

CALDERDALE LOCAL PLAN

Representations and Responses

Document

Chapters 0-6 Addendum

Calderdale Metropolitan Borough Council

May 2019



The following representations and responses were omitted from the 'Representations and Responses Document Chapters 0-6':

- 2.70 Paragraph**
- 2.72 Paragraph**
- 4.1 Paragraph**
- 6.6 Paragraph**
- Table 6.3 Calderdale Housing Trajectory 2018/19 - 2032/33**
- Table 6.4 Five Year Supply Position 2018**

Document Section: 2.70 Paragraph

Representations

Comment ID **Lpp269**

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 historic environment makes a significant contribution to the distinctive character of Calderdale, to its economic well-being, and to the quality of life of its communities. In a Paragraph which purports to set out a profile of the environment of the District, the lack of any reference to the historic environment is a significant omission.

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

Duty to Co-operate Reason:

Suggested Modifications:

Add a section on the historic environment of Calderdale to this Paragraph.

Additional Evidence Link:

Comment ID **Lpp570**

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?: **No**

Legal Compliance Reason:

No meaningful consultation. Residents in the 'Thornhills' area of Clifton prevented by Calderdale from being a part of Clifton Neighbourhood Forum.

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

Sound Reason:

Calderdale claim that 'The environment has been a key priority for the Council since it was established in

1974, and remains so today.' However: 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? Moreover paragraph 80 states Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas to prevent neighbouring towns merging into one another to assist in safeguarding the countryside from encroachment to preserve the setting and special character of historic towns to assist in urban regeneration, by encouraging the recycling of derelict and other urban land The local plan is in clear violation of this framework. How will this be addressed?

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

Duty to Co-operate Reason:

The plan contravenes the 'National Planning Policy Framework'

Suggested Modifications:

Brownfield land should be utilised instead of Green Belt land.

Additional Evidence Link:

Comment ID **Lpp757**

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 fact that Greenbelt + 'Area around Todmorden' (31,589 ha) constitutes 82.5% of Calderdale's total area, with by contrast the formal urban areas only representing 12.6% of the district, is another recognition by the plan of the topographical, landscape and biodiversity constraints on the scale of development in Calderdale.

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 plan is not legally compliant.
2. Lack of meaningful consultation.
3. The plan contravenes the National Planning Policy Framework.
4. Loss of Green Belt.
5. Green Belt Assessment is incorrect. Utilise brownfield sites first.
6. Community involvement - Lack of community involvement in proposals.

Council's Response:

1. The Council considers it has submitted a plan for examination which is sound, namely it is positively prepared, justified, effective and consistent with national policy.
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. With the exception of the Local Housing Needs calculation the Local Plan is prepared under the provisions of NPPF 2012.
4. The NPPF states that once established, the green belt should only be changed in exceptional circumstances during a development plan review.
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.
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.
5. The proposed changes to the Calderdale Green Belt are a last resort and have been minimised. Furthermore, the boundary changes are essential to achieving a sustainable future for Calderdale – one that reconciles economic, social and environmental sustainability.
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.
6. 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. Lack of reference to the historic environment.

Council's Response:

1. Paragraph focuses on the natural environment, 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.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add a section on historic environment in this section.

Council's Response:

1. This paragraph focuses on the natural environment. The historic character in terms of the built-environment is described in paragraphs 2.7 and the bullet points in 2.9. It is not considered necessary to add further descriptive details. No modification required.

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.

Document Section: 2.72 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 £35m of HM Treasury Grant has been allocated to contribute towards flood alleviation projects such as Mytholmroyd, Hebden Bridge and Brighouse. The additional funding is administered and agreed by the Calderdale Flood Partnership Board chaired by the leader of CMBC, Cllr Tim Swift. The paragraph needs amending to take this into account.

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 take into account £35m of HM Treasury Grant has been allocated to contribute towards flood alleviation projects such as Mytholmroyd, Hebden Bridge and Brighouse. The additional funding is administered and agreed by the Calderdale Flood Partnership Board chaired by the leader of

CMBC, Cllr Tim Swift.

Council's Response:

1. Paragraph 2.72 refers to the £35m of special grant allocated to Calderdale in the wake of an increased frequency of repeat flood events across the Borough.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend paragraph to make reference to £35m of HM Treasury Grant has been allocated to contribute towards flood alleviation projects such as Mytholmroyd, Hebden Bridge and Brighouse. The additional funding is administered and agreed by the Calderdale Flood Partnership Board chaired by the leader of CMBC, Cllr Tim Swift.

Council's Response:

1. Paragraph 2.72 refers to the £35m of special grant allocated to Calderdale in the wake of an increased frequency of repeat flood events across the Borough. It is not considered necessary to provide lower level details about the administration of the Grant Funds or the locations where the Grant will be spent. No modification required.

Document Section: 4.1 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:

Halifax Civic trust are supportive of the objectives in general, but wish to see the good quality design, enhancement of conservation areas and reuse of listed buildings carried through to the objectives. This gives rise to soundness concerns on the detail. We believe there are greater opportunities for cooperation in the waste area.

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

Duty to Co-operate Reason:

Suggested Modifications:

see detail in subsequent paragraphs

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Good quality design, enhancement of conservation areas and reuse of listed buildings should be carried through to the objectives.
2. There are greater opportunities for co-operation in the waste area.

Council's Response:

1. 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.

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.

2. The co-operation between West Yorkshire Authorities is ongoing and includes monitoring of waste arisings and processing.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 6.6 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:

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. SD3 Policy SD3 and Housing Trajectory As set out above, our position is that the housing requirement might be quantitatively sound, but only if the requirement is segmented to give much greater confidence that the right types of homes will be built to meet genuine needs. Building the wrong types of housing would amount to a failure of the Plan, and therefore without segmentation of the requirement (as per our para XX) the Plan should be considered ineffective and not positively prepared. We understand that historical success in delivering a high proportion of new development on brownfield sites might lead to a reduction in future brownfield supply; and we also acknowledge that a proportion of recent housebuilding has been on former employment allocations. Some reduction in brownfield supply may therefore be expected. However, we have not seen convincing evidence that the ongoing supply of brownfield sites has been exhausted to the extent that no new allocations would be made on brownfield sites. Our Figure 2 below looks at housing targets and completions over the past 20 years. What we see is that whilst the target has progressively stepped up, the build-rate has tended gradually downwards, even allowing for the pre-recession peak. Over that time the large majority of housebuilding was on brownfield sites, and when evened out over the 20 year period it suggests a relatively stable supply of around 500 dwellings per year from brownfield sites. We have not analysed the split between allocations and windfalls within this brownfield supply. Even if the most recent brownfield completion rate of around 300 dwellings per year is taken as indicative of the longer term position, it is difficult to accept the Plan's proposition that new allocations of brownfield land cannot be envisaged within the plan period. In the light of NPPF2018's renewed emphasis on brownfield sites, and the Plan's Strategic Objective SO4 to maximise the use of brownfield land, we consider that the evidence for the future supply and viability of brownfield sites must be re-examined. Figure 2: 20-year historical trend in targets and completions in attachmentCPRE West Yorkshire Evidence Paper 2: CPRE Core Evidence

(page 10) Our Figure 3 adds the proposed housing trajectory onto the historical trend, to enable us to examine its realism. This shows: The extent of the sudden drop in use of brownfield sites, which cannot be said to be consistent with SO4; The expectation of a rapid increase in housebuilding immediately upon adoption of the Plan. Figure 3: Historical trend and Plan Housing Trajectory together in attachment CPRE West Yorkshire Evidence Paper 2: CPRE Core Evidence (page 11) It is of course correct that adoption of the Plan will result in a rapid acceleration of available land supply, as new allocations come on-stream; but it is inconceivable that housebuilding (starts and completions) will rise at anywhere near that rate. This presents significant problems: It depends on a rate of housing market growth equivalent to the fastest part of the boom in the early 2000s (unless a very high proportion of new housing was for social rent); If such rapid market growth could be achieved it would be very likely to create financial instability, leading to problems such as negative equity; If it is not achieved, then the Local Plan is likely to fail against the new Housing Delivery Tests, causing the Plan to be rendered out-of-date almost as soon as it is adopted. This deeply unrealistic trajectory sets up a 'lose-lose' situation for the Local Plan, and cannot therefore be sound. It is also self-evident that trying to secure very rapid increases in build-rates reduces the ability of the flow of brownfield and windfall sites to contribute to land supply. Consequently we may conclude that it is haste, rather than housing need, that creates pressure for large allocations of greenfield land, including Green Belt change.

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>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. It is not considered that housebuilding will rise to the level in the trajectory on adoption of the Local Plan.

Council's Response:

1. Adoption is programmed for late 2019/early 2020 in the Local Development Scheme (Submission Document SD 06 Local Development Scheme (2018)). The Housing Trajectory reflects judgements based on the best information available with the average annual housing requirement of 840pa not expected to be achieved in the early years of the Plan. Allocations without planning permission are not expected to come forward before Year 4. Provision in the latter part of the Plan period will be greater and enable the overall housing requirement to be delivered. Recent completions levels show that the average over the last 3 years

(15/16 – 17/18) was just short of 390pa (388.7) with completions for the first 3 quarters of 18/19 being 424 dwellings. It is possible therefore that the level of completions may be similar to that shown in the Trajectory for the early years of the Plan when such recent rates are supported by new land allocations starting to come forward.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Table 6.3 Calderdale Housing Trajectory 2018/19 - 2032/33

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:

For the moment FOE won't be making a comment on the technical validity of the five year land supply. However we've read the submission on this prepared by our colleagues CPRE and will be submitting evidence on the issue to the EIP when/if the housing allocations number is revised.

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: Table 6.4 Five Year Supply Position 2018

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:

See Representations against paragraph 6.9

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 five year supply will disincentives the use of brownfield land.
2. There should be a more gradual acceleration of supply to create a more realistic and effective trajectory.

Council's Response:

1. 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.

This approach is mirrored by the development policies contained within the plan and will be applied during the planning application process throughout the plan period.

2. Adoption is programmed for late 2019/early 2020 in the Local Development Scheme (Submission Document SD 06 Local Development Scheme (2018)). The Housing Trajectory reflects judgements based on the best information available with the average annual housing requirement of 840pa not expected to be achieved in the early years of the Plan. Allocations without planning permission are not expected to come forward before Year 4. Provision in the latter part of the Plan period will be greater and enable the overall housing requirement to be delivered. Recent completions levels show that the average over the last 3 years (15/16 – 17/18) was just short of 390pa (388.7) with completions for the first 3 quarters of 18/19 being 424 dwellings. It is possible therefore that the level of completions may be similar to that shown in the Trajectory for the early years of the Plan when such recent rates are supported by new land allocations starting to come forward. NPPF 2019 (paragraph 33) requires policies in Local Plans to be reviewed in order to assess whether they need updating at least once every 5 years and then be updated as necessary. Therefore any issues with sites not coming forward will be addressed well before the end of the Plan period.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response: