the site. Mitigation plans show how you'll avoid, reduce or manage any negative effects to protected species.' I believe that this has not been followed in any of the works carried out this year, despite calls from local residents and the conservation group that state that the woodland and trees are habitat to multitude of different living things. Some of which are protected species; wild birds and bats. Furthermore, I would like to refer you to the guidance from the Bat Conservation Trust about which trees bats are likely to roost in and signs of 'bat activity' www.bats.org.uk 'Trees and signs of bat activity Bats can utilise many tree features including trunk hollows, knot holes, splits/cracks in branches and sheltered areas created by flaking bark.' In particular, I would like to outline several features of the trees that the council has deemed it reasonable and advisable for such trees in the area to be felled. These include trees with cavities or cracks and indeed trees surrounded by ivy "" as outlined to you in my correspondence I refer you to your letter, Ref PS/KSG/ENF0153, 28 th June 2018 where you stated that a cherry tree that had been felled in an area with an existing TPO in the area was a";. 'Twin stem cherry tree had an area of decay at the stem junction and if advice had been requested or an application submitted the recommendation would have been to remove the tree";. "the loss of one tree from the protected group is not considered to have such an impact that the harm is major' "" I believe that this tree may have been a potential bat roosting site, as may many others that have been felled; including the trees with split stems, cracks and ivy on the trunks. The fact that woodpeckers live in the area also suggest that any trees with signs of woodpecker holes may also be bat roosts. I also believe that the council have been negligent in disregarding the law in relation to protecting the habitats of endangered species that live in the area. In fact, in some instances the council has been offering advice to fell such trees and destroy the habitat illegally. As stated above, no ecological survey has been carried out and it is illegal to disturb or destroy the habitats of protected species. In addition to the strong local feeling about the wooded area and the 800+ petition to get the council to protect the remaining woodland, and evidence of protected species living in the area. I want to know what is the council going to do in order to uphold its legal obligations to protect the endangered species living in this important habitat? Furthermore, what remedial action is it going to take to put right the tree felling that has undoubtedly destroyed some of this habitat and definitely disturbed the protected species living in this habitat. What is the procedure for upholding the law? protecting the habitat? and protecting endangered species? I would like to see evidence of an independent ecological survey being put into action before any of the area is (LP0397, policy number SD7) is designated as housing site. This should have been done before it was placed as part of the Calderdale plan and must be addressed immediately. The council should be designating the area (policy number GN8, reference LGS026), and the adjacent proposed housing site (LP0397, policy number SD7) as a local wildlife site as well as local green space. The council is accountable for refusing to date to protect the remaining trees with temporary or permanent TPOs despite several requests for this. This has resulted in significant tree felling, that has meant many trees that were potential bat roosts and wild bird habitats have been destroyed. This is as I understand it in breach of UK and EU law, as no ecological survey has been carried out and no plan put into place to rehome or mitigate the protected species living there.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

I support the designation of the land at Daisy bank allotments (wooded area) as local green space. The council should be doing better than this though and designating the area (policy number GN8, reference LGS026), and the adjacent proposed housing site (LP0397, policy number SD7) as a local wildlife site as well as local green space.

Additional Evidence Link:

Comment ID **Lpp692**

Site ref (if applicable): **LGS26**

Person ID: **1183563**

Name: **Dr Colin Hutchinson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

As one of the Councillors for Skircoat Ward, I welcome the plan to designate the whole of this area as Local Green Space. It is highly valued by very many residents of the surrounding area, as a visual barrier between existing areas of housing. The steeply sloping nature of the site means that the wooded hillside is visible from a significant distance, adding to the character of this residential area. It also encourages biodiversity, as a habitat for woodland species. The extent of the value put upon this area has been demonstrated by a recent petition gaining more than 800 signatures. The site would benefit greatly from a sympathetic management plan that should accompany designation as Local Green Space.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp76**

Site ref (if applicable): **LGS26**

Person ID: **902038**

Name: **Mr Richard Ramsden**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I believe this woodland should be preserved as Local Green Space because it has been positively and objectively assessed by development and infrastructure requirements according to NPPF as follows. 1. The site is a suitable size at 0.5 ha 2. It is steeply sloping at about 1 in 2 or steeper in parts, therefore not economic for development 3. Part of it is already designated Open Space Urban under RCUDP allocation GOS1 4. The woodland is adjacent to Savile Park Conservation Area. The woodland clearly separates the conservation area from modern housing to the northern boundary so they are almost invisible from one another. 5. There are no planning permissions on the site but an application was refused on appeal (Ref APP/A4710/W/15/3133058) 6. Local Green Space allocation can endure beyond the plan period because of a large number of protected trees 7. The woodland is very near to the local community and many people benefit from its amenity value as they walk along the adopted footpath, Clover Hill Walk, adjacent to the boundary wall. The amenity value is also felt by residents with houses having back gardens adjacent to the woodland. 8. The site is local in character with ancient dry stone walls containing it to clearly defined edges. 9. The site is clearly special to the local community as demonstrated by an 800+ petition presented to Full Calderdale Council Meeting on 18th July 2018. See attached files. 10. The woodland has high visual amenity and contributes positively to the local landscape, character and setting of the settlement as it nestles in a valley between the old and new development. 11. The site provides part of the historic setting for the adjacent conservation area along with the boundary of Clover Hill Walk which is probably an ancient highway. 12. It is relatively quiet and tranquil because it is in a valley, surrounded by the back of houses and disused allotments. All the surrounding streets are cul de sacs and there are no busy roads within about 200 metres. These features provide an acoustic shield from traffic noise. 13. The site has wildlife and biodiversity with a number of protected trees to include Ash, Cherry, Poplar and Sycamore (TPOs 87/00276/C & 87/00246/C). It also has foxes including a black variety see photo taken in adjacent gardens, bats frequently seen at dusk, Great Spotted woodpeckers, jays and tawny owls. 14. The woodland provides a wildlife corridor between Rothwell Road to the west and Heath Road in the east. Petition submitted including 716 online, and 80 handwritten signatories. We the people who use or value Clover Hill Walk, Halifax, West Yorkshire (The Cat Steps) call on Calderdale Council to urgently protect the woodland off Daisy Bank through to The Coppice which is being destroyed as habitat and wildlife sanctuary by a programme of ongoing tree felling. We treasure its calm, shelter, and value the essential amenity as we walk to and from town for work and leisure. The trees provide a wildlife corridor, for animals including bats, black foxes, tawny owls, woodpeckers and jays. Of particular concern is the preservation of existing trees before they can be fully protected as Local Greenspace by Calderdale's draft Local Plan. This woodland is next to the proposed English Heritage site, The Cat Steps and Skircoat Conservation area. We would like its amenity and its wildlife to be protected for future generations. We believe this issue should be discussed holistically by the Council's Scrutiny committee. N.B. The council has noted the attached petition but following legal advice has removed it to protect the data of individuals who have signed it. The Inspector will, however, have full access to this petition at examination.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056206>
<http://calderdale-consult.objective.co.uk/file/5056207>

Comment ID **Lpp84**

Site ref (if applicable): **LGS26**

Person ID: **1129602** Name: **Mrs Denise Ramsden** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

The woodland is on a steeply sloping site unsuitable for housing (a recent application to build a house on the site adjacent to the Cat Steps was refused on appeal) and borders the centuries old historic stepped footpath Clover Hill Walk, known locally as the Cat Steps. This is an extremely well used footpath connecting the centre of Halifax and the Savile Park area and is a well known and popular route with people beyond the immediate vicinity of Clover Hill. It is used by school children, dog walkers, workers, shoppers, commuters. The woodland is highly valued by local residents. The trees add to the attractiveness of the walkway, which is otherwise enclosed by high walls and fences as it passes through a modern housing development. It provides a touch of the country and the wild in the centre of town and provides a valuable green and wildlife corridor. Bats, owls, badgers, woodpeckers, squirrels and foxes have been seen in the woodland by local residents. Recently, a rare black fox has been seen there, many times. (photograph attached). It includes protected trees. The woodland provides a natural break between the old Victorian housing at the top the slope and the modern development at the bottom. It is the sole undeveloped area surviving from the historic Well Head fields, whose springs until the mid 1800s provided Halifax's water. (Frogs and toads survive in the area). The landowners claim that local residents do not value the woodland and are to blame for any litter. It is inevitable unfortunately in modern times that a well used footpath is subject at times to litter, but it is unfair of the landowners to blame the local community; the majority of rubbish is from the owners' old collapsed hen houses and they have failed to maintain the site by clearing rubbish, even adjacent to housing, and have also failed to keep the old stone boundary wall in a good state of repair. The owners have also felled trees (including one subject to a tree protection order) much to the dismay of local residents, without obtaining a felling licence. The local community group organises regular clean-ups which have included removing litter from and immediately adjacent to the Cat Steps; it has expressed an interest in helping assist in the maintenance of the site including rubbish clearance and repairing the wall, all in accordance with a woodland management plan. The proposed green space is the only one designated in the centre of Halifax, in a very built up area.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056834>

Comment ID **Lpp85**

Site ref (if applicable): **LGS26**

Person ID: **1182073** Name: **Mr Will Carver** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

I would like to support the designation of LGS26 Daisy Bank Allotments (wooded area) as local green space. The area is home to many different species of wildlife. Including foxes, black foxes, bats, owls, woodpecker, jays, bird species etc. The trees provide significant value to the surrounding residential area and are valued by the local community. I have lived at my address for 13 years and along with my neighbours have significant evidence of the wildlife that the area harbours including videos and photos of foxes and bats. Some of my neighbours have lived here for longer than 40 years. The value the space provides is also aesthetic to those who live in the area and for those who live in the conservation area. The woodland is on an important pathway - the cat steps which provides an historic link to the Halifax town centre of old. Designating the woodland as green space would preserve this important historical link. Recently, over 800 people in the area signed a petition in support of protecting the woodland before it is destroyed. I will outline what was signed and am happy to provide a copy of this - if the residents data and signatures are kept secure and confidential. Petition "We the people who use or value Clover Hill Walk, Halifax, West Yorkshire (The Cat Steps) call on Calderdale Council to urgently protect the woodland off Daisy Bank through to The Coppice, which is being destroyed as habitat and wildlife sanctuary by a programme of ongoing tree felling. We treasure its calm, shelter and value the essential amenity as we walk to and from town for work and leisure. The trees provide a wildlife corridor, for animals including bats, black foxes, tawny owls, woodpeckers and jays. Of particular concern is the preservation of existing trees before they can be fully protected as Local Greenspace by Calderdale's draft Local Plan. This woodland is next to the proposed English Heritage site, The Cat Steps and Skircoat Conservation area. We would like its amenity and its wildlife to be protected for future generations. We believe this issue should be discussed holistically by the Council's Scrutiny Committee."

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056835>

Comment ID **Lpp86**

Site ref (if applicable): **LGS26**

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

I would like to support the designation of the woodland at Daisy bank being designated as Green space. Attached is the first part of 3 petitions (in total signed by over 800 people) supporting the preservation of this land. The council has noted this and removed the petition to protect the data of individuals who have signed it. Petition We the people who use or value Clover Hill Walk, Halifax, West Yorkshire (The Cat Steps) call on Calderdale Council to urgently protect the woodland off Daisy Bank through to The Coppice, which is being destroyed as habitat and wildlife sanctuary by a programme of ongoing tree felling. We treasure its calm, shelter and value the essential amenity as we walk to and from town for work and leisure. The trees provide a wildlife corridor, for animals including bats, black foxes, tawny owls, woodpeckers and jays. Of particular concern is the preservation of existing trees before they can be fully protected as Local Greenspace by Calderdale's draft Local Plan. This woodland is next to the proposed English Heritage site, The Cat Steps and Skircoat Conservation area. We would like its amenity and its wildlife to be protected for future generations. We believe this issue should be discussed holistically by the Council's Scrutiny Committee. The petition submitted is signed by 718 people.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056836><http://calderdale-consult.objective.co.uk/file/5056837>

Comment ID **Lpp87**

Site ref (if applicable): **LGS26**

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Petition 2 submitted containing 80 signatures. We the people who use or value Clover Hill Walk, Halifax, West Yorkshire (The Cat Steps) call on Calderdale Council to urgently protect the woodland off Daisy Bank through to The Coppice which is being destroyed as habitat and wildlife sanctuary by a programme of ongoing tree felling. We treasure its calm, shelter, and value the essential amenity as we walk to and from town for work and leisure. The trees provide a wildlife corridor, for animals including bats, black foxes, tawny owls, woodpeckers and jays. Of particular concern is the preservation of existing trees before they can be fully protected as Local Greenspace by Calderdale's draft Local Plan. This woodland is next to the proposed English Heritage site, The Cat Steps and Skircoat Conservation area. We would like its amenity and its wildlife to be protected for future generations. We believe this issue should be discussed holistically by the Council's Scrutiny committee.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056838>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Council should not designate LGS26 as Local Green Space due to inaccurate assessment. Designation of LGS26 is based on an inaccurate methodology and false and misleading information.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. LGS26 should not be designated as Local Green Space.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

No modification required.

Document Section: Table 20.9 Monitoring: Policy GN8 - Local Green Space

Representations

Comment ID **Lpp614**

Site ref (if applicable): **LGS26**

Person ID: **1068242** Name: **Mr John Needham** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

A further demonstration of the weakness of the LGS26 proposal can be seen when comparing the possible outcome of a LGS designation with the stated Targets, which are 1. 'Improved health and well being' 2. 'Improved access to Local Green Space.' Even if the site were designated as LGS there would be no change in site access. The site would remain private, remote and isolated, of no use to the Clover Hill community. The Targets are clearly not met.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp659**

Site ref (if applicable):

Person ID: **902038** Name: **Mr Richard Ramsden** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The Indicators given for Local Green Space are "Ease of access to Local Green Space" and "Amount of Local Green Space lost to development". I believe that "Number of areas listed as an Asset of Community Value" should also be an Indicator. NPPF 8. Promoting healthy communities Paragraphs 69 to 78 recommends

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Council should not designate LGS26 as Local Green Space as it does not meet the necessary tests.
2. Number of areas listed as an Asset of Community Value should be added as an Indicator in Table 20.9.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.
2. The addition of the number of areas listed as an Asset of Community Value as an Indicator in Table 20.9 is not considered necessary to monitor the success of Policy GN8.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. LGS26 should not be designated as Local Green Space.
2. Number of areas listed as an Asset of Community Value should be added as an Indicator in Table 20.9.

Council's Response:

1. Local Green Space has been assessed in accordance with the guidance contained in the NPPF. Paragraph 99 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Paragraph 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

Paragraph 101 of the NPPF states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

No modification required.

2. The addition of the number of areas listed as an Asset of Community Value as an Indicator in Table 20.9 is not considered necessary to monitor the success of Policy GN8.

No modification required.

Document Section: 21.4 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **11803** Name: **Mr Abdul Gaffar
Environment Agency** Organisation: **Environment Agency**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached We are pleased to see the inclusion of '~and protect new developments from pollution from existing developments' at the end of the paragraph.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1125815** Name: **Mrs K Boothroyd** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The local plan identifies that there is contaminated land on the Thornhills, Clifton site. Moreover your own guidance states that 'The Council has endeavoured to find all potential sites in the borough that maybe affected by land contamination. As land uses change or development occurs the planning process offers opportunities to locate funding for the remediation of contaminated land'. My question is, if there is

contaminated land, who is going to fund remedial work? Where is the money coming from? How can we, the public, be sure you have completely fulfilled your duties in ensuring there is no harm to humans by any potential development of this land? Section 78A of the Environment act states that: 'contaminated land' is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that: significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be, caused. How will this be further investigated?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

The council appears to be ignoring this important factor in its consideration of building houses on this land.

Suggested Modifications:

Reject this area as a potential area for housing. Ensure sufficient and effective surveys are undertaken.

Additional Evidence Link:

Comment ID **Lpp676**

Site ref (if applicable): **LP1463**

Person ID: **1128397**

Name: **Mr Jacob Boothroyd**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

No meaningful consultation process. The portal, with all its functionality issues, appears to have been designed to confuse and deter residents from using. Has this been a deliberate attempt to prevent consultation with residents? Many residents of Brighouse and Calderdale are still unaware of the implications of this plan.

Do you consider the plan to be Sound?: **No**

Sound Reason:

Pollution, already an area of concern in Brighouse as air quality levels currently exceed government targets, would certainly increase and subsequently have an escalating negative effect on health and wellbeing of residents. Recent research has shown air pollution to be the largest environmental risk factor linked to deaths in England and this will only worsen with a development of this proportion in the Thornhills, Clifton and Brighouse area. Unfortunately there may not be enough doctors' surgeries and other medical centres to cope with this as the local plan does not appear to successfully address this.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

The Plan should be re-examined and the disproportionate allocation of housing in the Brighouse area should be reduced. No evident consultation with neighbouring councils to address this issue. Air Quality Report (2018) 'Calderdale and Kirklees are one of the worst for air quality in England'.

Suggested Modifications:

Overdevelopment of the area of Thornhills, Clifton and the rest of Brighouse, disproportionate number of houses in Clifton and rest of Brighouse in comparison to rest of Calderdale. There should be a reallocation of housing in Halifax where there is a requirement for this.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Meaningful consultation has not taken place.

Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

Test of Soundness

Main Issues:

1. The Local Plan will give rise to an increase in pollution. This will have a negative impact on health which will cause additional pressure on the health care system.
2. Contamination is present on the Thornhills, Clifton site (LP1463).

Council's Response:

1. The Council acknowledges the potential for an increase in pollution from development and points to the policies on EN1 (Pollution Control), EN2 (Air Quality), EN3 (Environmental Protection), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing to assist in addressing issues related to pollution and health. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites).
2. Site specific comment.

Duty to Co-operate

Main Issues:

1. Consultation with neighbouring Councils has not taken place.
2. The Council has ignored the contamination issue at the Thornhills, Clifton site (LP1463).

Council's Response:

1. Calderdale is part of the Leeds City Region (LCR) and a member of the West Yorkshire Combined Authority (WYCA). The LCR has a well-established programme for joint working and cooperation at both

member and officer levels – planning portfolio holders and heads of planning meeting regularly, and there is specific ‘duty to cooperate’ group attended by planning policy officers.
See Submission Document SD 13 Duty to Cooperate Statement Including Statements of Common Ground (January 2019).

2. Site specific comment.

Suggested Modifications

1. Proposed housing should be reallocated to Halifax where there is a requirement for this.
2. Reject the Thornhills, Clifton site (LP1463) as a potential area for housing. Ensure sufficient and effective surveys are undertaken.

Council's Response:

1. The paper to the Local Plan Working Party 17th August 2016 attached to evidence document EV09 considers the distribution of development throughout the Local Plan process. The Council considers its distribution of development to be justified and supportive of sustainable development. Evidence document EV40 establishes the justification for the development of the Garden Suburbs, the Habitats Regulations Assessment (EV12.1; and EV12.4) helps to understand why the Council has chosen to promote more development away from the protected areas of the SPA and SAC.
No modification required.
2. Site specific comment.

Document Section: 21.6 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185257**

Name: **Mr John Lever**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale is aware that Brighouse is an air quality management zone which currently fails to meet Air Quality standards set by EU and the UK with annual concentration of nitrogen dioxide measuring between 40 " " 60 ug/m3 " " how will the extra traffic emissions affect the residents of Clifton and Brighouse? This will impact on the health of local residents through accelerating respiratory issues, contribute to the onset of cancer and heart disease. Has this been fully considered when generating more traffic?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1185322**

Name: **Mr Geoffrey Hann**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale is one of the worst areas for air quality in England (Air Quality; Report on Court Action in Feb 2018) and is one of 23 Local Authorities in England that have not met their Air Quality targets. Yet they are proposing to build 4000 homes and an Employment Zone in an air quality management zone. How will the

council achieve its targets when it has singularly failed to do so to date and how do they propose to manage the increase in vehicle emission that would result from the plan? The Council makes the following statement in its air quality strategy "" 'the principal challenges and barriers to implementation that the Council anticipates facing are developing novel solutions with limited financial and staffing resource' I question how it will be able to achieve this challenge with increased development? There is a proven correlation between poor air quality and adverse health impacts. How does the council intend to mitigate this, given the development that is going to take place in Clifton, which has a predominantly high ratio of older population?

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5101426>

Comment ID **Lpp1323**

Site ref (if applicable):

Person ID: **844298**

Name: **Cllr Howard Blagbrough**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Please also see attachment . During the September full council meeting I proposed a motion on Air Quality in the whole of Calderdale. Brighouse has been categorised as one of the poorer areas. With additional housing and the lack of any plan to improve air quality, this will only deteriorate and will have a negative impact on health issues for the population, thus causing additional pressure on the health care system. Equally, within Clifton village, there are no shops, the post office closed some years ago, leaving the village without facilities. Anybody living within Clifton generally have to use their cars to go to the local shops, therefore adding to the issues of pollution and reducing the quality of air and equally adding to the congestion. Whilst the council may be working towards a plan to improve air quality in the area, this will only work towards a solution short term and does not take into account all the additional houses and additional vehicles this would bring. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with local air quality action plan. Although I am no expert with comprehensive facts about air quality, I am not convinced that the Council will be able to produce a plan which tackles the issues as a whole to ensure that the quality of life is improved, especially for those who suffer breathing issues. I am equally aware that a number of resident have gone and have raised more technical questions about air quality.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5105906>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Brighouse is currently an Air Quality Management Zone. Extra traffic generated by new development will impact negatively on air quality, local resident's health and the health care system.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy EN1 Pollution Control

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1182972**

Name: **Mrs Heather Rooney**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

I understand the need to provide housing but feel that there should be smaller developments throughout the Calderdale rather than targeting Brighouse for the lion's share. There should be a mixture of different types of housing, not just large executive style properties, to enable more people to be able to buy their own home. I was under the impression that developers had to include some affordable housing but these seem to be very rare in the recent local developments. I can personally confirm that this is the case as my son is unable to find an affordable first property. I am not a NIMBY and would welcome some smaller developments but only with careful consideration to the points raised above which, in its present format, I do not feel that the Calderdale Local Plan has addressed.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Proposed development will create extra traffic which will impact on air quality and the health of local residents.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 21.8 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1125251**

Name: **Dr Andrew McElligott**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The plan, as it stands, will increase environmental (particularly air) pollution, especially in the Lower Calder Valley due to a combination of mass housing and light industrial development. The affected area includes corridors where pollution levels already exceed acceptable levels. The plan does not outline sufficient mitigation and is not, therefore, justified.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

A redistribution of housing and employment development to enable all areas to fall within acceptable pollutant levels and /or clear mitigation to be set out in the final plan.

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This issue is particularly discussed in our Overview Paper. This introductory paragraph on air quality, and

also 21.10, should reference the overall policy context - where it will be recalled that the national air quality plan has been found by the Supreme Court on 3 occasions to be unlawful - which establishes the relative seriousness of the AQ issue, and therefore the implied emphasis that the local plan ought to attach to assessing and understanding the potential impacts of its development proposals on acknowledged legal exceedances that already exist (in the seven AQMAs). This will relate to the scale of road traffic being generated by development and other causes (as revealed by the Calderdale strategic transport model), in the context where it's accepted that 80% of air pollution is derived from road transport; to the location of development in relation to both the road network and the AQMAs; and the extent to which the proposed infrastructure 'improvements' will either contribute to reducing levels of air pollution, or alternatively (and paradoxically) increasing them. This would require that TN6 Air quality constraints assessment adequately modelled the interaction between the development proposals, the road network, and the AQMA exceedances. (Please note first of all that this report is dated August 2016, which may or may not have a bearing on its findings). We have commented elsewhere about the generically uncritical language used in the WSP reports, and this can be seen again reflected in the report summary p.26 which fails to make any clear statement about the relationship between forecast road traffic growth and the potential worsening of air pollution in the AQMAs. Instead there is extended statement that offers consultees no credible guidance on this vital interaction: '... it is apparent that the eastern side of Calderdale has preferential status for development. As larger towns are already located in the east, this area can be considered a more sustainable location for future development. This is because there is a greater opportunity for improved sustainable transport and highway constraints appear to be more readily improved in the east of Calderdale. Such measures work positively with air quality thus limiting constraints in this region. It is important that any new development within Calderdale aims to minimise the risk from all forms of pollution and contamination for existing and future occupants, the wider community and the environment, particularly within the declared Air Quality Management Areas. Any Local Plan therefore needs adequate development policies incorporated in relation to Pollution Control. Requirements should therefore be put in place whereby: - Development proposals with the likelihood to cause pollution or be exposed to potential sources of pollution will need to demonstrate that measures can be implemented to minimise emissions to a satisfactory level; and - Within AQMAs, proposals should be consistent with the aims and objectives of the Council's Air Quality Action Plan and NPF. ' 25 Worse still, the report appears to mislead readers as to the likely consequence of the supposed 'improvements' to be provided by the West Yorkshire corridor improvement programmes: 'The proposed schemes listed within the Transport Report present a variety of strategic opportunities for Calderdale. A number of these schemes are likely to lead to improvements in traffic flow, which have the potential for positive outcomes for air quality. In particular, the Halifax-Huddersfield A629 corridor improvements (as part of the West Yorkshire Plus Transport Fund project) should lead to improved traffic flow throughout the AQMA at Salterhebble. This is in line with the current Air Quality Action Plan, therefore leading to potential benefits for air quality.' The statement '... should lead to improved traffic flow throughout the AQMA at Salterhebble' would only be true if i) the improved traffic flow (thus potentially reducing emissions through continuous smoother driving) were not offset by increased traffic volumes; and ii) it can be demonstrated by modelling that this did indeed result in reduced air pollution in that AQMA. What actually happens to traffic volumes within the AQMA area as a result of the A629 CIP is displayed in the attached screenshot from the Calderdale strategic transport model. The most plausible interpretation of this data is that air quality within the Salterhebble AQMA will probably considerably worse as a result of increased traffic volumes unless it can be demonstrated by modelling that other introduced factors will offset that increase. But the local plan does not contain any evidence to that effect. At the same time the two readings relating to the A629 in the table identifying 'required reduction in emissions' indicate that reductions of 22.6% and 42.9% are already required to reach lawful levels of AQ compliance at existing levels of traffic, Before that is the impact of the road traffic growth that will be generated as a result of the corridor improvement programme. And although the level of growth is recorded in the strategic transport model as applying at the 2032 year, since this infrastructure scheme is already on site and due to be completed shortly the traffic generation forecast will

in fact start to materialise quite early to in the plan period.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5071790>

Comment ID **Lpp839**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This issue is particularly discussed in our Overview Paper. As far as we can see no information or assessment about air quality has been included in the LP evidence base. This is particularly important seeing that the separately produced Calderdale air quality status reports (available at www.calderdale.gov.uk/v2/businesses/pollution/air-quality/air-quality-reports) are technically opaque and difficult for consultees to understand or interpret. For example, it is not possible to correlate incidences of reported exceedances of legal air quality limits with a particular geographical location within an AQMA; instead in the tables the exceedance locations are referenced by 5 digit site ID numbers; e.g see 2018 AQ status report table A.3 p.31pdf. As a final twist along this maze a critical set of data - identifying the very first time the percentage reduction that would be needed in order to achieve the 'required reduction in emissions' - isn't available in those status reports, but has only been provided as one column within the 69 pages of a 2018 report (at page 11 and paragraph 3.2.4 of appendix 2 of the report to Calderdale Cabinet Low emission strategy and action plan February 2018, at p.32pdf in that overall document (www.calderdale.gov.uk/nweb/COUNCIL.minutes_pkg.view_doc?p_Type=AR&p_ID=56022)) Of the 12 locations identified in this table, 6 of them exhibited 'required reductions' between 20-50 %, and another 4 between 10-20%; just 2 required a relatively small reduction (less than 10%) in order to become compliant.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The additional traffic from the proposed housing development will have a negative impact on air quality and the health and wellbeing of residents.
In addition, no information or assessment on air quality has been included in the Local Plan evidence base.
2. The Local Plan will increase pollution and does not outline sufficient mitigation.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.
2. The Council acknowledges the potential for an increase in pollution from development and points to the policies on EN1 (Pollution Control), EN2 (Air Quality), EN3 (Environmental Protection), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing to assist in addressing issues related to pollution. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. A redistribution of housing and employment development to enable all areas to fall within acceptable pollutant levels and / or clear mitigation to be set out in the final plan.
2. The paragraph should reference the assessment and understanding of the potential impacts of the Local Plan's development proposals on acknowledged legal exceedances that already exist (in the seven AQMAs).

Council's Response:

1. Given the Council's reasoning for the distribution of growth no modification is currently proposed by the Council, although if viable unconstrained/surmountable constraints large scale brownfield opportunities were proven to exist the Council would reconsider the distribution to take advantage of these. Additionally, the Council acknowledges the potential for an increase in pollution from development and points to the

policies on EN1 (Pollution Control), EN2 (Air Quality), EN3 (Environmental Protection), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing to assist in addressing issues related to pollution. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites).

2. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

No modification required.

Document Section: 21.9 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **816511**

Name: **Dr Lesley Mackay**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air and noise pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today (as I live alongside the A646), then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air and noise pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation

at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not only a local problem, but a regional and national one, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Comment ID **Lpp617**

Site ref (if applicable):

Person ID: **1183495**

Name: **Ms Fiona Hesselden**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I am a resident of Hebden Bridge living alongside the A646. I have seen the analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today, then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1183598**

Name: **Ms Nina Smith**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

I have seen analysis prepared by Calderdale Friends of the Earth concerning the impact of road traffic growth in the draft Local Plan, based on their access to Calderdale's strategic transport model. This shows that: - There has been a failure to disclose adequate information concerning road traffic and its associated impacts. Whilst the Local Plan says very little about the extent of traffic congestion, and about the scale of additional road traffic that might be generated by the plan's development proposals, what the model shows apparently is that the volume of road traffic does in fact increase substantially across the plan period to 2032. Other information associated with traffic and traffic growth is also not provided in the plan: if traffic grows then i) the quantity of carbon emissions produced by vehicles will also tend to increase, thus contributing to climate change at a time when we should be reducing those emissions urgently; and ii) it would result in additional air pollution on road corridors and particularly in Calderdale's air quality management areas, where over the last decade there has been a failure to bring down pollution. If consultees to the local plan have not been provided with this important information then we are not able to make a properly informed response. - The scale of road traffic increase will vary at different locations, and it is the case that in the Upper Calder Valley, much less development is proposed which one would hope could minimise the extent of traffic generation. But in fact the figures provided to us by Friends of the Earth, calculated from the transport model, show not only significant traffic increases by 2032 on the A646 main road running along the valley but also on roads parallel or linked to the main road, as the impact of congestion spreads more widely across the local highway network. The figures Friends of the Earth have provided show that: — In Hebden Bridge the model is projecting: in the morning peak - a 12% increase across both directions in the town centre, an 11% increase towards Halifax alongside Mayroyd, and increases of around 45% in both directions on the parallel Heights Road through Midgley. In the evening peak on Heights Road the increases are again very large. — In Mytholmroyd the model is projecting: in the morning peak " a 29% increase in traffic towards Halifax on the link to the east of the town, a 35% increase in the town centre, a 63% increase on Scout Road heading west, and a 62% increase on New Road heading north towards Cragg Vale. These are all increases on the volume of road traffic measured in 2014, and as someone who experiences the extent of congestion that already occurs today, then I'm considerably concerned what increases of this scale will do to the accessibility by road of the towns along the valley, the ability to cross the main road and enjoy life in these communities, and also what this will mean for air pollution, which I already experience. - Friends of the Earth, having looked at traffic increases that are likely to be experienced at locations which are also the subject of the corridor improvement programmes being proposed and implemented by the West Yorkshire Combined Authority - which includes the A646, where that scheme is out for consultation at the moment - and have reached the conclusion that although the publicity for the scheme identifies only benefits - that it aims to provide Better connections across West Yorkshire to stimulate economic growth and job creation, and support

housing developments throughout the region; improve traffic flow, aiming to deliver and 8% reduction in journey times for all traffic and a 12% reduction in journey times for buses; and reduce accidents throughout the CIP schemes by 10% by 2022, particular involving pedestrians and cyclists that the means by which it produces these benefits - essentially by removing obstacles to the free flow of traffic along the road - are inevitably increasing its capacity, which is therefore the cause of the increased volume of road traffic being identified by the strategic transport model. In other words a scheme intended to 'improve' traffic along the main road and the quality of life in the communities it passes through could also be responsible for making these worse. Again, it's concerning that the road traffic generation effect of the CIP has not been disclosed to consultees.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

The issues I'm concerned about are consequence of the sheer volume of traffic on our roads, which is only set to increase. This is not a local problem, but a regional and national, and therefore requires national remedies. In Calderdale the local plan and its policies needs to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase. If that means that the quantity of development proposed in the plan has to be constrained, then that will be one of the consequences. Therefore I believe that none of the road schemes proposed in Policy IM1 should be approved unless and until they have demonstrated that they have managed to constrain the growth in road traffic they may generate, and that they will not result in increased carbon and air quality emissions. - In addition to the consequences of increased road traffic directly, it also causes carbon emissions, which are meant to be reduced under the Climate Change Act, but where transport emissions are in fact still increasing; and air pollution emissions where these are required to be reduced under the Environment Act 1995 and EU directives. In both these cases then there is a legal responsibility to manage the level of road traffic in order to result in the required reduction in emissions. - What Calderdale can do is to increase its support for sustainable transport, and therefore I support Policy IM4 Sustainable Travel Policies, and Policy IM5 Ensuring Development Supports Sustainable Travel.

Additional Evidence Link:

Comment ID **Lpp840**

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

In relation to the health impacts of air pollution, it should be noted that the adopted West Yorkshire Low

Emission Strategy 2016 identified the 'Estimated Mortality from Exposure to Fine Particulate Air Pollution in West Yorkshire (2013 data)' as 86 'equivalent number of deaths per year' table 2 p.22 "" so NB this is particulates alone and does not include the mortality effects of nitrogen dioxide.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. There has been a failure to disclose adequate information concerning road traffic and its associated impacts.

Council's Response:

1. The Council's response is set out in the WSP Overview of Transport Evidence Base Technical Reports 2018 (EV54.1 - 54.12), the Calderdale Strategic Model Update 2015 (EV55), the Calderdale Strategic Model Update 2016 (EV56.1 - 56.9), the Calderdale Transport Strategy 2016 (EV58) and the Calderdale Core Strategy Transport Study 2010 (EV59).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The Local Plan and its policies need to: - Take steps to actively manage the quantity of road traffic, and take a variety of measures that will have the effect of stopping the forecast increase.

Council's Response:

1. The increase in road traffic will not only be accounted for by the growth proposed in the Local Plan but by a general background increase in traffic. Measures to reduce the increase in and impacts of road traffic are included in the Local Plan's policies (see eg Section 13 on Infrastructure and Master Planning) and through the distribution and location of sites to

enable use of other methods of transport as well as reduce the need to travel.

Document Section: 21.11 Paragraph

Representations

Comment ID

Site ref (if applicable): **LP1463**

Person ID: **1182303**

Name: **Mr Michael Dawson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Calderdale council along with 22 other Local Authorities have not meet the Air Quality Targets. The A6644 Wakefield Road from the centre of Brighouse to Cooper Bridge Roundabout including J25 of the M62 had in 2015 levels of NO₂ between 40 to 60mg/m³ according to the DEFRA modelling. So with the additional housing of the 2 garden suburbs LP1451 and LP1463 and the enterprise zone LP1232 which will only make the air quality problem worse.

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Calderdale Council has not met air quality targets. Extra traffic generated by new development (LP1232, 1451 & 1463) will make matters worse.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale

Air quality Action Plan 2018.

Measures to reduce the impacts of road traffic are included in the Local Plan's policies (see eg Section 13 on Infrastructure and Master Planning) and through the distribution and location of sites to enable use of other methods of transport as well as reduce the need to travel.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 21.13 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

This paragraph identifies 6 ways by which 'planning decisions can influence exposure to poor air quality' but omits to include the most important of all: either (generically) measures which reduce the volume of road traffic down a corridor, and above all which do not promote an increase in that volume (as the CIP's are in fact doing); or more extendedly by using the menu of measures typically recommended by national, regional (i.e the West Yorkshire low emission strategy) or local air quality strategies (the Calderdale LES). As it happens all of these 3 levels of strategy have in fact also failed to identify and bring forward measures which will make air quality compliant in the particular circumstances of Calderdale (for example its various AQMAs are not concentrated in one central area which could be the subject of a clean air zone) - as Friends of the Earth's local air quality campaign has been insistently pointing out for the last 3 years - but that's not the point. Both this paragraph and the subsequent policy should have focused remedying mechanisms on the management of road travel demand.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. This paragraph fails to fully identify the ways by which planning decisions can influence exposure to poor air quality.

Council's Response:

1. The list provided in paragraph 21.13 of factors where individual planning decisions can influence exposure to poor air quality is not intended to be exhaustive but to provide a list of indicative examples.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add following to list of ways by which planning decisions can influence exposure to poor air quality:
i. Measures which reduce the volume of road traffic down a corridor, and above all which do not promote an increase in that volume; and
ii. By using the menu of measures typically recommended by national, regional (i.e. the West Yorkshire low emission strategy) or local air quality strategies (the Calderdale LES).

Council's Response:

1. The list provided in paragraph 21.13 of factors where individual planning decisions can influence exposure to poor air quality is not intended to be exhaustive but to provide a list of indicative examples.
No modification required.

Document Section: Policy EN2 Air Quality

Representations

Comment ID

Site ref (if applicable):

Person ID: **1139521**

Name: **Cllr Sophie Whittaker**

Organisation: **Councillor**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

There is an existing Air Quality Management Area situated in between both the proposed Clifton Garden Suburb & Woodhouse Garden Suburb yet, in spite of this, the Council have failed to devise a plan that would demonstrate how they intend to address the inevitable further decline in air quality, and ensure that both current and future residents are not negatively affected. Neither have the Council offered an explanation as to how air quality can be improved, not just limited, given the proposed development. The absence of any plan in this regard seems all the more shocking in the knowledge that Calderdale is one of 23 Local Authorities in England that have not met their Air Quality targets. Yet they are proposing to build 4000 more homes and an Employment Zone in an air quality management zone, plus 900 more in close proximity, and not forgetting the Kirklees proposed development on the other side of the Rastrick border. When you consider the significant risk of harm this scale of development places residents without a detailed plan of how the Council intends to manage the limits for concentrations in outdoor air of major air pollutants that impact public health, the Local Plan cannot be deemed 'sound' or fit for purpose.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale
Friends of the Earth**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

It will be very obvious why the wording of this policy - which doesn't actually have a clear meaning as to how it would be implemented - doesn't state straightforwardly that air quality should be required to become compliant with lawful standards by due dates, and that proposals which would prevent that compliance should not be approved: that's because it would apply a substantial constraint on the quantity of additional road traffic that could be generated as a result of the levels of housing and employment developments proposed by the plan. Instead the data revealing the extent of rising road traffic has not been disclosed, in the plan itself or its evidence base; whilst the policy remedy for air quality exceedances has been neutered. If it were to be the case that meeting the Objectively Assessed Need also resulted in continuing unlawful levels of air pollution, then that would constitute an 'adverse impact [the meeting of which] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The plan fails to stipulate how the Council intends to address the potential decline in air quality around the Clifton area. Additionally, the policy does not state straightforwardly that air quality should be required to become compliant with lawful standards by due dates, and that proposals which would prevent that compliance should not be approved.
2. The planned development if delivered (when considered in conjunction with proposed development in Kirklees) will have a significant impact on public health.
3. The policy does not actually have a clear meaning as to how it would be implemented
4. Data detailing the extent of rising road traffic has not been disclosed, in the plan itself or its evidence base; whilst the policy remedy for air quality exceedances has been neutered.

5. If it were to be the case that meeting the Objectively Assessed Need also resulted in continuing unlawful levels of air pollution, then that would constitute an 'adverse impact [the meeting of which] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

6. The Local Plan will increase pollution and does not outline sufficient mitigation.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

2. In applying policy EN2 consideration should be given to the requirements of policy HW2 (Health Impact Assessment) which ensures that the impact on health is taken into account from the outset when considering proposals for development.

3. The Council considers the wording contained in Policy EN2 provides clear meaning and sufficient detail regarding its implementation.

4. Data detailing the extent of rising road traffic is set out in the WSP Overview of Transport Evidence Base Technical Reports 2018 (EV54.1 - 54.12), the Calderdale Strategic Model Update 2015 (EV55), the Calderdale Strategic Model Update 2016 (EV56.1 - 56.9), the Calderdale Transport Strategy 2016 (EV58) and the Calderdale Core Strategy Transport Study 2010 (EV59). The Council's response regarding Air quality exceedances is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

5. The Council has a duty to meet its Objectively Assessed Need and the plan could be found unsound at examination if the Council fails in this duty. Whilst the Council acknowledges the potential for an increase in pollution from development, the policies on EN1 (Pollution Control), EN2 (Air Quality), EN3 (Environmental Protection), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing assist in addressing issues related to pollution.

6. The Council acknowledges the potential for an increase in pollution from development and points to the policies on EN1 (Pollution Control), EN2 (Air Quality), EN3 (Environmental Protection), IM4 (Sustainable Travel) and the policies in Section 12 on Health and Wellbeing to assist in addressing issues related to pollution. The larger allocations and in particular the two Garden Suburbs provide an opportunity to incorporate a more sustainable approach towards development including accessibility and active modes of travel as exemplified in Policy IM7 (Master Planning of Housing Sites).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Table 21.2 Monitoring: Policy EN2 - Air Quality

Representations

Comment ID

Site ref (if applicable):

Person ID: **10988** Name: **Mr Anthony Rae**

Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID: Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The outcome is identified as: 'A reduction in air pollution to within lawful limits in a specified timeframe', but the problem is in the last four words. If the requirement to reduce air pollution to within lawful limits is not time-bounded, then the solution is infinitely postponed, which is exactly what is happened to the improvement of air quality in Calderdale's 7 AQMAs since they were declared around a decade ago.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. If the requirement to reduce air pollution to within lawful limits is not time-bounded, then the solution is infinitely postponed, which is exactly what has happened to the improvement of air quality in Calderdale's 7 AQMAs since they were declared around a decade ago.

Council's Response:

1. The Council's response is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy EN3 Environmental Protection

Representations

Comment ID

Site ref (if applicable):

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached We previously stated our support for this policy and recommended some additional changes. We are pleased to see the suggested changes incorporated in this policy.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1138084**

Name: **Ms Melanie Lindsley**

Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Comment ID **Lpp80**

Site ref (if applicable):

Person ID: **1006101**

Name: **Mr Spencer Jefferies**

Organisation: **National Grid plc**

Agent ID: **1162704**

Name: **Hannah Bevins**

Organisation: **Wood E&I Solutions UK Ltd**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

National Grid prefers that buildings are not built directly beneath its overhead lines. This is for two reasons, the amenity of potential occupiers of properties in the vicinity of lines and because National Grid needs quick and easy access to carry out maintenance of its equipment to ensure that it can be returned to service and be available as part of the national transmission system. Such access can be difficult to obtain without inconveniencing and disturbing occupiers and residents, particularly where properties are in close proximity to overhead lines. National Grid seeks to encourage high quality and well planned development in the vicinity of its high voltage overhead lines. Land beneath and adjacent to the overhead line route should be used to make a positive contribution to the development of the site and can for example be used for nature conservation, open space, landscaping areas or used as a parking court. National Grid, in association with David Lock Associates has produced 'A Sense of Place' guidelines, which look at how to create high quality development near overhead lines and offers practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines. Potential developers of the sites should be aware that it is National Grid policy to retain our existing overhead lines in-situ. The relocation of existing high voltage overhead lines will only be considered for projects of national importance which has been identified as such by central government. National Grid has no high-pressure gas transmission pipelines within the administrative area of Calderdale Council National Grid requests that any High Pressure Major Accident Hazard Pipelines (MAHP) are taken into account when site options are developed in more detail. These pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to retain our existing transmission pipelines in situ. National Grid may have a Deed of Easement for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally written permission will be required before any works commence within the National Grid easement strip, and a deed of consent is required for any crossing of the easement. In the first instance please consider checking with the Land Registry for the development area. If further information is required in relation to an easement please contact Spencer Jefferies, Development Liaison Officer, box.landandacquisitions@nationalgrid.com Northern Powergrid owns and operates the local electricity distribution network in Calderdale Council. Contact details can be found at www.energynetworks.org.uk.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056601>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 22.17 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1185257**

Name: **Mr John Lever**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

The issues relating to the mining history of the area does not appear to have been fully considered in the plans? There are several dangers relating to mine shafts and unused workings. How can building work be earmarked for this area without these being explored fully?

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Calderdale has been in the past and continues to be a major supplier of building stone. We welcome the acknowledgement of the importance of the Plan area as a source of building stone.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Issues relating to historic mining activity have not been addressed.

Council's Response:

1. Paragraph 22.24 of the Local Plan refers to Historic Mining Activity in relation to Mineral Safeguarding Areas.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy MS1 Minerals Strategy

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Fourth and Seventh bullet points: Calderdale has been in the past and continues to be a major supplier of building stone. Consequently, we support this policy which will help to ensure that such resources are not needlessly sterilised by other developments and will help to ensure that former quarries which may be needed to facilitate the repair of the area's historic buildings can be reworked where necessary. Potential sources of building stone, especially those required to enable the repair of a particular historic building, may not always be able to be obtained from existing quarries or through extensions to existing quarries. For some structures, the requirement to obtain a particular type of stone whose qualities match those used previously, may require the reopening of a face on a currently-disused quarry.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1138084** Name: **Ms Melanie Lindsley** Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy MS2 Mineral Safeguarding Areas

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Calderdale has been in the past and continues to be a major supplier of building stone. Consequently, we support this policy which will help to ensure that such resources are not needlessly sterilised by other developments and will help to ensure that former quarries which may be needed to facilitate the repair of the area's historic buildings can be reworked where necessary

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1138084** Name: **Ms Melanie Lindsley** Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy MS4 Proposals for new or extended mineral sites

Representations

Comment ID **Lpp382**

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

We support the requirement that mineral developments will be permitted subject to them being able to demonstrate that they would not have an unacceptable impact upon the historic environment. This will help to ensure that the need for minerals is met in a manner which safeguards the heritage assets of the District.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp405**

Site ref (if applicable):

Person ID: **1182962** Name: **Stainland District Parish Council** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Stainland & District Parish Council requests that a buffer distance between existing properties and mineral extraction is provided within policy MS4 for the protection of residents. We also request that the policy provides for a buffer zone between Conservation Areas and any mineral extraction sites.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

We are sure the Inspector will be able to decide the best way forward based on the comments.

Additional Evidence Link:

Comment ID **Lpp474**

Site ref (if applicable):

Person ID: **1182866**

Name: **Fieldhouse**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

A buffer distance between existing properties and mineral extractions should be provided within policy MS4 for the protection of residents. The policy should provide for a buffer zone between Conservation Areas and any mineral extraction sites.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp488**

Site ref (if applicable):

Person ID: **1138084**

Name: **Ms Melanie Lindsley**

Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Policy should include a buffer zone between mineral sites and existing residents and Conservation Areas

Council's Response:

1. The policy is criteria based. It is considered that residential amenity and historic environment issues are covered in the criteria as set out in the bullet points.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. The policy should provide for a buffer zone between Conservation Areas and any mineral extraction sites.

Council's Response:

1. The policy is criteria based. It is considered that residential amenity and historic environment issues are covered in the criteria as set out in the bullet points.

Document Section: Policy MS5 Mineral Allocations

Representations

Comment ID

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Criterion B: Two of the proposed New Minerals Sites could harm elements which contribute to the significance of nearby heritage assets. The Heritage Impact Assessment considered that both these sites would, potentially, have some impact upon the significance of the heritage assets in their vicinity and put forward a number of mitigation measures to reduce the degree of harm. However, there is no reference to either the Heritage Impact Assessment or the mitigation measures in this Policy. In order to assist both those preparing detailed schemes for these allocations and those determining the appropriateness of proposals which do come forward, the recommendations of the Heritage Impact Assessments need to be effectively tied into the Local Plan. Consequently, this Policy should be amended to include a requirement for any development proposals to have regard to the Heritage Impact Assessments. Such an approach would help to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on this site and help ensure that these sites are developed in a sustainable manner.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Add the following to the end of Policy MS5 Criterion B:- 'Proposals for the development of the new mineral sites will be required to accord with the recommendations of the respective Heritage Impact Assessments'

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Two of the proposed New Minerals Sites could harm elements which contribute to the significance of nearby heritage assets. There is no reference to either the Heritage Impact Assessment or the mitigation measures in this Policy.

Council's Response:

1. Policy MS4 requires new and extended minerals sites to demonstrate that the development would not have an adverse impact on the historic environment, where appropriate a Heritage Impact Assessment would be required to assess the impacts.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add the following to the end of Policy MS5 Criterion B: "Proposals for the development of the new mineral sites will be required to accord with the recommendations of the respective Heritage Impact Assessments."

Council's Response:

1. Policy MS4 requires new and extended minerals sites to demonstrate that the development would not have an adverse impact on the historic environment, where appropriate a Heritage Impact Assessment would be required to assess the impacts.

Document Section: Policy MS6 Restoration of Mineral sites

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy MS6: Mineral Site Restoration We note and support the comments of the Shibden Valley Society in objection to this policy. With particular reference to the clause 'Where applicants are unable to submit full restoration details at the planning application stage' it is difficult to understand why, and in what circumstances, this scenario might arise. Therefore we ask that this clause be deleted, as it will invite applicants to demonstrate that they only need submit an indicative, rather than comprehensive, restoration scheme. If the applicant subsequently wishes to alter the extent, landform or timescale of the mineral extraction or of the filling and restoration, then this should be subject to a new planning application. If there are specific reasons why a less prescriptive approach might be appropriate, these should be set out and be subject to scrutiny through the Local Plan Examination.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp489**

Site ref (if applicable):

Person ID: **1138084**

Name: **Ms Melanie Lindsley**

Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Comment ID **Lpp545**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Historic quarry workings often lack robust enforceable conditions requiring restoration and it is essential future consents adopt good practice and indeed ensure where consistent with national policy developers performance is subject to bonds. There is no justification for considering applications before all the details are available as this not only makes the role of monitoring and enforcement more onerous, but multiplies the concerns and indeed suspicions of local residents.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Replace MS6 Where applicants are unable " | .with new bullet point: proposals should be accompanied by plans and robust datum points to ensure landform is restored accurately with a detailed landscaping contouring and restoration scheme prior to the commencement of development and add new bullet: In line with NPPF guidance developers should provide a bonding arrangement as part of the application to ensure restoration, for example in major proposals for mineral working or those involving new or untested technology such as fracking

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Information requirements considering proposals for restoration of workings should be consistent with NPPF.
Applicants should be required to submit a full restoration plan at application stage.

Council's Response:

1. It is considered that the policy address matters require to achieve appropriate restoration and aftercare in a balanced way in conformity with paragraph 205e of the NPPF.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Replace the bullet point in MS6 "Where applicants are unable to..." with "Proposals should be accompanied by plans and robust datum points to ensure landform is restored accurately with a detailed landscaping contouring and restoration scheme prior to the commencement of development."
- Add new bullet: "In line with NPPF guidance developers should provide a bonding arrangement as part of the application to ensure restoration, for example in major proposals for mineral working or those involving new or untested technology such as fracking."

Council's Response:

1. It is considered that the policy address matters require to achieve appropriate restoration and aftercare in a balanced way in conformity with paragraph 205e of the NPPF.

Document Section: 22.33 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 22.33 and Policy MS7: Oil and Gas It is unclear how this policy can be resolved with Policy CC1. Use of fossil fuels is inherently carbon emitting, and their continued extraction extends the time over which dependence on their use will persist. This in turn will compromise the meeting of carbon reduction targets. From an energy security perspective, it is already evident that the number of new extraction facilities needed, especially for shale gas, would be too many and too cumulatively damaging to be acceptable to communities. Further, that scale of oil and gas development would represent a major shift towards a high-carbon economic and employment strategy for Calderdale, which the Plan does not propose and which would run counter to the objectives of sustainable development. In this context, we consider MS7 is not positively prepared, because it works against the principles of sustainable development that underpin NPPF, and puts legally binding national and local carbon reduction targets further out of reach. At the very least, each part of the policy should contain an additional requirement, that: 'The proposal can be clearly demonstrated to be compatible with the objective of reducing carbon emissions and mitigating climate change.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Para 22.33 and Policy MS7 are unclear how they can be resolved with Policy CC1.

Council's Response:

1. Policy MS7 is criteria based bullet points A2 and B4 require proposals not to have any adverse impacts on the environment or local amenity. Policy CC1 is an overarching policy and therefore will be considered as part of the assessment of any such proposals

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. At the very least, each part of the policy should contain an additional requirement, that: "The proposal can be clearly demonstrated to be compatible with the objective of reducing carbon emissions and mitigating climate change."

Council's Response:

1. Policy MS7 is criteria based bullet points A2 and B4 require proposals not to have any adverse impacts on the environment or local amenity. Policy CC1 is an overarching policy and therefore will be considered as part of the assessment of any such proposals

Document Section: Policy MS7 Land Based Oil and Gas Extraction (Conventional and

Representations

Comment ID **Lpp1522**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Para 22.33 and Policy MS7: Oil and Gas It is unclear how this policy can be resolved with Policy CC1. Use of fossil fuels is inherently carbon emitting, and their continued extraction extends the time over which dependence on their use will persist. This in turn will compromise the meeting of carbon reduction targets. From an energy security perspective, it is already evident that the number of new extraction facilities needed, especially for shale gas, would be too many and too cumulatively damaging to be acceptable to communities. Further, that scale of oil and gas development would represent a major shift towards a high-carbon economic and employment strategy for Calderdale, which the Plan does not propose and which would run counter to the objectives of sustainable development. In this context, we consider MS7 is not positively prepared, because it works against the principles of sustainable development that underpin NPPF, and puts legally binding national and local carbon reduction targets further out of reach. At the very least, each part of the policy should contain an additional requirement, that: 'The proposal can be clearly demonstrated to be compatible with the objective of reducing carbon emissions and mitigating climate change.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

See under Soundness

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp490**

Site ref (if applicable):

Person ID: **1138084**

Name: **Ms Melanie Lindsley**

Organisation: **Planning Liaison Manager
The Coal Authority**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

See attachment

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072470>

Comment ID **Lpp559**

Site ref (if applicable):

Person ID: **501875**

Name: **Ms Dee Weaver**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

The policy to support proposals for the exploration for shale gas is in direct contravention of a resolution made by CMBC at a full Council meeting on 3rd December 2014 calling on the central government to impose a moratorium on shale gas exploration within the UK. The Council acknowledged that shale gas extraction can have major impacts on climate change, greenhouse gasses, air quality and water quality. The lasting harm caused by shale gas extraction will adversely affect residents and visitors alike, and is in breach of the Council's resolutions to improve air quality as well as the visual amenities of the Calder Valley.

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Delete all references to support for unconventional gas and shale gas.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Unclear how the policy can be resolved with Policy CC1. Policy is not positively prepared because it works against the principles of sustainable development set out in NPPF

Council's Response:

1. Policy MS7 is criteria based bullet points A2 and B4 require proposals not to have any adverse impacts on the environment or local amenity. Policy CC1 is an overarching policy and therefore will be considered as part of the assessment of any such proposals

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Delete all references to support for unconventional gas and shale gas.
At the very least, each part of the policy should contain an additional requirement, that: "The proposal can be clearly demonstrated to be compatible with the objective of reducing carbon emissions and mitigating climate change."

Council's Response:

1. Policy MS7 is criteria based bullet points A2 and B4 require proposals not to have any adverse impacts on the environment or local amenity. Policy CC1 is an overarching policy and therefore will be considered as part of the assessment of any such proposals

Document Section: 23 Waste

Representations

Comment ID

Site ref (if applicable):

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Section 23 "" Waste Whilst we do not wish to comment on the waste chapter in detail, we would like to make a comment on the restoration of waste sites. There does not appear to be any information on the restoration and after-use of landfill sites. Landfill sites have the potential to be restored to nature conservation sites after use, and can deliver net gains for biodiversity and health and wellbeing benefits for local residents. The restoration of ex-waste sites to nature conservation sites would be in line with Paragraphs 9 and 118 of the NPPF. St Nicks Local Nature Reserve in York is a successful case study where a landfill site has been restored for wildlife and community benefits. As an ex-landfill site the nature reserve has recovering biodiversity with various habitats including young woodland, scrub, meadow, rough grassland, coppice and a stream. The site is locally important for water voles and several rare micromoths, and was designated as a Local Nature Reserve in 2004 by Natural England. More information on St Nicks can be found on the following link: <https://stnicks.org.uk/about-us/> .

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The Plan does not include any information on nature conservation benefits that can be achieved through the restoration of waste/landfill sites.

Council's Response:

1. It is recognised that restoration of waste sites can achieve biodiversity benefits and Policy WA1 criteria c requires applicants to demonstrate that proposals would clearly benefit biodiversity, and/ or recreation and / or agriculture

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Include reference in the Waste Section to the nature conservation benefits that can be achieved through restoration of waste/landfill sites.

Council's Response:

1. It is recognised that restoration of waste sites can achieve biodiversity benefits and Policy WA1 criteria c requires applicants to demonstrate that proposals would clearly benefit biodiversity, and/ or recreation and / or agriculture

Document Section: 23.5 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

This paragraph does not address the impact of waste streams coming into the Borough and the need for cooperation needs to be strengthened. It is debateable whether this is a duty to cooperate or a soundness point as in HCT's view the plan is capable of modification to make it compliant and sound.

Suggested Modifications:

23.5 add after border and the impact of waste streams coming into the borough. The Council will be proactive in seeking the cooperation of other local authorities in the management of waste , to promote the efficient use of land, buildings and services.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

1. Duty to cooperate to understand importation of waste

Council's Response:

1. The Council continues to co-operate with the other West Yorkshire Authorities on Waste issues and example of this is the Waste Capacity Model which provides an assessment of current waste projections and capacity. It is not considered necessary to amend paragraph 23.5

Suggested Modifications

1. Add to para 23.5: "The Council will be proactive in seeking the cooperation of other local authorities in the management of waste , to promote the efficient use of land, buildings and services."

Council's Response:

1. The Council continues to co-operate with the other West Yorkshire Authorities on Waste issues and example of this is the Waste Capacity Model which provides an assessment of current waste projections and capacity. It is not considered necessary to amend paragraph 23.5

Document Section: Policy WA1 Planning for Sustainable Waste Management

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183171** Name: **Brosters Environmental Ltd** Organisation: **Brosters Environmental Ltd**

Agent ID: **1150535** Name: **Mr Dan Mathewman** Organisation: **Knights Professional Services Ltd**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Do you consider that the plan complies with the Duty to Co-operate?: **No**

Duty to Co-operate Reason:

cooperate. In HCT's view the plan is capable of modification to cover this point. The proposed wording is narrow in its approach and not strategic particularly given the absence of a West Yorkshire Minerals and Waste Local Plan. There is no justification given for the self sufficiency point.

Suggested Modifications:

delete WA1d and replace with The Council will work in cooperation with other local authorities in West Yorkshire and the surrounding region to minimise the impact of waste disposal and processing activities and ensure the most economic and efficient provision of services

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The wording of WA1 d lacks justification and is not strategic particularly given the absence of a West Yorkshire Minerals and Waste Local Plan.

Council's Response:

1. The council supports the need to ensure the most economic and effective provision of waste management, however waste management is governed by the market and National Government targets. No change to WA1d is proposed.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Delete WA1d and replace with: "The Council will work in cooperation with other local authorities in West Yorkshire and the surrounding region to minimise the impact of waste disposal and processing activities and ensure the most economic and efficient provision of services."

Council's Response:

1. The council supports the need to ensure the most economic and effective provision of waste management, however waste management is governed by the market and National Government targets. No change to WA1d is proposed.

Document Section: Policy WA2 New Waste Facilities

Representations

Comment ID **Lpp1028**

Site ref (if applicable):

Person ID: **1183171** Name: **Brosters Environmental Ltd** Organisation: **Brosters Environmental Ltd**

Agent ID: **1150535** Name: **Mr Dan Mathewman** Organisation: **Knights Professional Services Ltd**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attachment

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5079421>

Comment ID **Lpp1523**

Site ref (if applicable): **WLP2**

Person ID: **1183599** Name: **Mr Andrew Wood** Organisation: **Consultant Planner CPRE**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not

positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies WA2, WA4 and site WLP2 In the context of our comments on Policy GN4, it is evident that site WLP2 is anomalous and should be deleted. Its effect on the Shibden Valley SLA will be a significant cumulative landscape impact alongside the existing huge warehouse buildings and adjacent quarrying activity, and the only way for development of the site to be considered acceptable would be for it to demonstrably mitigate and enhance the landscape. This leads us to suggest that WA4 could be made sound in this regard, by modifying the third bullet: 'the proposal will not create unacceptable impacts, individually or cumulatively, on ecological, heritage or landscape assets, including their setting, and will take every possible opportunity to enhance those assets and their setting.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

see under Soundness

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5102830>

Comment ID **Lpp384**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Two of the proposed New Waste Sites WLP2 and WLP4) have been identified by the Council as potentially harming elements which contribute to the significance of nearby heritage assets. The subsequent Heritage Impact Assessments considered that both these sites would, potentially, have some impact upon the significance of the heritage assets in their vicinity and, as a result, put forward a number of mitigation measures to reduce the degree of harm. However, there is no reference to either the Heritage Impact Assessment or the mitigation measures in this Policy. In order to assist both those preparing detailed schemes for these allocations and those determining the appropriateness of proposals which do come forward, the recommendations of the Heritage Impact Assessments need to be effectively tied into the Local Plan. Consequently, this Policy should be amended to include a requirement for any development proposals to have regard to the Heritage Impact Assessments. Such an approach would help to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on this site and help ensure that these sites are developed in a sustainable manner.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

(a) Add the following to the end of Policy WA2:- 'Proposals for the development of Sites WLP2 and WLP4 will be required to accord with the recommendations of the respective Heritage Impact Assessment'

Additional Evidence Link:

Comment ID **Lpp548**

Site ref (if applicable): **WLP2**

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The document acknowledges site WLP2 requires a heritage impact assessment. The site impacts on the Special Landscape area (SLA) and the need for it in waste terms is not justified. The visual impact of built waste facilities on the proposed site WLP2 threatens both the openness of the green belt and the setting of the Shibden Valley SLA. The proposed designation conflicts with policy WA1 (the site lies within the coal and sandstone Mineral Safeguarding areas - the existing waste site does not as it is built on a worked out quarry), Policy WA2 (the heritage impact assessment has not been undertaken), Policy WA4 (the site is not in any of the specified categories), Policy GB1 (contrary to green belt policy) and GN4 (the summit of the ridge is an integral part of the Shibden Valley SLA). The proposal conflicts with the National Planning Policy for Waste 2014 (NPPW) in that it fails to identify the broad type or types of waste management facility to be located on the site (NPPW para 4), it fails to assess the cumulative impact of the proposal (NPPW para 5) and it conflicts with NPPW App B Locational Criteria para c) in that it does not respect the character of the high quality landscape, nor does it make any provision for localised height restrictions which are particularly relevant in site WLP2 with its impact on the skyline. The Waste Sites Assessment 2016 p40 indicates that the allocation would require the site's removal from the Green Belt but there is no evidence of the very special circumstances required. Para 23.18 acknowledges that "Information on converting capacity shortfalls to land take is scarce". Despite participation in the WYCA Waste Needs Assessment, that data has not been used in the Local Plan which uses old data from 2014 and earlier. There is no evidence to support the land take area. The maximum land take indicated in the scenarios in para 23.18 can readily be achieved without utilising WLP2. HCT considers the difficulty with this site arises from the flawed Sustainability Assessment. Reference should be made to Appendix 5, pages 102-104, concerning WA4. It is difficult to see how this policy has been assessed robustly. Objective 5 talks about a reduction in landfill, though the plan allocates this additional area. The need for good design is not carried through in the policy (Objective 6) unless the plan is modified, the impact on the landscape is negative not positive (Objective 9), and the impact on pollution levels is somewhat vague (Objective 10, landfill is considered but not weighed against the impact of incineration overall and on local areas). The Sustainability Assessment is misleading in stating the policy would promote the efficient use of land as the land designation is on green

belt (and contrary to policy) and there is no mention of shared services or inter authority cooperation(Objective 13).

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Delete WLP2

Additional Evidence Link:

Comment ID **Lpp602**

Site ref (if applicable): **WLP2**

Person ID: **1183480**

Name: **David Storrie**

Organisation: **Director of Planning Enzygo**

Agent ID: **1183339**

Name: **Mr David Storrie**

Organisation: **Planning Consultant Storrie
Planning**

Do you consider the plan to be Legally Compliant?: **Yes**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attached document.

Do you consider that the plan complies with the Duty to Co-operate?: **Yes**

Duty to Co-operate Reason:

We have indicated yet but have concerns regarding the amount of inter authority discussions regarding Waste sites as detailed in our submission.

Suggested Modifications:

Please see attached submission

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073994>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Test of Soundness

Main Issues:

1. Two of the proposed New Waste Sites (WLP2 and WLP4) have been identified by the Council as potentially harming elements which contribute to the significance of nearby heritage assets. There is no reference to either the Heritage Impact Assessment or the mitigation measures in this Policy. Policy conflicts with the NPPW. Site selection process is flawed. Allocation is not consistent with Policy GB1.

Council's Response:

1. The waste site assessment document sets out the criteria for selection of new waste facilities. Policy WA4 sets out the criteria against which proposal for development of the identified sites will be assessed.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add the following to the end of Policy WA2: "Proposals for the development of Sites WLP2 and WLP4 will be required to accord with the recommendations of the respective Heritage Impact Assessment."
Delete Site WLP2
Policy should be deleted.

Council's Response:

1. The waste site assessment document sets out the criteria for selection of new waste facilities. Policy WA4 sets out the criteria against which proposal for development of the identified sites will be assessed.

Document Section: Policy WA4 Proposals for New Waste Management Facilities

Representations

Comment ID

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies WA2, WA4 and site WLP2 In the context of our comments on Policy GN4, it is evident that site WLP2 is anomalous and should be deleted. Its effect on the Shibden Valley SLA will be a significant cumulative landscape impact alongside the existing huge warehouse buildings and adjacent quarrying activity, and the only way for development of the site to be considered acceptable would be for it to demonstrably mitigate and enhance the landscape. This leads us to suggest that WA4 could be made sound in this regard, by modifying the third bullet: 'the proposal will not create unacceptable impacts, individually or cumulatively, on ecological, heritage or landscape assets, including their setting, and will take every possible opportunity to enhance those assets and their setting.'

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID

Site ref (if applicable):

Person ID: **10978** Name: **Mr Ian Smith** Organisation: **Historic England**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **Yes**

Sound Reason:

Third bullet point: We support this Criterion. This will help to ensure that any future waste developments are delivered in a manner which safeguards the heritage assets of the District.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp549**

Site ref (if applicable):

Person ID: **1182147** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Agent ID: **1182144** Name: **Mr Alan Goodrum** Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The policy makes no mention of achieving a high quality of design. waste disposal sites and buildings such as incinerators tend to be prominent and if not handled well extremely intrusive features. The Sustainability Assessment (WA4) objective 6 page 102 assumes the proposals will achieve a high quality design but there is nothing in the policy to confirm this.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

add bullet point to WA4 Proposals should achieve a high quality of design and landscaping particularly as they are often prominent features in the landscape, having an impact on the local and surrounding areas, having particular regard to Policy BT1

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The policy makes no mention of achieving a high quality of design.

Council's Response:

1. This is criteria based policy and proposals would be assessed in how they respect the surrounding landscape character. Any development would be required to be consistent with other policies in the Local Plan including Policy BT1 High Quality and Inclusive Design

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add bullet point to WA4: "Proposals should achieve a high quality of design and landscaping particularly as they are often prominent features in the landscape, having an impact on the local and surrounding areas, having particular regard to Policy BT1."
-Modify the third bullet to read: "The proposal will not create unacceptable impacts, individually or cumulatively, on ecological, heritage or landscape assets, including their setting, and will take every possible opportunity to enhance those assets and their setting"

Council's Response:

1. This is criteria based policy and proposals would be assessed in how they respect the surrounding landscape character. Any development would be required to be consistent with other policies in the Local Plan including Policy BT1 High Quality and Inclusive Design

Document Section: Annex 1 1.3 Paragraph

Representations

Comment ID

Site ref (if applicable):

Person ID: **1178423** Name: **Mr Christopher Chapman** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?: **No**

Legal Compliance Reason:

Do you consider the plan to be Sound?: **No**

Sound Reason:

The NPPF has been updated in 2018 to state that MAXIMUM parking standards should only be set where there is a clear and compelling justification. The written ministerial statement of March 2015 stated that maximum standards do not reduce car use, it instead leads to blocked and congested streets and pavement parking. It is for this reason that the paragraph of the statement has been updated to refer to maximum parking standards only. Calderdale's justification of " It is therefore essential that Calderdale has the ability to manage the provision of off-street parking in new developments where on street parking would create or exacerbate existing problems " is contrary to the purpose of paragraph 106 of the NPPF and would not be considered a clear and compelling justification.

Do you consider that the plan complies with the Duty to Co-operate?:

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Questions Council's clear and compelling justification for parking standards.

Council's Response:

1. Justification contained within EV 57 Car and Bicycle Parking Standards – Technical/Justification (2018).

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response: