

# **CALDERDALE LOCAL PLAN**

## **Representations and Responses Document**

### **Chapter 9 - New Housing Sites:**

**Brighouse, Elland, Hebden Bridge,**

**Mytholmroyd, Ripponden, Sowerby Bridge**

**Calderdale Metropolitan Borough Council**

**June 2019**





This document contains representations and Council responses for Chapter 9 - Sites for New Housing and New Housing Sites in the following Local Plan Areas:

- Brighouse (exc. Garden Suburbs)
- Elland
- Hebden Bridge
- Mytholmroyd
- Ripponden
- Sowerby Bridge



## Document Section: 9 Sites for Housing

### Representations

Comment ID **Lpp1358**

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 Table 6.10 of the Plan sets out the distribution of housing throughout the plan period, both in terms of the geographical spread and the method of delivery i.e. allocations, planning permissions or windfall. The information indicates that the Council are only proposing to allocate new homes in settlements in tiers 1-4 of the settlement hierarchy, with growth in all settlements below this restricted. Whilst it is acknowledged that a large proportion of development should be concentrated in the most sustainable locations, it is short sighted to prevent small settlements from growing as well, as additional growth helps to maintain local services and facilities. Allowing settlements to grow and deliver new homes is a key component of sustainable development, as new homes enable a greater prospect of delivering mixed communities, with a range of age groups, families and elderly people forming the community. The Council's current approach will lead to the stagnation of smaller settlements, which generally have aging populations and there is a requirement for a greater variety of age groups in such settlements. In addition, the small growth in such areas can help to maintain the viability of such communities, a fact that is acknowledged by the Government in the Framework. It is also noted that the Council do not propose to allocate any safeguarded land, which means that they are a significant risk of not delivering their housing requirement should allocated sites fail to deliver. Land should be safeguarded to ensure that other land can come forward if necessary and is not unduly restricted by planning policy, such as Green Belt.

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 **Lpp1469**

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 As previous see comments from Initial Draft stage (see below). Initial comments: We have the following non-flooding comments to make on sites proposed for allocation (for comments see individual site representations LPD6302, LPD6303, LPD6304, LPD6305, LPD6306, LPD6307, LPD6308 and LPD6309). We have not considered the "'Rejected Sites'. Where we have not made reference to a site we have no specific comments to make regarding that site subject to the application of the "'Site Allocations, Assessment Methodology, Local Plan "' Initial Draft' and the comments we have made on that document. Further comments: We have now completed a review of the site allocations from a flood risk perspective "' comments regarding site specific assessment of the flood risks for all sites is contained in columns N-R of the attached spreadsheet (see uploaded document under Additional Information below). The first tab relates to proposed sites and the second tab to Filtered/Rejected sites.

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 **Lpp15**

Site ref (if applicable):

Person ID: **1179128**

Name: **Mr Anthony Wood**

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:

here we go again, you waste money sending leaflets that gives the impression that we can have a say in the housing plans for a certain area, well we live in a so called democracy which means the majority opinion should be implemented, we have made our opinions perfectly clear yet you have decided to completely ignore, those opinions, there is a report out at the moment that states under 25% of the new housing

planned for certain areas will not be affordable, and is just another way for certain people to make more money, and completely ruin the local landscape, and wildlife, it wont be long before my grand children will have to visit a zoo to be able to see natural British wildlife, plus if the housing shortage is in Halifax, then Halifax is where the majority of the housing should be built.and you have the nerve to call this a DEMOCRACY, dont make me laugh.

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 **Lpp34**

Site ref (if applicable): **LP1379**

Person ID: **1181235**

Name: **Mr Dave Adams**

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:

Compensation for devaluation of property police to be made aware of the plans of re building and increasing social housing in this area. Our house and neighbours have enjoyed great views over the golf course and countryside. A recent development by Calderdale council / together housing will obliterate our views. The buildings will be so close to us, like 20 metres from our front door .According to the planning department views do not count and this is true in planning. However as we ALL know views are important in selling a house and do add value to a house. This is borne out by those who levy council tax. If you have amenities such as golf course views recreation areas ,you are taxed for this amenity. I will apply for a reduction in council tax due to loss of amenity. If successful surely this proves that a view is an asset and has a monetary value. Surely you cannot tax on one hand and not give compensation on the other if the amenity is lost? Property developers/council should compensate those affected It would also mean that new developments which ruin views contribute to a lowering of revenues collected by council tax. It is time for all bodies to coordinate. How can it be on one hand that a view is not to be considered and on the other that it is a consideration for tax! Thus if a building plan reduces the value of a property but must be built for extra housing and of course affordable housing (a joke and a con) then the property developer /council should compensate those affected by the approved plan and pay compensation accordingly. This would only be fair don't you think? I am sure the Building company's of the uk would back down on exploitative and speculative property developments if compensation had to be paid out. "Where can we build?" they would bleat! Well not in my back-yard for a start! There is plenty of land around and plenty of brown sites without ruining the fortunes and lives of those who happily pay council tax in the hope of having value for it. Nice to see the value of Taylor Wimpey reduced by 84% over the past year. Nice! Well serves them right another example of unbridled greed such as Northern Rock and many more. Sadly those who they employ end up losing jobs as a result. So views do count and it is time planning and the tax man

sang from the same sheet. I urge for a change in law that values the amenity of view from one's home. On another note i would like to bring the fact that 18 years ago the front page of the evening courier read 'ESTATE TURNED INTO WAR ZONE' how quickly we forget what social housing brings and also how the police are way too undermanned to deal with this problem . I know that social housing s needed but to over build in area that has such a significant past is ridiculous and to be allowed to happen would be catastrophic as we know history has a habit of repeating . Before submitting any plans these issues must be addressed with the inclusion of the West Yorkshire police as after all they will need extra funding to control these areas . Funding by who ?

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 **Lpp50**

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

Person ID: **715622**

Name: **Mrs Judi Taylor**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Yes in that as I am not a lawyer, I can only assume Calderdale have ensured they are legally compliant

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

Sound Reason:

1. How can Calderdale justify allocating so many houses to the Brighouse area compared to any other possible site in Calderdale? 2. I do not believe that due consideration has been given to current issues with air quality on the main routes through Brighouse. congestion on those routes, and indeed any type of transport infrastructure. The M62 is already congested at jn25 and building 2000 houses at Thornhills and developing the land off Wakefield road at Clifton into an industrial/business park will increase both heavy goods and car traffic, further worsening air quality and congestion. This part of Calderdale is already one of the worse areas on both counts. The village of Clifton, with a primary school on its' main road, is already used as a short cut for those wishing access to and from the M62, travelling well in excess of the speed limit. This will make it worse. I cannot see how the plan can be effective if it has not sufficiently covered these issues, and is not consistent with national policy on air quality so is already non-compliant with government guideline. Even Highways England has identified that Calderdale has seriously underestimated the increase in traffic flows on the A644 into Brighouse and jn25 of the M62. Given the link between pollution and health, Calderdale being one of the worst areas in England for heart and respiratory disease, what measures does the Council propose to put in place to improve air quality? Where is the sound evidence based infrastructure strategy to mitigate against the traffic issues? 3. The proposed site for development is currently used for grazing cattle and sheep and historically has been used for coal mining. The danger of subsidence is quite high with so many disused mine shafts scattered around the site. Where is the Council's plan to deal with this issue? 4. The centre of Brighouse is a known flood area. The last major

flood affecting businesses and homes was on Boxing day 2015. The majority of routes into and out of Brighouse involve a hill. The current land of the proposed development provides some relief for the town. Building on his land will exacerbate the flooding problem in Brighouse. The plan is not sound on this basis without detail of how the water currently absorbed into the ground will be dealt with to avoid it all running off down the hill into Brighouse.

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

Duty to Co-operate Reason:

Calderdale is not the only council considering development in this area. The proposed development at Thornhills is less than 2 miles from a similar development in the Woodhouse area of Brighouse and less than 5 miles from large developments planned by Kirklees Council, also bordering the M62 between junctions 25 and 24/ To a lesser extent, Bradford council is also planning developments along the Calderdale border. Where is the evidence that Calderdale has consulted with these councils and developed a joined up approach? Where is there any evidence that Calderdale has consulted with the Environment Agency and others re: flood risks to Brighouse?

Suggested Modifications:

A consideration of reducing the number of houses planned for Thornhills to allow for better road infrastructure, green spaces and community areas as per a Garden Suburb and thus reducing the impact on the neighbouring village of Clifton and on Brighouse. A detailed plan of transport infrastructure improvements is required identifying what new infrastructure will be developed, the positive impact it will have on air quality and congestion to mitigate any proposed development, when it will be developed, how it will be delivered and an estimate of cost. Without this plan Brighouse will grind to a halt due to increase in traffic, air quality will become even worse adversely affecting the health of local people. Given the flood risk, a flood relief strategy needs to be in place in partnership with the Environment agency and other partners.

Additional Evidence Link:

Comment ID **Lpp568**

Site ref (if applicable):

Person ID: **924266**

Name: **Mr Bob Pritchard**

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:

In my view the approach to the distribution of housing in the District is an appropriate spatial approach for Calderdale. The quantum of housing and the scale of the proposed development is also appropriate and now avoids unnecessary green belt release. I would particularly support the Garden Communities proposals as these offer an opportunity to establish new sustainable settlements with a high design component offering a mix of tenures. I hope that the Council is in position to resist the inevitable objections it will receive from developers and landowners who will be seeking to put forward individual

smaller sites in competition with these longer-term proposals.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. New sites that have appeared in the publication draft that have not previously been consulted on in previous iterations of the plan.
2. Views expressed during previous consultation have not been taken into account.

Council's Response:

1. Sites added to the Local Plan since the Local Plan Initial Draft consultation have been subject to full site assessment and stakeholder consultation. Following this, a full round of public consultation took place on these sites at the Local Plan Publication Draft stage in accordance with the Council's adopted Local Development Scheme and Statement of Community involvement.
2. The Regulation 18 Consultation sets out how the comments made during the pre-Publication stages have been taken into account. Specific responses to individual comments have not been made as these are not required by regulations.  
The Regulation 22 Statement shows how comments made at LPID were taken into account in preparing the Publication Local Plan. The site specific comments were circulated to consultees and used by them to help frame their responses to the Publication Local Plan.

### **Test of Soundness**

Main Issues:

1. The distribution of sites prevent small settlements from growing. Additional growth helps to maintain local services and facilities and widen the age range of their inhabitants.  
Brighouse has a disproportionate amount of housing allocations.
2. As the Council is not safeguarding land, it is at a significant risk of not delivering its housing requirement should allocated sites fail to deliver.
3. The distribution of sites in the Brighouse area will further worsen air quality and congestion. There are no measures in place to mitigate such effects or improve air quality.
4. The plan fails to demonstrate how it will mitigate potential impacts of historic coal mining in the area.

5. The development of the sites will exacerbate flooding problems in the Brighouse area.

**Council's Response:**

1. On 17th August 2017, the Local Plan Working Party considered various notions for the distribution of development in the borough. Further, the Council considers that the evidence submitted supports and justifies the content of the Local Plan.

The large scale developments of the Garden Suburbs in Brighouse and that in Bradley, Huddersfield are part of an ongoing spatial consideration of growth within the Leeds City Region. The large sums being allocated by the West Yorkshire Combined Authority to the A641 Corridor and the Bradley Link indicate a joint consideration of the development implications. Council Document CC01 (Appendix 1.3) in response to the Inspectors Pre-Hearing Note 1 provides further information about the manner in which the Calderdale and Kirklees are working together to manage and mitigate the growth in the South East Calderdale/North Huddersfield area.

2. 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.

3. The Council's Local Plan transport evidence has looked at Emissions (EV54.8). The Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04. These strategies and actions plans are working together to help reduce and manage emissions and improve air quality. The growth of employment alongside new homes in SE Calderdale will also provide opportunities for locally based employment reducing the need to travel, helping to manage emissions.

4. If sites are in a Development High Risk Area, a Coal Mining Risk Assessment will need to be submitted to the Local Planning Authority (LPA) to support any planning application. The Coal Mining Risk Assessment will need to identify site specific coal mining risks and set out the proposed mitigation strategy to show that the site can be made safe and stable for the development being proposed.

5. All sites have been assessed by the Environment Agency and the Council, being the Lead Local Flood Authority. Mitigation measures have been recommended on sites where necessary including green and blue infrastructure. Sites at application stage will also be subject to Local Plan Policy CC2 Flood Risk Management. The Infrastructure Delivery Plan (EV42.1) sets out the strategies, plans and programmes in tackling flooding.

**Duty to Co-operate**

**Main Issues:**

1. Considering the large amount of development planned in the south east of Calderdale, there is no evidence to suggest the Council have consulted with Kirklees or Bradford.

**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.

**Suggested Modifications**

1. Land should be safeguarded to ensure that other land can come forward if necessary and is not unduly restricted by planning policy, such as Green Belt.
2. A reduced number of dwellings in the Clifton area to allow for better road infrastructure, green spaces and community areas.
3. A plan of transport infrastructure improvements is required detailing what infrastructure will be developed, the positive impact it will have on air quality and congestion to mitigate any proposed development, when it will be developed, how it will be delivered and an estimate of cost.
4. A flood relief strategy needs to be in place.

Council's Response:

1. No change required - 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.
2. No change required - On 17th August 2017, the Local Plan Working Party considered various notions for the distribution of development in the borough. Further, the Council considers that the evidence submitted supports and justifies the content of the Local Plan.  
The large scale developments of the Garden Suburbs in Brighouse and that in Bradley, Huddersfield are part of an ongoing spatial consideration of growth within the Leeds City Region. The large sums being allocated by the West Yorkshire Combined Authority to the A641 Corridor and the Bradley Link indicate a joint consideration of the development implications. Council Document CC01 (Appendix 1.3) in response to the Inspectors Pre-Hearing Note 1 provides further information about the manner in which the Calderdale and Kirklees are working together to manage and mitigate the growth in the South East Calderdale/North Huddersfield area.
3. No change required - The IDP has been updated to include a table setting out the Local Plan housing trajectory and the provision of critical infrastructure. This table shows the cumulative trajectory; the individual infrastructure projects that need to be delivered by that point in time; funding status; regulatory status; construction status and lead agency/partners.
4. No change required - The Infrastructure Delivery Plan (EV42.1) sets out the strategies, plans and programmes for tackling flooding.

## Document Section: 9.2 Paragraph

### Representations

Comment ID **Lpp1107**

Site ref (if applicable):

Person ID: **1184857**

Name: **Mr J Crossley**

Organisation:

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation.

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing allocated area and numbers of unit

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084330>

Comment ID **Lpp1110**

Site ref (if applicable):

Person ID: **1102273**

Name: **Mr & Mrs C & J Meredith**

Organisation: **Sunnyfield Cattery**

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing allocated area and numbers of unit

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084330>

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Comment ID **Lpp869**

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:

Housing density levels as low as ""; 26dph in less accessible locations' are not acceptable in terms of their increased land take of largely Greenbelt land, nor is a general explanation provided as to why such low densities are appropriate in 'less accessible locations'. However the statement that 'An assumed density is provided for forward planning purposes and based on the density assumptions in the SHLAA. These vary with location ranging from 60dph in the most accessible urban locations to 26dph in less accessible locations' doesn't actually incorporate the calculation of density - and therefore a mechanism to increase density - into policy SD7 itself, as HS2 at least attempts to do for non-allocated sites. Instead the actual density achieved will be determined by process of negotiation between development control officers and developers. So in fact the statement in HS2 'The Council will expect the capacities for mixed use and housing allocations indicated in Policies SD6 and SD7 respectively, to be achieved' is in reality without substantive meaning.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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**Main Issues and Council Response**

## Legal Compliance

Main Issues:

Council's Response:

## Test of Soundness

Main Issues:

1. 26dph in less accessible locations is not acceptable in terms of the increased land take of largely Green Belt land.
2. The general explanation provided as to why such low densities are appropriate in 'less accessible locations' is not acceptable.
3. Policy fails to include a calculation of density and therefore fails to provide a mechanism to increase site densities.
4. Policies expecting densities to be achieved lack substantive meaning.

Council's Response:

1. /2. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'<sup>7</sup> published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity. The 26dph density multiplier were generally used for sites in Conservation Areas or Special Landscape Areas. Higher densities were used for Town Centres, sites in close proximity to town centres and sites within 800m of transport nodes.
3. / 4. 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.  
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.

## Duty to Co-operate

Main Issues:

Council's Response:

## Suggested Modifications

Council's Response:

## Document Section: Policy SD7 Allocated Housing Sites

### Representations

Comment ID **Lpp1035**

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:

POLICIES SD6 AND SD7: ALLOCATIONS Policies SD6 and SD7 set out the sites proposed for allocation for Mixed Use and Housing respectively. Table 6.10 suggests that nearly half of the Borough's proposed housing requirement will arise from housing and mixed use allocations in the Brighouse local area; in essence around Brighouse and Rastrick. Two mixed use allocations are proposed under Policy SD6 for Brighouse to deliver around 90 dwellings over the Plan period. Under Policy SD7, a further 22 sites are housing allocations anticipated to deliver around 1200 dwellings, ranging from the smallest proposal delivering 10 units and the largest site delivering 213. Whilst there are no specific issues with the particular sites selected, they appear to be a mix of brownfield and greenfield sites. That said a number of sites appear to have different density per hectare (dph) figures attributed to them, but without specific rationale. Where an overly ambitious density figure is utilised this may well have consequences regarding deliverability, but also meeting the housing requirement. This is a particular issue given the lack of flexibility in the identified supply and its ability to meet the requirement. As an example site LP1322 George Street, Rastrick suggests a density of 187 dwellings per hectare. As a publicly owned site this may appear to be getting best value. However the site comprises a net area of 0.35 ha, or less than one acre, to deliver 65 dwelling units. On the face of it this is a questionable yield given the site requirements for retention of a woodland features, access road and SUDs drainage. If the site fails to come forward it will wipe out the current "flexibility" in the supply (of forty units). If it does not deliver the number of units, then the same consequence falls to the Council's plan. A further site (LP0571) Birds Royd Lane, Brighouse suggests a density of 262dph, with a yield off 0.38ha of 100 dwellings. Again, on site requirements may question the density. The comments as above (for LP1322) apply. Of the supply for the Brighouse Market Area, 3,250 dwellings are proposed to be delivered from a couple of locations referred to as "Garden Suburbs": Site LP1451 Between Bradley Wood and Woodhouse Lane, Rastrick for 1,257 dwellings off 45has (net) with a density of 28dph; and Site LP1463 between Highmoor Lane and Bradford Road, Brighouse for 1,998 dwellings off 105.2ha (net) with a density of 19dph. Again, the view is not whether these sites are suitable and deliverable, the consideration is whether the assumptions are realistic and the ability of the sites to deliver those numbers within the Plan period to 2033. We would take the view that both sites will not deliver the numbers suggested in the Plan. Should both sites progress towards a planning permission by adoption of the Plan, say 2020 there would be 13 years of the plan period remaining. To achieve the numbers set out: the Rastrick site would need to deliver 125 dwellings per annum; the Brighouse site would require 154 dwellings per annum to achieve the Plan's housing requirement. We would suggest the figures are likely to be overoptimistic to the point of being unrealistic. A more conservative position would suggest that if each site can achieve three outlets (builders) on site at the same time that the yield may be

90 dwellings off each allocation (30 dwellings per housebuilder). This would suggest some 2,340 dwellings (2 sites x 90 dpa x 13 years) off the two allocations over the plan period. This would leave a shortfall of nearly 1,000 units against the housing trajectory for the Brighthouse Market Area . Again this undermines the accuracy of the housing trajectory and whether it is the most appropriate strategy in the circumstances: i.e. the Plan is not sound in this respect In order to address these concerns we would suggest that the two Garden Suburbs are identified, but that recognition is given to the position that neither will be completed within the Plan period, and that a residual amount will be delivered beyond the plan period. Assuming each site will deliver 1,170 dwellings over the Plan period this will leave around 100 units to be delivered off LP1451, and 800 units off LP1463. Again the consequence is that the Council will fail to achieve the housing requirement on the basis of the sites identified and is therefore unsound; it is not justified, positively prepared or effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

In order to address this issue we consider the Plan should identify additional housing allocations, from the pool of Filtered (Rejected) sites.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5147469>

Comment ID **Lpp1047**

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:

Site LP0893 was identified as a draft Local Plan allocation within the Regulation 18 consultation document. A number of evidence base documents deal with the Council's site selection process, comprising a review of sieved out /non-compliant sites and one dealing with 'Filtered Sites' where sites have been removed as a consequence of the Council's site appraisal. For site LP0893 the Council' conclusion and site assessment concludes: 'given the numerous constraints, specifically site access and ecology, and having regard to the Council's housing need, the Local Plan's spatial strategy, the supply of more suitable and available sites elsewhere and the need to protect the Green Belt as far as possible, this site has been filtered.' A number of site constraints are identified which the appraisal considers are reconcilable and a range of impacts upon nature conservation and ecological impacts which can be mitigate. A number of technical and delivery matters are also identified, for instance drainage and highways/and access. It is considered that these matters can be addressed over the plan period. A viability assessment identifies the site is viable and can deliver housing. Within the summary, it also highlights that the Boothroyd site performs a poor Green Belt function. It suggests that the removal of the site from the Green Belt and allocation for mixed use (residential and education) development would not undermine the wider function of the Green Belt.

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

Duty to Co-operate Reason:

Suggested Modifications:

For the reasons set out elsewhere in this representation, notably the housing requirement and the inability of the identified draft allocations to meet that requirement, it is necessary for the Plan to identify further allocations, including LP0893 - Land at Boothroyd School. The land is a part brownfield opportunity and development will facilitate the redevelopment and improvement of the Boothroyd School. It is considered the site could deliver around 200 dwellings over the plan period whilst retaining the open space, amenity, ecological and nature conservation interests. In our view there is also merit in including the two further areas to the north LP1472 West of Ridge Hill and LP1453 'Lillands Lane' to provide a large development cluster to the west of Boothroyd. At this stage it may be appropriate to allocate the cluster for housing and potentially as safeguarded land to come forward beyond the Plan period

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5147469>

Comment ID **Lpp1064**

Site ref (if applicable):

Person ID: **1094576**

Name: **Mr Brian Reynolds**

Organisation: **Gleeson Homes Ltd**

Agent ID: **1104252**

Name: **Mr Mark Eagland**

Organisation: **Peacock & Smith**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Objection Gleeson objects to the distribution of housing sites in Policy SD7. In our client's view insufficient sites have been allocated in the largest settlement in the hierarchy, Halifax, and therefore the plan is not justified in that regard. Table 2.1 of the Local Plan confirms that Halifax is the largest settlement in the Borough (it is the only Sub-Regional Town), providing the largest concentration of housing, employment, shopping, leisure, education, health and cultural facilities. It also provides the main focus for public transport in the Borough. The evidence base to the Local Plan includes a document named Settlement Hierarchy Results (2013). This indicates that the total sustainability score of Halifax is 1069, significantly in excess of the next largest settlement, Brighouse, which has a score of 631. Table 2.3 of the document states in respect of Halifax: 'Prime focus for housing, employment, shopping, leisure, education, health and cultural activities/facilities (providing at least 50% of the district's housing and employment requirement).'

(our emphasis) Notwithstanding the clear sustainability facets of Halifax, Table 6.10 of the Local Plan confirms that this settlement is only destined to receive 30% of proposed new housing allocations and only 34% of overall housing growth within the Borough. In contrast Brighouse receives 49% of proposed new housing allocations and 39% of overall housing growth. In our view this distribution of housing growth within the Borough has not been justified. Paras 6.42 to 6.50 of the Local Plan refer to a number of factors that have influenced the distribution, such as nature conservation constraints, topography/flooding and the desire to pursue a number of large strategic allocations (i.e. the garden suburbs), but no evidence has

been provided to demonstrate that why such objectives would be significantly harmed by pursuing a higher level of housing growth in Halifax, consistent with its clear sustainability advantages and its position in the top tier of the settlement hierarchy.

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

Duty to Co-operate Reason:

Suggested Modifications:

A higher level of housing growth should be proposed in Halifax, consistent with its clear sustainability advantages and its position in the top tier in the settlement hierarchy.

Additional Evidence Link:

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Comment ID **Lpp1065**

Site ref (if applicable): **LP1626**

Person ID: **1094576**

Name: **Mr Brian Reynolds**

Organisation: **Gleeson Homes Ltd**

Agent ID: **1104252**

Name: **Mr Mark Eagland**

Organisation: **Peacock & Smith**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Objection Gleeson considers that the basis for deciding which Green Belt sites should be released for housing within the Local Plan is unclear. The evidence base to the plan does not explain how the Council has come to a conclusion as to which sites would result in least harm to Green Belt purposes, nor is there transparency as to how sustainability has determined the decision whether to allocate sites or not. Gleeson has proposed Land at Hays Lane, Halifax (LP1626) for housing, essentially as an extension to the Phase 1 Gleeson scheme at Hays Lane that already benefits from a grant of planning permission. At Issues and Options stage site LP1626 was proposed as a housing allocation by the Council "" presumably because Officers considered that the site had strong merits for residential development. However, in the current draft of the Local Plan site LP1626 is no longer supported as a housing allocation by the Council "" essentially for two reasons "" a) impacts on ecology (which we address in a separate representation) and b) because the site is performing 3-5 Green Belt purposes. In respect of Green Belt sensitivity, Appendix 11 of the Site Allocations Assessment Methodology Statement sets out the scores of sites that have not been sieved or showstopped. The Appendix confirms that the following proposed housing allocations also perform 3-5 Green Belt purposes "" the same number as site LP1626 above: i, LP0146 "" West View, Church Lane, Stainland, Elland i, LP0782 "" Cock Hill Lane, Shelf, Halifax i, LP0950 "" Beacon Lodge Quarry, Long Lane, Halifax i, LP1030 "" South Parade, Adj Maple Fold, Elland i, LP1407 "" Scar Bottom Lane, Greetland, Halifax i, LP1451 "" Bradley Wood and Woodhouse Lane, Ratsrick, Brighouse (Garden Suburb) i, LP1463 "" Highmoor Lane and Bradford Road, Brighouse (Garden Suburb) i, LP1543 "" N and NW of Wade House Road, Shelf, Halifax Gleeson also notes that a number of these proposed allocations are in lower tiers of the settlement hierarchy to site LP1626. We are therefore concerned that in a number of cases the Council appear to have favoured sites of a similar Green Belt sensitivity to LP1626, but potentially with less strong sustainability credentials. In summary, the basis for determining which Green Belt sites

should be favoured for allocation for housing has not been justified, in particular those that perform similar purposes to those Green Belt sites that have not been allocated. The site selection process for Green Belt sites is not considered sound in that regard.

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

Duty to Co-operate Reason:

Suggested Modifications:

The site selection process for Green Belt needs to be re-visited. The basis for determining which Green Belt sites should be favoured for allocation for housing needs to be better justified, particularly in respect of least impact on Green Belt purposes and sustainability.

Additional Evidence Link:

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Comment ID **Lpp1108**

Site ref (if applicable):

Person ID: **1184857**

Name: **Mr J Crossley**

Organisation:

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation.

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing allocated area and numbers of unit

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084330>

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Comment ID **Lpp1111**

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 Policy SD7 insofar as it seeks to allocate the Former St Catherine's High School (Site LP1429) and the Former St Catherine's High School Grounds (Site LP1481) for housing given that both sites are free from technical constraints and adjacent to compatible land uses so are deliverable, as defined at Annex 2 of the Revised NPPF. 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>

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Comment ID **Lpp1113**

Site ref (if applicable):

Person ID: **1102273**

Name: **Mr & Mrs C & J Meredith**

Organisation: **Sunnyfield Cattery**

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing

allocated area and numbers of unit

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084330>

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Comment ID **Lpp1118**

Site ref (if applicable):

Person ID: **1121751**

Name: **Mr James Sanderson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Inadequate public involvement for a development on this scale. Therefore planned development is not sustainable.

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

Sound Reason:

No evidence that infrastructure will be in place before development. Proportion of building on green land (90%) will have detrimental effect on local environment.

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

Duty to Co-operate Reason:

No evidence seen on consultation with Kirklees regarding their development on near border.

Suggested Modifications:

Further public consultation. Further research on the viability and effects the extra people will have on the local area and services. Infrastructure/Road/Motorway networks that are to be built to accommodate the extra traffic should have detail as to when it will be started and when it will be finished. Evidence should be provided to show the effect that all this extra hard surface will have on the River Calder which already floods in most winters.

Additional Evidence Link:

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Comment ID **Lpp1154**

Site ref (if applicable):

Person ID: **960869**

Name: **Stonebridge Homes**

Organisation:

Agent ID: **691692**

Name: **Ms Lucie Jowett**

Organisation: **Senior Planner Barton Willmore**

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:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5086522>

Comment ID **Lpp1174**

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?: **No**

Sound Reason:

Policy SD7 identifies over 180 proposed allocations for residential development. These proposed allocations range in size and located across the Borough. The plan includes a number of proposals for large scale strategic allocations which account for a significant percentage of the Plan's housing target. The two proposed new Garden Suburbs (LP1463 and LP1451) alone account for over 3,200 dwellings. Whilst the identification of strategic allocations is an approach that can be 'made sustainable' through the timely provision of associated infrastructure, it is essential that local plan take into account the risks associated with the delivery of any such schemes and the knock-on effect that this can have in terms of housing delivery. Further, Gladman note that the two largest allocations, as referenced above, both failed to perform particularly well in their respective site assessments, with accessibility concerns being expressed. Gladman also note that both sites are subject to land ownership complexities given that number of landowners registered on the Land Registry titles and therefore suggest that land assembly could potentially be a more intricate process than currently anticipated by the Council. It is essential that the Council's suite of housing land allocations can demonstrably deliver the local plan requirement over the plan period whilst maintaining a five-year housing land supply. Further, given our above concerns in respect of the ability of the two large SUE's to deliver, we consider that the ability of the Council to provide for C2 elderly accommodation is compromised, with further allocations for such use not being proposed within the publication draft of the Plan. Given that the plan fails to allocate any land for C2 specialist elderly accommodation, we consider the policy unsound.

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>

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Comment ID **Lpp1226**

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>

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Comment ID **Lpp1261**

Site ref (if applicable):

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 below and section 7.0 of the accompanying report for full details Paragraph 6.48 sets out the Council's approach to the release of Green Belt land, stating that:"There are opportunities for reuse and redevelopment of brownfield sites within the existing Urban Area, contributing to the proportion of development on previously developed land. However, the Borough does not have the supply of land without the release of Green Belt. The Green Belt Review has been taken into account when considering sites, however, given the housing requirement and the supply of potential sites, the Council has not been in a position to only allocate sites within weakly performing Green Belt parcels. In addition, in some parts

of the Borough there have been overriding reasons which have resulted in sites being filtered even though they are within weakly performing Green Belt, because for example, they comprise sports and recreation provision, or have high ecological value.' [Our Emphasis] The Council therefore acknowledges that land within the urban area and previously developed land will not provide sufficient land to meet the development needs of the Borough over the plan period and therefore sites within the Green Belt must be released as part of the Local Plan. Whilst this approach is accepted, the Council are still required, in line with the NPPF, to demonstrate very special circumstance for the release of Green Belt land. We accept that meeting the housing need constitutes very special circumstances however we fear that the Council have released excessive land from the Green Belt to meet the housing need before exhausting the supply of suitable land already within defined settlement limits, such as the Site. The Exceptional Circumstances for the Release of Green Belt Technical Paper 2018 sets out the sequential approach the Council took to allocating housing land. At paragraph 3.15 of this paper it states: '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 sequential priority for selection of sites is set out below: 1. Brownfield (BF), Within Urban Area; 2. Mixed BF/Green Field (GF), Within Urban Area; 3. Greenfield, Within Urban Area; 4. Brownfield, Within Green Belt; 5. Green Belt (Meets 0% of the identified statutory purposes of Green Belt), Outside Special Landscape Area (SLA), GF/BF; 6. Green Belt (Meets 0% of the identified purposes), Within SLA, GF/BF; 7. Green Belt (Meets 3% of the identified purposes), Outside SLA, GF/BF; 8. Green Belt (Meets 3% of the identified purposes), Within SLA, GF/BF' As such it is clear that the Council in allocating land for housing purposes should prioritise brownfield and greenfield sites within the urban area before turning to Green Belt sites. If Green Belt release were necessary, which the Council have confirmed is the case, then poorly performing Green Belt should be prioritised over better performing parcels of land. Paragraph 84 of the NPPF endorses this approach and states that: "When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary' [Our emphasis]. The NPPF recognises local planning authorities should look, in the first instance, to allocate sites to meet their development needs that are located outside the existing Green Belt. To do otherwise would be inconsistent with national policy. The majority of the Site lies within the development limits and constitutes green field land. In the context of the Council's housing allocation hierarchy therefore the majority of the Site is sequentially preferable to other Green Belt sites. As we have also established the remainder of the Site that lies within the Green Belt, referred to as the Green Belt Parcel, performs poorly against four of the five purposes of including land within the Green Belt. As such, the majority of the Sites is sequentially preferable to all other Green Belt sites and the Green Belt Parcel is slightly less preferable given its current Green Belt status but still should be prioritised ahead of better performing Green Belt sites. Further, the majority of the Site is currently allocated as Protected Land in the RUDP. Paragraph 11.32 of the RUDP states that 'within some parts of the District land is identified which does not fall into any of the categories (such as Green Belt, Primary Housing, Primary Employment, Open Space, Town Centre or a specific allocation for development) applied to other land within the Plan. The Replacement UDP provides sufficient land to meet the housing requirements based upon current circumstances. However, the Plan's Monitor and Manage system of phased housing releases means that options must be available in the future for the possibility of new allocations for housing being brought forward if they are required. Some land is identified in the Replacement UDP which could be considered in the future for its potential to contribute to development needs.' Policy NE11 states that 'Protected Land is identified on the Proposals Map. Development that would prejudice the consideration of the future of this land in the context of Development Plan review will not be permitted.' Protected Land sites are therefore sites which lie within the settlement limits of various urban areas within the District and which were protected from development at the time of the production of the RUDP in order to provide a possible supply of land

outside the Green Belt. The RUDP has already judged Protected Land sites to be capable of development at a point in time in the future. Rather than allocate the Site for housing purposes the Council are proposing to release 27 sites or some 282.99 hectares of land from the Green Belt. See Table attached at Appendix 2. Before considering the allocation of the Green Belt sites the Council should have comprehensively explored the potential of sites within the urban area including all Protected Land. In addition, it is plain that the quantum of Green Belt land proposed to be released for development could have been minimised if the Council had properly explored the development potential of the existing Protected Land sites. This is particularly true of land off Howes Lane, Northowram which despite being Protected Land within the existing development limits and being judged in the SHLAA as being capable of being developed, is currently being shown as being unallocated. The failure to properly consider all land outside of the Green Belt before allocating vast tracts of Green Belt land for development means that the Local Plan is unsound in that it has not been positively prepared, it is not justified and would not be effective as it would result in release of more Green Belt land than is absolutely necessary and this is not consistent with national policy.

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

Duty to Co-operate Reason:

Suggested Modifications:

The Local Plan should prioritise sites within the development limits before releasing land from the Green Belt. As such the Site (LP1141) should be allocated for residential development in the Local Plan.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5101980>

Comment ID **Lpp1266**

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?: **No**

Legal Compliance Reason:

I am certainly no expert in the field of law so my comments about whether the Plan is legally compliant or may be lacking in the relevant detail. Nonetheless, I would draw upon the approach and handling of the Plan from a member of the public's perspective. There are sites, certainly in the Rastrick Ward, that the Council have added in at the 'eleventh hour' that were not filtered sites in the Regulation 18 consultation, and therefore unavailable for comment or objection before now. I make reference to site LP1000 specifically which is a 'new' site added for social housing on grounds which have a covenant of Open Space next to a children's playground "" the only one in Woodhouse, I would point out. Many residents in this area feel as though they have not had the same opportunity to object to this site as they have for other sites in the Plan, and have real concerns about unfairness of the proposals, given the large scale of development in the South-East of the Borough compared to other parts of the Council area. We (as local Brighouse & Rastrick Councillors) have received unprecedented levels of objections against the proposals to overdevelop the area which would gridlock existing infrastructure networks and make Brighouse an undesirable place to live. Furthermore, as a Councillor for one of the most affected Wards (Rastrick) for the Local Plan, I feel I must comment on the user un-friendly online consultation portal, which many residents found very difficult to navigate and make their comments. In spite of the Council encouraging residents to

make comments this way as the best and easiest way to feed into the consultation, some residents reported that they simply gave up trying to use the online portal as they had grown frustrated with its complexities. They therefore wrote in directly to the Council, but were uncertain whether their comments were received as they never received an acknowledgement. I would therefore shed doubt on whether the Council consulted effectively with members of the public, given the levels of frustration experienced in feeding in, and question whether the Council took all comments (however they were submitted) into full consideration.

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

Sound Reason:

No, I do not believe that the Plan is sound or fit for purpose for the following reasons: Infrastructure The vast majority of residents in Rastrick have commented, either directly in the consultation (previous and current) or in person to local Councillors about the real lack of detail in the Infrastructure Delivery Plan (IDP) to tackle, not only the already existing stretched-to-breaking-point infrastructure, but the additional infrastructure that would be needed with the growth of development. The whole Local Plan is heavily dependent on the development of the 2 x 'Garden Suburbs' in neighbouring Wards Brighouse and Rastrick (South East Calderdale). Without these sites, the Plan would fall short of the baseline housing requirement, which indicates the short sightedness of the Plan and questions the evidence of which the Plan is based. There is acknowledgement in the IDP of the need to improve some vital infrastructure "" transport links, health services, and educational facilities. However, I would refer to the Clifton Village Neighbourhood Forum's independent examination and report of the highways network, particularly focusing on Brighouse. Contrary to the Council's assessment, the independent report concludes that the existing highways network is operating over capacity and significant further development in the area has been based on insufficient highways evidence. This comes as no surprise to anyone who lives in Brighouse and its surrounding area. In addition to the unrelenting day-to-day congested roads travelling in and out of Brighouse Town Centre, residents and commuters have to endure exacerbated delays whenever there are problems on the close-by M62 which are a weekly occurrence at least. The very fact that the Council are using flawed evidence as a basis on which the Local Plan has been formulated, is proof in itself that the Plan is unsound, and rightly brings other elements of the Plan's evidence-base into disrepute. Furthermore, the overuse of the word 'mitigation', commonly used in almost every single site report in the Plan, raises more questions about where, when and how all forms of recognised need for mitigation will be delivered, than it seems to answer. Disproportionate allocation The numbers speak for themselves in the Local Plan "" more than 1/3 of the total housing allocation is proposed for Brighouse & Rastrick alone. Rastrick is only a small ward, encompassing around 1.4% of Calderdale. Yet, despite this, our population is incredibly dense, already being over 4 times that of Calderdale as a whole. Rastrick residents are therefore right to ask: why is Rastrick allocated almost 2,400 new houses "" that's around 20% of the total housing allocation, plus a further 8 hectares to be used as employment land, and the rest of Calderdale get off lightly? Compare the 2,400 for Rastrick, with the likes of Calder Ward (which represents 30% of Calderdale due to receive a mere 144 new houses) and it becomes very difficult to argue that the numbers have been distributed fairly and proportionally across the Borough. Air quality 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. Green Belt/Greenfield & Ecology 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. LP1451 "" Bradley Wood and Woodhouse Lane (1223 dwellings) "" 'Garden Suburb' This is the largest designated Green Belt site and Wildlife corridor in the Rastrick Ward, with an existing primary use of agriculture. Not only would the loss of large open spaces, agriculture and wildlife habitats (to name but a few community benefits) be devastating to the Rastrick community, there are also major concerns relating to overcrowding and the inadequate level of local infrastructure in order to cope with a population increase of this scale. By the Council's own admission, this site is a with accessibility constraints which has been modelled in its entirety, according to the IDP 'without any associated infrastructure'. This is a real cause for concern. If one of the two sites of which the whole Plan relies heavily upon is proposed without any associated infrastructure, reason is given to seriously question the integrity of this entire Plan. As Councillors for the area, we regularly receive complaints from local residents, particularly in Woodhouse, who report traffic congestion in and around the neighbourhood, often stating how difficult it is to drive around the area due to the amount of pavement parking. This is an ongoing issue that has not been dealt with for years and will only be exacerbated with additional numbers of dwellings added to sites around Woodhouse & Rastrick as a whole. Additionally, Huddersfield Road is already at capacity and is severely congested at peak times and often at other periods throughout the day "" another issue we regularly receive complaints about. As already stated, the ecological balance would be truly impacted if this and other neighbouring Green Belt/Greenfield sites are developed. The locality highlights the crucial part the local ecology plays in everyday life. Motorway noise is already an issue on the site, as well as land contamination, non mains drainage, and the ongoing impact on the Brighouse Air Quality Management Area. Residents are fully opposed to the development of this site, which would see the loss of much of Woodhouse's countryside, local footpaths, trees, hedgerows, wildlife habitats, opportunities for children/adults to roam and experience nature (the site is well used by Bradley Wood Scout Club) and Green Belt space. It is worth mentioning that several planning applications have been submitted for this site over the last 50 years, none of which have been successful.

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

Duty to Co-operate Reason:

The Council have categorically failed in their duty to cooperate in several fundamental ways. There is little

within the Plan to suggest that highways issues, commuter patterns, local services/provisions, transport links and the Green Belt have been thoroughly considered, in collaboration with Kirklees council. The sheer scale of development at Woodhouse & wider Rastrick (around 2,400 in total), plus the proposed dwellings for North of Bradley Road, Bradley in the Kirklees Local Plan (nearly 2,000), begs the question; have Calderdale and Kirklees communicated with one another about their plans and the cross-border impact and, if yes, to what extent has this cooperation/cross-council working occurred? The overall lack of joined-up thinking in this corner of the world is evident in the proposal for close-knit, large scale development in the first instance, and further highlighted through the use of inadequate evidence and minimal understanding of the impact of close proximity development of this scale would have on Woodhouse, Rastrick, Brighouse, and North-West Kirklees. Let's be very clear, across the Calderdale-Kirklees border we are talking about 4-5,000 additional new houses and 5 business/industrial sites within a 2-3 mile radius, with very little detail about how, where and when more infrastructure (highways, health care services, schools, sewage, etc.) will be funded and implemented, with absolutely no plans about how increasing public health concerns (e.g. air pollution) will be tackled. This offers no assurances to residents that the Plan is deliverable in both a practical or safe manner, and fails to address many of the fundamental issues key to building a healthy and prosperous future for all. Finally, while the IDP does state a need for additional health facilities and services, we (as local Councillors) are aware that the Council have made very little effort to liaise with GPs and other health care providers, about their plans to improve health care capacity in the area. The Council have therefore failed in the duty to cooperate with key stakeholders, such as local GPs and NHS services. I would implore the Planning Inspectorate to fully consider the points made above, along with residents' and other key stakeholders' comments.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5103797>

Comment ID **Lpp1359**

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?: **Yes**

Sound Reason:

Please refer to attached report prepared by Barton Willmore

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>

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Comment ID **Lpp1398**

Site ref (if applicable):

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

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?: **No**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

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Comment ID **Lpp1423**

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 **Lpp1459**

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>

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Comment ID **Lpp3**

Site ref (if applicable): **LP1451**

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?: **Yes**

Sound Reason:

On balance, I consider that placing sizable housing developments in the east of the borough in the vicinity of Brighthouse makes sense. The infrastructure and transport links there are superior to elsewhere. However, I would reiterate that there needs to be a far greater re-use of existing buildings in town centres as the first option for affordable, sustainable housing.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp320**

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:

We support the requirement that the development of these sites will need to address the issues identified in Appendix 1. However, the reference to 'Site Assessment Reports' in Policy SD7 could lead to some confusion to users of the Plan about what precisely these are since Appendix 1 is called 'Site Allocations "' Supporting Information'. For each of these allocations, Appendix 1 identifies the constraints, sets out the additional reports which will be required, and lists a number of detailed measures which are considered necessary to ensure that these sites will be developed in a sustainable manner. Where the development of these sites are likely to impact upon the historic environment, the Site Specific Considerations broadly reflect the recommendations which have been put forward in the respective Heritage Impact Assessment

regarding how any harm to the heritage assets in their vicinity might be removed or reduced. The mitigation measures which have been put forward in the Heritage Impact Assessments need to be implemented as part any development proposals otherwise the development of these allocations would be likely to be incompatible with not only national policy guidance (and, where relevant, the relevant legislation) but also the Plans Policies for the conservation of the historic environment. Consequently, the development principles which are set out in Appendix 1 need to be firmly and effectively tied into this Local Plan Policy. This will assist both those preparing detailed schemes for these allocations and those determining the appropriateness of proposals which do come forward. Such an approach also helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites and help ensure that these sites are developed in a sustainable manner. [Our comments on the detailed Supporting Information for each of the proposed Housing Sites that is set out in Appendix 1 of the Plan are detailed on the Schedule which accompanies this letter]

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

Duty to Co-operate Reason:

Suggested Modifications:

Amend Policy SD7 to read:- 'Planning Applications will need to address the issues identified in in Appendix 1'

Additional Evidence Link:

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Comment ID **Lpp40**

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

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?: **Yes**

Sound Reason:

On balance, I consider that placing sizable housing developments in the east of the borough in the vicinity of Brighthouse makes sense. The infrastructure and transport links there are superior to elsewhere. However, I would reiterate that there needs to be a far greater re-use of existing buildings in town centres as the first option for affordable, sustainable housing.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp456**

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 SD7 is not considered sound as it is not positively prepared for the following reasons. Table 6.2 Sources of Housing Land Supply suggests that there is a housing need of 9,418 dwellings minus the extant permissions and windfalls, and that these sites for these houses will need to be allocated. The current allocations appear to show an indicative supply of 9,460 dwellings, this does not leave a lot of space for slippage and would only require a small proportion of the sites not to come forward or for the windfalls to drop off slightly, for the housing requirement to not be met. Whilst the HBF do not wish to comment upon the acceptability or otherwise of individual proposed allocations. The HBF would recommend that a greater number of sites are allocated to provide a buffer over and above those required to meet the plan requirement. The reason for the application of a buffer of sites is two-fold. Firstly, the plan housing requirement should be identified as a minimum to conform to the NPPF requirements to boost supply and plan positively. It therefore stands to reason that the plan should seek to surpass this requirement. Secondly, a buffer will provide a balance against the inevitable under or none delivery from some existing commitments or proposed allocations. The HBF proposes that the policy is modified as follows: Additional sites are allocated for housing development.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp519**

Site ref (if applicable):

Person ID: **1138619**

Name: **Ms Jodie Hull**

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 write to raise the following objections to the 2018 Local Plan, with particular concern for the development proposed around the Clifton/Brighouse area. Calderdale Council have not engaged with local residents sufficiently. Numerous objections were raised regarding the draft plan and yet revisions were not made to the Brighouse/Clifton sections of the plan. This highlights the lack of consideration the council have given to residents. Time-scales have been arranged to suit Calderdale council. For years they have consulted with 'experts' to formulate the plan. However, local residents are given a six-week window to digest such a complicated and lengthy document, which they are then expected to understand and raise issues against. Additionally, the six weeks chosen are in the middle of peak holiday season, when Calderdale Council will be aware that many residents are away for Summer breaks. Such restrictions appear to have been planned deliberately and have resulted in resident's views appearing to be utterly overlooked by the council. Many local residents are unable to provide comments due to an over complicated online system. I am confident with IT, and use it daily, however this process has been far less than user friendly. Moreover, Calderdale Council experienced IT problems themselves, further adding to resident's frustrations and feelings of neglect. I imagine that numerous residents have felt unable to comment due to the heavy reliance on IT systems from Calderdale Council. The entirety of the proposed developments have been withheld from local residents in earlier consultation documents. Calderdale Council has neglected to show; the development of the proposed Clifton Enterprise Zone, the proposed development of the Thornhill Garden Suburb and the new proposed link road in the consultation documents. Once again, this evidence highlights Calderdale Council's considerable reluctance to work with the local residents. The Clifton / Brighouse area sits on the border of two other Councils, both of which are planning developments of their own. Calderdale, Bradford and Kirklees councils have been unable to consult cohesively, therefore each council is proposing significant developments on the border with one another without considering the impact such developments will have on each area. In addition, I feel that Calderdale have not answered the following questions sufficiently when drawing up the Local Plan: Calderdale is proposing to build many homes and an Employment Zone in an air quality management zone. However, it is one of 23 Local Authorities in England that have not met their air quality targets. How do Calderdale propose to decrease the air pollutants and improve the air quality in the Brighouse area? Calderdale Council's own report states that Brighouse and surrounding areas are exceeding their air quality levels by  $49\mu\text{g} / \text{m}^3$ . A High Court ruling in February 2018 identified Calderdale as one of 33 Local Authorities where additional measures to tackle air pollution were required. Kirklees and Bradford City Council were also on this list providing further concern for the point I raised previously regarding a lack of cohesiveness, and also for the safety and well-being of residents in these areas. How will this Local Plan achieve the measures required by the High Court? The Community Infrastructure Levy (CIL) is important as the levy should provide a positive effect on development across the local plan area. However different rates have been set across Calderdale. Calderdale Council set the levy at £85 per square metre in Hebden Bridge and only £40 per square metre in the proposed Thornhill Garden Suburb. How did the Council decide to set these different rates, could they demonstrate how they decided on £40 per square metre in Thornhill? Has the levy been set deliberately low in Thornhill to encourage the developers at the expense of roads, flooding, schools etc.? A new motorway junction - M62 junction 24a - is shown on the local plan. Highways England are the suggested funders for the partnership with Calderdale and Kirklees, yet Highways England have said that they will not fund this junction. Where will the funding be sourced from? Furthermore, there is no proposed completion date for this junction and yet it would be required to support the developments suggested in the Local Plan. The lack of collaboration between councils will also affect traffic and pollution levels in the area. The local plan has not addressed whether Calderdale has worked with Kirklees and Bradford to ensure smooth traffic flow and reduced pollution. As the borders of each council's development are within such close proximity to each other, the road structure in Calderdale cannot be taken in isolation. The development in Kirklees and Bradford impact on the congestion and air quality in Brighouse. When compared to the rest of Calderdale, there is a disproportionate amount of housing in the Brighouse area on The Local Plan. The Thornhill area nests Tree Sparrows and Curlews

however, a Garden Suburb is planned. Both of these birds are on the UK conservation Red list. How will the plan protect and support biodiversity for these species? Another species sighted commonly in Thornhills are Green Finches. These are rare to this part of the country but are not stated in the plan. What does the Council propose in order to protect these species for the future? The Thornhills area has been mined for hundreds of years. Every house survey taken maintains concerns over mine workings, yet the Council do not share this concern. Can the council pin-point the mine workings? Is the Council able to declare the proposed building areas as stable based upon the former mining sites? Brighouse has previously flooded during winter months. Currently the Thornhills fields provide a natural flood defence. However, if they are built on, I fear that many more houses will be at risk of flooding and that Brighouse's flood risk will increase. Calderdale Council has been required to introduce and increase flood defences in many areas within recent years. How will the Local Plan ensure that the proposed infrastructures do not increase the risk of flooding?

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/5073000>

Comment ID **Lpp558**

Site ref (if applicable):

Person ID: **1182873**

Name: **Mr Harry Tonge**

Organisation:

Agent ID: **1182871**

Name: **Mr Harry Tonge**

Organisation: **Associate Steven Abbott Associates LLP**

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 housing target set out in the Local Plan is not adequate, the number of sites allocated for housing is also inadequate. In order to meet the future needs of the Borough, additional housing sites will need to be allocated. The Plan is not considered to be sound, because there are insufficient housing sites allocated therefore the Plan will not be effective in delivering growth during the plan period.

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

Duty to Co-operate Reason:

Suggested Modifications:

Allocate additional housing sites to meet the need identified in the housing need evidence.

Additional Evidence Link:

## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. The public have not had sufficient opportunity to comment on some of the sites (particular reference to site LP1000).  
Complexity of making comments on the website sheds doubt on effectiveness of consultation process.  
Six weeks during the summer is an unreasonable consultation period.
2. Evidence documents have been withheld in earlier consultations, particularly regarding Clifton EZ and the garden suburbs.

#### 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).
2. The Council has published all relevant evidence at the first available opportunity following its completion.

### **Test of Soundness**

#### Main Issues:

1. Concerns regarding deliverability of garden suburbs and housing allocations resulting in a significant overall shortfall.
2. The approach to the trajectory of the garden suburbs is flawed. The Council's assertion that 222 dwellings per annum is unrealistic and does not appear to be based on any sound evidence.
3. The Council have made no account for the step up in delivery that will take place on sites of this scale (garden suburbs).
4. New homes are unlikely to be delivered on either of the garden suburbs until 2023/24, which means there would be 9 years until the end of the plan period leading to a shortfall in delivery.
5. The level of allocation compared to the housing requirement does not leave room for slippage. A buffer of allocations would boost supply and provide a balance against potential under delivery. The trajectory is unrealistic.
6. The ability to provide for C2 accommodation is compromised and the policy unsound.
7. Ambitious densities may have consequences regarding deliverability. Particular concerns over garden suburbs being delivered within plan period at stated density.
8. Some allocated sites are unavailable or availability is unknown whilst slippages in delivery, longer lead-in times, reduced capacity and viability issues are a threat to overall delivery.
9. There is inadequate justification for the distribution of sites in the Plan, with particular reference to the

evidence included in the settlement hierarchy.

10. Clarity required over reference to Site Assessment Report and Appendix 1.

**Council's Response:**

1/2/3/4. The justification for the garden suburbs is detailed in Evidence Document EV40 – Justification for the Garden Suburbs (2018).

5. Following the Government's publication of the consultation on the standard housing methodology approach to calculating Local Housing Need in September 2017, in December 2017 the Council resolved to proceed with the Local Plan on the basis of this methodology. At a subsequent meeting of Cabinet in February 2018, Members considered a range of options to determining a level of housing need. "Option B" which had been calculated using the standard housing methodology, and excluded an uplift for undersupply, employment growth and flexibility of choice of sites was selected by Members; the Plan should meet the need for 12,600 homes over the Plan period, or 840 dwellings per annum. The Plan period is 2018/19 – 2032/33, reflecting the NPPF's preference to plan over a fifteen year period. The Council's response to the Inspector's Pre-Hearing Note 1, Question 5, elaborates on the reasoning behind the Council's decision to base the housing requirement on the Standard Method (App 1.5 to PHN 1).

6. The Council has assessed housing sites for their suitability for residential use in general and not specifically for just C3 use. Allocating a site for housing would not preclude development of C2 uses provided all other relevant policies in the Local Plan are satisfied.

7. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'7 published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

8. The Council is confident that the sites that have been put forward are both available and deliverable. The Housing trajectory has positioned sites to take account of factors that may affect deliverability.

9. 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.

10. The Council considers that the reference to Site Assessment Reports in Policy SD7 provides sufficient clarity.

**Duty to Co-operate**

**Main Issues:**

1. The Council has failed in its duty to co-operate with Kirklees regarding development in the south east of Calderdale, particularly concerning highways matters and infrastructure.

**Council's Response:**

1. See Submission Document SD 13 Duty to Cooperate Statement Including Statements of Common Ground (January 2019).

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.

### **Suggested Modifications**

1. Allocate additional sites for housing to ensure delivery of the Plan and requirements are met.
2. Review housing allocations where there are identified constraints or availability issues.
3. Further public consultation.
4. Further research on the viability and effects the extra people will have on the local area and services.
5. Infrastructure/Road/Motorway networks that are to be built to accommodate the extra traffic should have detail as to when it will be started and when it will be finished.
6. Evidence should be provided to show the effect that all this extra hard surface will have on the River Calder which already floods in most winters.
7. A higher level of housing growth should be proposed in Halifax, consistent with its clear sustainability advantages and its position in the top tier in the settlement hierarchy.
8. Amend Policy SD7 to read:-“Planning Applications will need to address the issues identified in in Appendix 1”.

### **Council's Response:**

1. On February 12th 2018, the Council’s Cabinet resolved to set its housing requirement in accordance with what was then emerging national planning policy, i.e. the Proposed Standard National Method – no “undersupply”. This reflected the Council’s wish to align ourselves with the Government’s direction of travel and also took on board the fact that Calderdale is tightly constrained by Green Belt and other physical constraints. See Background Paper BP 01 Cabinet Report 12.2.18 Housing Requirements and Allocations. No modification required.
2. The Council has not put forward sites where it is not confident that the identified constraints can be overcome and the site is both available and deliverable. No modification required.
3. 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). No modification required.
4. Viability of sites has been given full consideration during the site assessment process. Details of viability can be found in the Local Plan and Preferred Sites for Allocation Viability Assessment, 2017 (EV 60) and the Local Plan and Preferred Sites for Allocation Viability Assessment, 2018 (EV 61). The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan, including a chapter on transport. The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions

identified to support development across Calderdale.

There has been joint working and agreement with Calderdale Clinical Commissioning Group over the direction of work on health and wellbeing, and also discussions with GP practices in South East Calderdale. This is explored in the updated Calderdale Infrastructure Delivery Plan: 2019 (EV42.1).

No modification required.

5. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan, including a chapter on transport.

The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.

No modification required.

6. All sites have been assessed by the Environment Agency and the Council, being the Lead Local Flood Authority. Mitigation measures have been recommended on sites where necessary including green and blue infrastructure. Sites at application stage will also be subject to Local Plan Policy CC2 Flood Risk Management. The Infrastructure Delivery Plan (EV42.1) sets out the strategies, plans and programmes in tackling flooding.

No modification required.

7. 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.

No modification required.

8. Policy SD7 states that planning applications will need to address the issues identified in the Site Assessment Reports. This is considered to provide sufficient clarity.

No modification required.

## Document Section: Policy SD7 Allocated Housing Sites - Brighouse

### Representations

Comment ID

Site ref (if applicable):

Person ID: **959662**

Name: **Mr Michael 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:

I am writing to object to the Local Plan regarding Brighouse and Rastrick as I believe this to be unrealistic, unachievable and totally unfair to the local residents. The number of new houses being considered, 4500, represents at least 18,000 people which is a 50% increase in the population of this area. Three and four bedroomed properties do not constitute affordable housing in my opinion, but more of greed! There will also be a minimum of 9000 motor vehicles. I have lived in Woodhouse Lane for 30 years, and Rastrick all of my life. I regularly commute to my office in Bailiff Bridge and travel approximately 25,000 miles per year on business. Brighouse is gridlocked every weekday morning and evening and also Saturday lunchtime, and it often takes 30 minutes to travel the 2 miles to my place of work; another 9000 cars at peak times will make travelling much, much worse. Wakefield Road is an area of particular concern, the new Lidl store has compounded the problem and I believe that the air quality in that area is dangerously high. Only this week, when the wind was blowing from the South, not only could the traffic be heard from the M62, but my wife and I could smell petrol/diesel fumes. What would a significant number of additional cars, and lorries for the proposed enterprise site, do to our health? We have 2 dogs which we walk twice a day, along with dozens of other people, what will happen to our quality of life and health when the green belt is built upon? Newts, frogs, foxes, rabbits, hares, deer, birds, bats and a host of other wildlife will be eradicated. Are the plans to upgrade the M62 at junction 25 and the spur near Bradley Bar still in place? I believe another 2500 houses could also be developed near Bradley roundabout "" has there been consultation between Calderdale and Kirklees regarding this? Woodhouse Lane is used as a 'rat run' mainly by commuters to the Birds Royd Industrial Estate and very few, if any, adhere to the 20 mph limit. The road is heavily congested with parked cars. The current infrastructure is woefully inadequate for the proposed development and an enormous investment is required. What impact will the proposed development have on schools, doctors' surgeries etc? It will require seven to eight new Primary Schools, two to three High Schools, three to four doctors' surgeries and possibly a new hospital "" especially with the present possible closure of Huddersfield Infirmary.

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

Duty to Co-operate Reason:

Suggested Modifications:

I fully understand the need for housing with an ever increasing population, but the plans disproportionately affect Brighouse more than other areas of Calderdale. There seems to be little or no

infrastructure planned; no consideration of health issues, and no mention of affordable housing. Most of the proposals for Brighthouse appear to be away from the town centre and aimed at commuters; there seems to be scant regard for the existing inhabitants.

Additional Evidence Link:

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Comment ID **Lpp1119**

Site ref (if applicable):

Person ID: **1184868**

Name: **Jane Ratcliffe**

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 looked at making my comments felt about the Calderdale development plan, but found the website and th fo mat totally looks helpful and very unuser-friendly. I have contacted TIm Swift, council leader, who said someone would be contacting me my telephone but I was passed on to an underling who made no effort to ring me but instead asked me to ring them. My objections to the development are as follows: The bulk of the housing falls on Brighthouse and immediate surroundings, which seems unfair as there are other places within Calderdale, on which to build The road system is not coping well with the amount of traffic now. Have they tried getting around Brighthouse at 4.30? Or when the schools come out? Particularly Rastrick at 3.30 Being so close to M62 puts more stress on the roads particularly when accidents happen which is quite a common occurrence on the M62. Getting out of the local supermarket Sainsburys is a nightmare at rush hour too. The roads themselves are in appalling condition so how are more cars going to help? Where is the funding coming for more schools, or the development of existing ones, plus the employment of more teachers and all the necessary personnel that this will entail. What about the strain on a local health service which is already creaking the seams. Will a new hospital be built and more doctors employed too? After all three supermarkets are so important!!!! I feel that this has been overlooked in the rush to produce a plan for the government. I understand that Brighthouse will have to take some housing but so many? Where is the money coming from to support these developments when the next governments cuts hit the fan? Calderdale is one of the smallest councils and cannot possibly afford it if big councils like Northampton and Birmingham are facing shortfalls and the bankruptcy. No housing without proper upfront financial support and more strategic planning for the future. A frustrated and annoyed Rastrick resident.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1129**

Site ref (if applicable):

Person ID: **1140255**

Name: **Helen Lever**

Organisation: **St. Johns C of E Primary Academy**

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?:

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/5084477>

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Comment ID **Lpp1131**

Site ref (if applicable):

Person ID: **1125765**

Name: **Mr Nigel Hull**

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?:

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/5084496>

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Comment ID **Lpp1132**

Site ref (if applicable):

Person ID: **250533**

Name: **Mrs Dawn Hull**

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?:

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/5084558>

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Comment ID **Lpp1198**

Site ref (if applicable):

Person ID: **855708**

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

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

Agent ID: **961335**

Name: **Mr Paul Butler**

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:

See attachment - PBP Deliverability Assessment - Housing Mixed Use Allocations - providing evidence to support allocation of sites LP0982, LP0773 & LP0177

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/5095200>

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Comment ID **Lpp1236**

Site ref (if applicable):

Person ID: **961551**

Name: **Mr Peter Enright**

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 wish to comment on the Calderdale Local Plan . Regarding the major programme of domestic and industrial building scheduled for the Brighouse area, I am concerned lest it overwhelm the local infrastructure. Will schools and medical centres be able to cope with such significant increase in population ? Similarly our roads. Traffic through the town is already at a standstill at certain times on most days throughout the week. This is exacerbated frequently by accidents on the nearby M62 and overall raises additional concerns about the district's air quality. I am also concerned at the loss of green belt necessitated by the plans and fear this will adversely affect the quality of life for many in this district.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1242**

Site ref (if applicable):

Person ID: **1140255**

Name: **Helen Lever**

Organisation: **St. Johns C of E Primary Academy**

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/5101383>

Comment ID **Lpp1246**

Site ref (if applicable):

Person ID: **1139490**

Name: **Ms Victoria Holden**

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 am concerned that the proposed development will lead to the loss of valuable green space "" so valuable for health and wellbeing "" as well as leading to a loss of wildlife and habitats. Why is Brighouse getting such a big proportion of all the proposed development around Calderdale? Is this driven by good planning practise? Why is the Infrastructure levy charge proposed for Thornhills so low compared to other such proposals in Calderdale? Does this highlight something questionable about the economic around the proposed development which has not been made clear within the consultation information Generally why after such a long period is the consultation still incomplete and in area out of date or inaccurate "" see traffic information below? Why does the Council still continue to provide the minimum consultation period possible "" over holiday periods. Is this due to poor project management of the process or is it deliberate to try and minimise responses from what are ultimately their customers? The consultations provide little information on the supporting infrastructure proposed to support the massive transformation development around Brighouse and specifically Thornhills and Clifton. Where is the detailed road infrastructure development plan and where is all the money coming from to finance such work? I remain seriously concerned regarding traffic around Brighouse which is already terrible and the M62 is at capacity according to Highways England. Traffic survey information and modelling you used in your earlier consultation was inaccurate . Where is the update information to support these proposals? Where are the specific infrastructure plans to address this issue? I am extremely concerned about traffic emissions in Brighouse, which is already exceeding legal limits to the point that the area is designated as an air management zone. How does the proposed development improve this serious health damaging situation.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1247**

Site ref (if applicable):

Person ID: **1130111**

Name: **Mr Nigel Holden**

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 volume of houses allocated to the Brighouse area is inequitable. Indeed the latest plan has an even higher proportion as a % total allocated to the Brighouse area. I am concerned that little evidence can be found for cross border co-operation with surrounding authorities "" indeed the volume of houses proposed for the bordering areas of Kirklees and Bradford would suggest little planning and consultation Specifically the proposed development at Thornhills will lead to the loss of valuable green space, agricultural land and damage wildlife, flora and fauna. Specifically the proposed development plan at Thornhills would appear to have a very low local infrastructure charge proposed. If the proposed development is so attractive (flat land next to the M62) why is this charge heavily discounted compared to other charges elsewhere? Is this in effect a discount / incentive to developers? If the site is so attractive why is this discount required? The consultations provide little information on the supporting infrastructure proposed to support the massive transformation development around Brighouse and specifically Thornhills and Clifton. I am concerned that this has not been properly thought through which is a major concern for a development of such size which has been proposed for so long. For example where is the detailed road infrastructure development plan and where is all the money coming from to finance such work? Traffic around Brighouse is already an serious issue and will only get worse is the proposed house development and enterprise zone proceeds. At your early consultation, Clifton Forum proved that the traffic survey information and modelling you used as part of that exercise was inaccurate. Where is the update information to support these proposals? Where are the specific infrastructure plans to address this issue? Traffic emissions in Brighouse already exceed legal limits to the point that the area is designated as an air management zone. The consultation lack any detail on how these proposed changes will improved thee emission which have a proven lack to health issues? According to Highways England, junction 25 of the M62 is at capacity. As access to the M62 seems to be at the heart of the proposed developments in and around Brighouse how can Calderdale Council propose development at such scale in the area or is this just another example of the lack of joined up co-operative or consultation?

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1252**

Site ref (if applicable):

Person ID: **1164133**

Name: **Miss Hannah Holden**

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 am concerned that the proposed development will lead to the loss of valuable green space "" so valuable for health and wellbeing "" as well as leading to a loss of wildlife and habitats. Why is Brighouse getting such a big proportion of all the proposed development around Calderdale? Is this driven by good planning practise? Why is the Infrastructure levy charge proposed for Thornhills so low compared to other such proposals in Calderdale? Does this highlight something questionable about the economic around the proposed development which has not been made clear within the consultation information Generally why after such a long period is the consultation still incomplete and in area out of date or inaccurate "" see traffic information below? Why does the Council still continue to provide the minimum consultation period possible "" over holiday periods. Is this due to poor project management of the process or is it deliberate to try and minimise responses form what are ultimately their customers? The consultations provide little information on the supporting infrastructure proposed to support the massive transformation development around Brighouse and specifically Thornhills and Clifton. Where is the detailed road infrastructure development plan and where is all the money coming from to finance such work? I remain seriously concerned regarding traffic around Brighouse which is already terrible and the M62 is at capacity according to Highways England. Traffic survey information and modelling you used in your earlier consultation was inaccurate . Where is the update information to support these proposals? Where are the specific infrastructure plans to address this issue? If new schools are proposed in the development plan how is the all the traffic related to this going to be managed in an area which is already over used? I am extremely concerned about traffic emissions in Brighouse, which is already exceeding legal limits to the point that the area is designated as an air management zone. How does the proposed development improve this serious health damaging situation?

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1288**

Site ref (if applicable):

Person ID: **954767** Name: **Mrs Gillian Harrison** 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:

Disproportionate allocation of sites- 4,500new houses for Brighouse and Rastrick (inc 1,230 in Woodhouse) - almost 50% of total for Calderdale. impact on local services - 1000's of additional DDD roads already struggling with frequent gridlock. Neighbouring council Kirklees proposing 1,800 houses on land the opposite side M62 from woodhouse development sites add even more ? and create urban sprawl. Existing schools and health services are already oversubscribed. No detailed plans to provide additional infrastructure make the plan unsound.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1438** 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>

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Comment ID **Lpp425**

Site ref (if applicable):

Person ID: **956314**

Name: **Mrs Sarah Simpson**

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 am writing to raise my concerns about the proposed 4500 homes planned across Rastrick and Brighouse. My main areas of concern are as follows: Traffic / Pollution As a resident of Woodhouse Lane for over 16 years, I have seen first hand the increase in traffic through Brighouse and the use of Woodhouse Lane as a cut through to avoid Huddersfield Road. I am sure this is the same in the majority of residential areas in Brighouse, leading to increased congestion and pollution on roads that quite frankly are not built to withstand their current capacity, let alone the additional traffic caused by the building of 4500 new homes, which could quite easily equate to 9000 more cars in our area. Some traffic calming measures have been put in place on Woodhouse Lane, asking drivers to drive at 20mph - I can tell you quite categorically this is not happening, and I have stopped some drivers from speeding down the road myself to outline the speed limit. Think about the congestion that occurs when there is an accident on the M62, this will be the norm and is totally unacceptable for the residents of Brighouse. Walking on main roads will become unbearable due to the fumes from standing traffic, this will be the norm. The train station in Brighouse has recently had its services changed, has anyone spoken to Northern Rail about increasing services to Manchester and Leeds - these trains are already over subscribed - the additional houses will only add to this. Wildlife We are in a very fortunate position in Brighouse to be able to walk to green spaces very easily. With the addition of 4500 new homes, this will just not be possible. The deer, rabbits, bats, owls and swallows that we see regularly in and around our green spaces will disappear. The walking areas for dogs, for children to play and discover our wonderful countryside will disappear - this would be an absolute tragedy. Bradley Woods scout camp will not be the safe haven it is now for children not just within our area, but within the international scouting community - this must not be allowed to happen. Schools Again we are fortunate in Brighouse to have a number of excellent schools - but with the addition of 4500 homes - potentially all housing families with children this could be damaged. Our primary schools will not have capacity and our high schools, which are already very big schools, will come under huge pressure. Is this really what Calderdale wants? I am at a loss as to why the Brighouse area has been allocated approximately half of the homes for the whole of Calderdale, and increasing its size by 31%! I hope that the local community have come together to write to Calderdale council with their concerns, although I doubt very much whether the Council will change their minds - but we must try!

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp43**

Site ref (if applicable):

Person ID: **1181404**

Name: **Fiona Hirst**

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 accept there is a need for more housing however given where the proposed sites for redevelopment are located I am overwhelmed with emotion at the sheer lack of empathy towards the green belt. This land is home to wildlife that is only just surviving on the little habitat they have remaining. A small number of red deer still roam the area at Rastrick including foxes and badgers. Birds such as tree sparrows and house sparrows, which are already in decline will face certain death through loss of habitat and food. The area is alive with bees, honey bees and bumble bees some species of which are near extinction. Removing this vital area will be another nail in the coffin for man kind. This area is alive with wildlife and is the only remaining unspoilt area to go for walks and be at one with nature, my children love bug hunting and foraging to find different plants. They visit the area daily to run through the long grass and climb trees all of which will be taken away from them. Redevelopment of the greenbelt is denying children access to unspoilt areas where they can appreciate what mother nature has to offer without having to travel. There are numerous derelict buildings suitable for redevelopment around the areas in question, Calderdale is a graveyard for unsightly abandoned "listed" buildings that are vandalised and left to ruin. What good is a "listed" building not being used, looking like a stain on the area? I beg Calderdale to reconsider the plans, for the next generation and the much loved wildlife that man thinks it can take to make money. Green belt land is needed so urgently, for the sustainability of the Earth. You will have blood on your hands killing wildlife and our future. Rastrick is an area with a diverse population with many deprived families who use this area as an escape. Families who don't have the means to drive to enjoy what is natural. Children and families enjoy this space without it they have nothing.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp450**

Site ref (if applicable):

Person ID: **1182798**

Name: **Mr Graham Burke**

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 wish to register my objection to the proposed building of so many houses on the greenbelt areas around Brighouse. The number of homes seems disproportionate compared with other areas of Calderdale. Has the plan allowed for the massive increase of vehicles or is greater congestion of roads be allowed to happen. Has provision for extra public services such as school, doctors, shops etc been provided. I did believe that greenbelt areas were established as areas that should not be developed. Why not redevelop derelict areas, probably slightly more expensive and complicated for developers but would save much greenbelt. Revisit proposals and use common sense when developing our areas of natural beauty and heritage.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp470**

Site ref (if applicable):

Person ID: **1183176**

Name: **Mrs Linda Henbest**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

I cannot comment on its legality, but would imagine this has been fully investigated by the council.

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

Sound Reason:

General comments: Is Rastrick to have no amenities in the form of green spaces to enjoy? Are our children going to have to cross busy main roads or even take public transport to find an area in which to play safely? Are families with dogs going to have anywhere left where they can take them to run about and exercise? The gross unfairness of these plans shouts out at you. 9,500 new houses needed in Calderdale? Oh let's shove half of them in Brighouse/Rastrick. Just what have we in the Brighouse/Rastrick area done that we are going to lose the benefit of what countryside is remaining to us? We must have done something to upset the councillors in Halifax because they surely have not considered the following: 1. Air pollution - already high and going to get higher with the additional thousands of cars on the roads. 2. Lack of facilities - just how are existing schools supposed to accommodate thousands of new pupils? How are already over subscribed GPs surgeries going to absorb thousands more patients? 3. Current Brighouse daily traffic logjam increasing to total gridlock when there is a problem on the M62 (problems which are becoming more and more frequent) and traffic comes streaming off through Brighouse. Add a few more thousand cars into the mix and nobody is going to go anywhere on a daily basis, thus increasing air

pollution, putting the health of Brighouse residents in jeopardy and decreasing the efficiency of Brighouse businesses. 4. Road safety - some of the plans are for new houses on unsuitable junctions or will mean new roads exiting onto dangerous hilly areas - Toothill Bank and Ogden Lane are examples of this. Also see next comment. 5. Green belt land - almost all the proposed development is on green belt land which is nothing less than vandalism. There are plenty of brownfield sites to be utilised. Some of this green belt land is all that is left to wildlife - sparrows are already disappearing at an alarming rate and I have seen foxes on the Ogden Lane site and on the land at Bowling Alley. There are also bat habitats in the proposed development areas. 6. The quality of life for existing residents will be severely compromised if these plans go ahead. The Government is already worried about the state of the nation's health and this council is proposing to take away large areas of countryside which the locals now enjoy for running, walking and generally keeping fit. I suppose the council thinks that residents of Brighouse and Rastrick can walk or run along pavements of already heavily polluted roads! 7. I have taken the trouble to read the objections raised to the plans in 2017 and from what I can see all the objections raised are still relevant. 8. What plans do Kirklees have for developments? Are we just going to become an extension of Huddersfield? 9. Why can't Halifax take its fair share of new developments - I'm sure there are many brownfield sites in the Halifax area which will benefit from redevelopment.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Inadequate public involvement especially given the scale of development proposed for Brighouse.

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. Brighouse and Rastrick are getting a disproportionate amount of Calderdale's housing allocation. 50% of development has been placed in the Brighouse area.

2. The additional number of dwellings will put extra pressure on the road system.

3. Air quality will further deteriorate with additional housing in Brighouse and the lack of any plan to improve air quality. (namely AQMA No 6)

4. Strategic Road Network - the motorway is at capacity.
5. Brighouse residents commuting outside Calderdale is an existing critical issue which the local plan growth strategy will further exacerbate, placing further reliance on journeys by private car.
6. Council evidence has grossly under-estimated existing levels of congestion in Brighouse.
7. The IDP does not contain adequate detail regarding the allocations in Brighouse. Further, there are no details regarding the mitigation measures mentioned in the site reports.
8. Loss of open space fails to support the drive to encourage healthy lifestyles.
9. High proportion of sites in the Brighouse area are on green field sites. The Council have therefore failed to address its priorities of tackling health inequalities, obesity, physical activity, and air quality.
10. Low levels of CIL in comparison with the rest of the borough.
11. No financial commitment for some of the major transport infrastructure required such as junction 24A of the M62.
12. The Thornhills area has been mined for hundreds of years. Concerns over whether there will be any resulting issues.
13. Potential flooding impact of mass development.

#### 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. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.  
The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.
3. For further information on air quality the Evidence Documents EV03 Low Emissions Strategy; EV04 Air Quality Action Plan EV05; Air Quality Technical Paper and EV54.8 Technical Note 7: Air Quality Constraints Assessment; consider the implications of air quality, traffic growth and the mitigation needed to address emissions.
4. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan, including a chapter on transport.  
The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.
5. Assumptions regarding the future planning of the district and West Yorkshire generally assume that

commuting patterns will remain reasonably constant. As a result all agencies and partners are planning for growth, and Highway England are aware of and planning for the growth that will derive from Calderdale in their forward expenditure plans.

6. The Council does not accept that it has underestimated existing levels of congestion in Brighouse. Evidence documents EV54.1 to EV56.0 inclusive provide the transport evidence which has assessed the Local Plan and the growth that it is accommodating.

7. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan. The IDP does not consider the individual constraints of sites, the 'Site Allocations - Supporting Information' contains the details regarding mitigation measures as identified in the site assessment process.

8. Safer, Cleaner, Greener who has responsibility of Open Space in the district has assessed the Open Space within the catchment area of sites against the adopted standards as set out in the Open Space Study. Where an assessment of open space in the area shows that there are sufficient alternative sites to meet the adopted standards the site has been considered for allocation. Where the assessment has demonstrated the adopted standards would not be met the site has been filtered from being allocated.

9. 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 greenfield Green Belt when all alternative sites were used. Also, see response to point 8 above.

10. In setting the levy rates, Calderdale Council considers it has struck an appropriate balance between;

- a. the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and
- b. the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Calderdale District.

11. Junction 24A is an aspirational strategic transport intervention. The Local Plan is not predicated on the delivery of Junction 24A. The intervention is not a critical to the delivery of the growth scenarios proposed in the Local Plan. However, the Infrastructure Delivery Plan (2019) discusses planned and future infrastructure schemes, funding opportunities and set against the Housing Trajectory which is required to support the planned housing growth.

12. If sites are in a Development High Risk Area, a Coal Mining Risk Assessment will need to be submitted to the Local Planning Authority (LPA) to support any planning application. The Coal Mining Risk Assessment will need to identify site specific coal mining risks and set out the proposed mitigation strategy to show that the site can be made safe and stable for the development being proposed.

13. All sites have been assessed by the Environment Agency and the Council, being the Lead Local Flood Authority. Mitigation measures have been recommended on sites where necessary including green and blue infrastructure. Sites at application stage will also be subject to Local Plan Policy CC2 Flood Risk Management. The Infrastructure Delivery Plan (EV42.1) sets out the strategies, plans and programmes in tackling flooding.

## **Duty to Co-operate**

#### Main Issues:

1. No plan to suggest that highways issues, commuter patterns, local services/provisions, transport links and the Green Belt have been thoroughly considered for Brighouse, in collaboration with Kirklees council.
2. The Council has not consulted with the necessary parties where the IDP highlight required infrastructure improvements, such as GPs and other health care providers.

#### Council's Response:

1. The large scale developments of the Garden Suburbs in Brighouse and that in Bradley, Huddersfield are part of an ongoing spatial consideration of growth within the Leeds City Region. The large sums being allocated by the West Yorkshire Combined Authority to the A641 Corridor and the Bradley Link indicate a joint consideration of the development implications. Council Document CC01 (Appendix 1.3) in response to the Inspectors Pre-Hearing Note 1 provides further information about the manner in which the Calderdale and Kirklees are working together to manage and mitigate the growth in the South East Calderdale/North Huddersfield area.
2. There has been joint working and agreement with Calderdale Clinical Commissioning Group over the direction of work on health and wellbeing, and also discussions with GP practices in South East Calderdale. This is explored in the updated Calderdale Infrastructure Delivery Plan: 2019 (EV42.1)

#### Suggested Modifications

1. Additional sites are allocated for housing development to ensure requirement is met.

#### Council's Response:

1. No change required - On February 12th 2018, the Council's Cabinet resolved to set its housing requirement in accordance with what was then emerging national planning policy, i.e. the Proposed Standard National Method – no "undersupply". This reflected the Council's wish to align ourselves with the Government's direction of travel and also took on board the fact that Calderdale is tightly constrained by Green Belt and other physical constraints. See Background Paper BP 01 Cabinet Report 12.2.18 Housing Requirements and Allocations.

## Document Section: LP0174 - New Housing Site - Brighouse

### Representations

Comment ID **Lpp1405**

Site ref (if applicable): **LP0174**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP0174 - End of Wilton Street HD6 2QY No suitable access roads and the land is unviable due to levels See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

Comment ID **Lpp955**

Site ref (if applicable): **LP0174**

Person ID: **1131534**

Name: **Mr Gavin Macaulay**

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/5075241>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Site Access - No suitable access.
2. Viability - Unviable due to levels, significant works required.
3. Air quality and noise - Due to increased traffic.
4. Local Road Network - Inadequate Local Road Network, specifically road safety issues.
5. Flooding - Increase risk of surface water flooding.

Council's Response:

1. Highways Development Management have advised that the site is partially developable for up to 15 dwellings.
2. The Viability demonstrates that Zone 8 where this site is located has average greenfield values of £325,000 per acre and brownfield £185,000 per acre.
3. Environmental Health have not raised Air Quality as a constraint to this site. Noise however, would need to be dealt through a noise impact assessment at application stage. The reduced developable area allows for a stand-off between residential and industrial/commercial uses.
4. Highways Development Management have not raised any concerns regarding an inadequate local road network. In terms of safety Highways have stated this could be addressed by a Construction Management Plan condition.
5. The Council's Flooding and Drainage Section has indicated that the site is suitable for the development after a Hydrological Assessment of Red Beck and surface water assessment is carried out. Any development proposal will need to consider layout and design to avoid flood risk impacts; this should be done through a FRA.

## **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Access to the site should be from the road leading into Brookfoot Industrial Park.

Council's Response:

1. No change required - Highways Development Management recommends access off Wilton Street.

## Document Section: LP0338 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1142**

Site ref (if applicable): **LP0338**

Person ID: **1182231**      Name: **Mrs Rebecca Holmes**      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:

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Comment ID **APX1168**

Site ref (if applicable): **LP0338**

Person ID: **1183145**      Name: **Mr Nigel Holmes**      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:

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Comment ID **APX1228**

Site ref (if applicable): **LP0338**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **Lpp1284**

Site ref (if applicable): **LP0338**

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 for context of comments: This is a privately owned area of overgrown greenspace within the urban area. Access is identified as a constraint due to the sloping nature of the site. Given the location of the site within the urban area, it is telling that the site has no developer interest. This justifiably raises deliverability concerns. The Housing Technical Paper identifies a suggested delivery in Year 4 (2021) and also refers to there being no agent or developer interest identified. It is questionable therefore how delivery in year 4 has been identified.

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>

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Comment ID **Lpp1338**

Site ref (if applicable): **LP0338**

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 for context of comments: This is a privately owned area of overgrown greenspace within the urban area. Access is identified as a constraint due to the sloping nature of the site. Given the location of the site within the urban area, it is telling that the site has no developer interest. This justifiably raises deliverability concerns. The Housing Technical Paper identifies a suggested delivery in Year 4 (2021) and also refers to there being no agent or developer interest identified. It is questionable therefore how delivery in year 4 has been identified.

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>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Site Access - constrained due to topography.

2. Deliverability - There is no developer interest or agent on board.

Council's Response:

1. Highway Development Management considers the site developable with mitigation of the level differences across the site.

2. The current lack of developer and agent interest has been reflected in the positioning of the site in the Housing Trajectory.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. The site should be positioned later in the trajectory.

Council's Response:

1. No change required - The sites allocation is considered consistent with the Council's site allocation methodology and positioning in the trajectory as set out in the Housing Technical Paper.

## Document Section: LP0548 - New Housing Site - Brighthouse

### Representations

Comment ID **APX1078**

Site ref (if applicable): **LP0548**

Person ID: **1182491**

Name: **Mrs Eileen Pfaff-Kane**

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:

In reference to the 'Green' on the junction of Granny Hall Lane & Blackburn Road, there has been no consultation on this piece of land. Also, I understand that there is a governance which would prevent the allowance of property to be built on this land.

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 **APX1081**

Site ref (if applicable): **LP0548**

Person ID: **1182921**

Name: **Mr Carl Hopkins**

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:

After meeting attended by two local councillors it was made clear that this plot did not appear in an initial planning document and was then added later nearer the date it was presented to council. Having lived near the proposed site for 19 years I can testify that this area of roads is already a hazard especially where granny hall meets Halifax road. The site will also increase traffic on to both lightcliffe road and Blackburn which a school - which I have long thought should have speed bumps as the areas 20mph is often ignored.

There are huge issues at school pick up and drop off time. The parking at the junction of granny hall and Halifax Road is dangerous and though double yellowed is often ignored. There has been no allowances made for extra schooling places & doctor places. The land itself, as the plot opposite (the rose garden) is unstable. I have seen the rose garden dip and fall and have to be refilled many times over the years I have been here. There are reports of this plot having subsided as it is believed there is a tunnel network below emanating from the old quarry opposite. There has also been evidenced historic reference that the plot was gifted to the neighbourhood as a public green space in recompense for some earlier debt owed.

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

Duty to Co-operate Reason:

Suggested Modifications:

The local feeling is strong that there should be no actual amendments to any wording simply that the plot should not be considered as it is unsuitable, inappropriate and has been gifted as green space. The rejection of the site and proposed 19 houses is a drop in the ocean when the council has much larger sites to focus on. It is reported that although the Brighthouse area is a third of the size of Halifax the area is receiving twice the allotment of new houses - this seems ridiculous as there is obviously not the infrastructure in such a small town for a huge increase in population.

Additional Evidence Link:

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Comment ID **APX1105**

Site ref (if applicable): **LP0548**

Person ID: **1183026**

Name: **Mr & Mrs JB & A Kendall**

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:

Not included in consultation period 2017. (perhaps this comes under 'Complies with the Duty to Co-operate - We do not know) Blackburn Road at it's junction with Granny Hall Lane is a frost pocket. The risk of surface flooding would increase a potential hazard area. Granny hall Lane is a busy thoroughfare, particularly with it's junctions with Halifax Road and Lightcliffe Road. Blackburn Road is also quite a busy thoroughfare, with cars parked almost end to end during drop off/ pick up times at St.Andrew's Infant School. Fill this space and there would be continuous housing from Bradford Road, via Bonegale, Garden Road, Lightcliffe Road, Laverock Lane, Well Green lane and to the recreation area adjacent to St. Chad's primary school. The open space is used by children and families for healthy, outdoor activities. Locally and nationally the aim is to encourage there and fight obesity etc. Building would defeat this aim. 'Business and Economy services' How can there be a 'Positive' comment in response to issues raised during the 2017 consultation? Development on this site was not put forward at that time. The land is designated by Calderdale as 'Greenfield.' Is this correct? It was worked as a stone quarry, empty and then filled with general tipping, including dustbin refuse (Brighthouse Council). Surely the site is 'Brownfield', or is there a

point in time when it becomes 'green'? The nearest school is extremely popular and usually over-subscribed. 19 houses are sure to have families with children, whose parents would expect their key stage 1 child to have a place at the school at the end of the road when they moved in - but would they? In connection with point 3 above: any building would most likely involve additional and costly works e.g. numerous pilings, strengthening measures etc.

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

Duty to Co-operate Reason:

Suggested Modifications:

We are not in apposition to suggest modifications to the local plan. We do not have the necessary expertise, knowledge etc. We do feel that our comments in section 5 should be sufficient for asking the council to reconsider this site as suitable for development within the local plan. This particular site apart, Brighouse does not have the infrastructure or facilities to support the large number of houses proposed. The second largest town within the borough and yet we have a council office which is not even open five days a week from 9am - 4.30 pm Please support the existing community before going ahead with the proposed development of 4500 new homes.

Additional Evidence Link:

Comment ID **APX111**

Site ref (if applicable): **LP0548**

Person ID: **1181213**

Name: **Mrs Karen Johnson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I do not believe that this land is legally owned by Calderdale, although it has been maintained by Calderdale ie grass cutting over the summer months. The land forms part of a Covenant , in which the land was gifted to the children of Granny Hall Lane.

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

Sound Reason:

The land is in the reports words - contaminated. By that I mean there are mine shafts running under this land. There is a visible dip in the centre of the land where a mine shaft is running under it. There would also be problems with parking as the local infant school is adjacent to this land, and there is already a problem with far too many cars being parked along Blackburn Road.

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

Duty to Co-operate Reason:

In order to build on this land it would require significant amount of funds being spent if public money to excavate this land . Even after this the land would be prone to subsidence, and also it would be difficult to get insurance for houses built on land being affected by subsidence.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1116**

Site ref (if applicable): **LP0548**

Person ID: **1183002**

Name: **Miss Deborah Kendall**

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:

Objection re planning for 19 houses on Granny Hall/Blackburn Road, Brighthouse. This plan is not a viable plan for the area involved as the infrastructure of the local area and wider area could not support the amount of extra cars and people that would come into the area. Neither Granny Hall or Blackburn Road would be able to support the amount of cars entering and leaving the housing area. If there is no parking supplied within the housing area this would cause massive parking problems and hazards on Granny hall and Blackburn Road which would also be a hazard to the local school and could also be a possible cause of accidents. Building these houses also takes away the green areas of the town and these green areas should be kept so the town is not strangled by more houses and cars.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1119**

Site ref (if applicable): **LP0548**

Person ID: **1182965**

Name: **Mrs Caroline Sunderland**

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 green space where the intended planning & building is to take place is unsafe; previously a quarry. Sink

holes. Also the green space was given to the children of Sleadyke - I believe. I moved to the area 1966 & remember the houses on Granny Hall Grove being built. How tall are these social houses - two/three storey? Please advise, thanks.

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

Duty to Co-operate Reason:

Suggested Modifications:

The houses; should they be built, should not be more than one storey. The road for access; should be just one on Granny Hall Lane at the side of M.Laycock's house only. Please indicate what social housing may mean to this area?

Additional Evidence Link:

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Comment ID **APX1125**

Site ref (if applicable): **LP0548**

Person ID: **1184907**

Name: **Mr Michael Sawyer**

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:

Facilities already strained "" Roads, public transport, schools, healthcare (doctors) Potential impact to surrounding area and dwellings Previously deemed unsuitable (reference to failed application last year) "" characteristics of land have not changed "" The fact that this is now deemed suitable would suggest that the criteria has been purposefully softened. Would be irresponsible to progress with such without detailed plans to address the impact on shared public resources in the area. These are currently not available and alongside what looks to be a softening of criteria to push through these plans, it seems the current plan is premature and woefully lacking in the required detail required to commence with a scheme which would impact the area in such a detrimental way, in its current guise. How does this site rank alongside other sites in Calderdale in terms of suitability?

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1126**

Site ref (if applicable): **LP0548**

Person ID: **1182638**

Name: **Mrs Amanda Burke**

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:

We are writing in particular to the proposed plan to build 19 social housing dwellings on recreation field at the junction between Blackburn Road and Granny Hall Road. The plan for this particular site appears to have been submitted last minute and indeed stealthily, thus limiting time for consultation and consideration. We therefore feel there has been inadequate environmental justice: putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions; (empowering people to shape their surroundings, para 17, NPPF). It appears within the proposed plan Calderdale intends to build 9000 - 12,000 new homes. It is suggested 4,500 of these are to be built in Brighouse, Rastrick and Hipperholme areas. This is considerably disproportionate given the overall population and size of Calderdale. This would mean the capacity of existing infrastructure, including public transport, utilities and social infrastructure (such as schools and hospitals) would be expected to absorb further development due to lack of insight and investment to improve the infrastructure. In 2001 Brighouse and Rastrick had a population of 32,360 (at the last 2011 Census 11,195 resided in Brighouse) and overdevelopment in our area is likely to see this figure explode. In terms of duty to cooperate, it appears as Calderdale residents we have very little understanding of the proposed Kirklees Plan which sees another few thousand properties being built along our borders, again predominantly affecting Brighouse. We are uncertain what type of property is being built and who for. However, these properties are planned to be built within very easy reach of the M62 which is a prime commuter belt for Leeds and Manchester and is likely to appeal to those wanting to secure private accommodation who don't necessarily live in Kirklees and Calderdale. It also appears Calderdale Council are so intent on attracting housing developers into Brighouse they are willing to charge what appears to be a meaningless Community Infrastructure Levy (CIL) of £40 per 80 sq m in Brighouse. Other areas of Calderdale could see a CIL of up to £85 per sq m. This is the very levy Brighouse would be dependent on to finance some of the much needed infrastructure expansion. Main issues which we feel require further exploration are as follows:-

**HEALTH** Our already overstretched GP practices in Brighouse are each serving approximately 8.5 thousand patients. You have stated in your Draft Calderdale Infrastructure Plan 2018 that assuming population growth of about 18k over the life of the Plan, approximately 2 further GP practices would be required by 2032 within Calderdale. With 4500 homes projected for Brighouse, Rastrick and Hipperholme alone, we feel this is greatly underestimated given the potential for each home having multi-occupants. Whilst our own GP Practice at Church Lane is excellent in providing longer hours, urgent care / appointments, we are waiting approximately 3-4 weeks for routine appointments to see a GP and this does not guarantee your preferred GP. In addition, even if Calderdale could build new health care centres to accommodate thousands of more residents, there is a national shortage of GPs and shortfalls are expected to continue. Any additional patients added to these overextended surgeries could put existing patients' health at risk. Our nearest walk-in services / out of hours is over 3 miles away and Calderdale Royal and Huddersfield Royal are currently in unresolved dispute regarding emergency care, with a possible outcome of one of these facilities closing its Accident and Emergency Provision. Again expanding the population of Brighouse-with lack of adequate urgent care facilities could potentially put existing residents' lives at risk.

**AGEING POPULATION AND ELDERLY CARE** You have mentioned and acknowledged an ageing population in the Infrastructure Plan and how this will impact on services. Brighouse is said to have a higher than the national average population of older people. However, it is uncertain how you intend to address their

future needs. We are aware of new care homes being commissioned in the local area but there does not appear to be any preventative measures to try and prevent premature admission into long term care. We refer to effectively tackling under occupancy within existing social housing. We have had personal experience of when trying to find suitable accommodation for an ageing relative who was occupying a 3 bedroom family local authority owned property at the time. It would also be useful to understand how many local authority properties are currently under occupied, unoccupied or inhabitable and if this goes any length in meeting the housing shortage rather than new builds being deemed as the solution to the housing shortage. Also it would help to understand if the Plan will ensure suitable adapted social housing such as sheltered bungalows or extra care facilities being built to ensure the future needs of existing elderly residents in Brighouse. This question arises from professional experience of how substandard housing or lack of properly adapted properties results in 24 hour care admissions which then further impacts on dwindling social care budgets.

**HERITAGE AND CURRENT USAGE** The Plan is required to consider the impact that the development of sites will have on the area's cultural resource- this includes the intangible such as folklaw. Local authorities should recognise the contribution of heritage assets (e.g. listed buildings, scheduled monuments) to the social and economic regeneration of an area: (...recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. para 126, NPPF) We would argue the proposed site 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) has significant cultural importance and is irreplaceable. We are aware the proposed site was historically donated and whilst currently owned by Calderdale Council we feel as a community we need to know of any restrictions or contraindications for development on this site. The proposed site is currently used as a recreation site providing space for the young, families and dog walkers alike. This is not a site that is occasionally used; on the contrary, the land provides leisure opportunities at multiple times throughout the day. It also supports the well-being of those residents adjoining or living opposite in terms of providing some outlook onto green land. Your own Duty to Co-operate Statement (paragraph 10.1) explains the importance of having green infrastructure to promote health and well-being. You also acknowledge the pressure these areas are under in terms of being earmarked for development and the lack of opportunity to increase recreation facilities, especially in urban areas, whilst stating IT IS IMPERATIVE THAT EXISTING OPEN SPACE IS PRESERVED, PROTECTED FROM LOSS AND INAPPROPRIATE DEVELOPMENT WHICH WOULD HARM IT'S CHARACTER, APPEARANCE OR FUNCTION. PARTICULARLY IN UNBAN AREAS. It is acknowledge that there is a park within walking distance from this site; however there are no barriers in place and this leaves it open to an adjacent to a busy road which can be off putting to those with young children and dog owners.

**ENVIRONMENTAL IMPACT** We feel an explanation of how your plan to develop 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) and indeed the wider Brighouse development has considered all the environmental losses. We query if the development of sites have been properly considered and consequently what impact this will have on the area's environmental carrying capacity and in particular their implications for resource conservation, natural resources and biodiversity: (...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; para 109, NPPF) For instance on site 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) we regularly see bats at dusk flying above the field. These frequent sightings are not surprising as the area provides insects and a treeline / hedgerows to help them commute. Disturbance or destroying this habitat could potentially see a loss for this protected mammal as well as disrupting and affecting the biodiversity of this area. It also appears Calderdale Council intends to sacrifice Green Belt in order to provide new homes and it is uncertain to what extent they have considered all available Brown Belt land. Another huge concern is the envisaged increase in traffic on Granny Hall Lane, its surrounding roads and Brighouse in general. Potentially increasing risk to life, heakh and well-being through increased noise, pollution and lack of adequate provision or response to deal with these issues. In terms of poor air quality, Calderdale is expected to be one of the 33 councils with noncompliance with EU annual mean NO2 beyond 2018. Air pollution is associated with premature death and disease / illness such as cancers, heart disease, strokes

and lung disorders. Therefore, how can this same council support: expansion of our towns and neighbourhoods given the likelihood they cannot sustain legal compliance within their existing boundaries. We live in Ye Farre Close which is a no through way containing 10 dwellings. Most of us own at least two cars and commute outside the Calderdale boundaries. During week days we often struggle to negotiate double parked cars on Granny Hall lane and surrounding streets due to drop offs and pick ups at St Andrews School and Parents / caregivers often resort to parking in Ye Farre Close for this purpose. As you appreciate impacting on resident's ability to access or depart from their property due to obstruction. On the whole we consider ourselves tolerant and understanding of the need for these commuters to ensure their children's well-being. However, it has caused some issues / ill feeling amongst residents, not only in Ye Farre Close but on surrounding streets where these cars park. Another 19 dwellings where occupants could potentially own 2 or more cars is only likely to add to the daily chaos. Brighouse has seen its fair share of retail development in the last couple of years, most of it welcome. However, there appears to have been no consideration towards the explosion in traffic. It is already proving difficult to negotiate traffic on Bradford Road due to congestion caused by the new retail park and McDonalds. In the other direction we had the arrival of Lidl which also adds to an already bottleneck from the M62 direction. At peak times and during M62 lane closures mean journey times are already unacceptably extended and this is without the introduction of thousands of more vehicles on our local roads. Traffic congestion already results in Granny Hall Lane and surrounding areas being used as a "rat run" with vehicles trying to negotiate the mini roundabouts and adding to already mounting driver frustration. Then to add to the chaos, the roundabout outside Tesco is like running the gauntlet and is totally inadequate to safely stream traffic. There has been a noted increase in road traffic accidents on this roundabout since the store opened. Calderdale requested a Brighouse Traffic Management Review in 2008 which acknowledged traffic problems and in relation to Tesco Roundabout suggested the following low cost / medium cost and high cost solutions as seen below. However, it does not appear to have even adopted the low cost solutions some 10 years on. Tesco Roundabout - Huddersfield Road/ Ludenscheid Link/ Bradford Road The key issue to be addressed at this junction is: Because of the short distance between Tesco roundabout and Wakefield Road signals, queues from which tail back and block the roundabout. Low cost solutions S1 Introduce "keep clear" marking outside the entry to Tesco so that it does not get blocked by queuing traffic on the A641 Huddersfield Road. S2 Re-locate bus stops on A641 Huddersfield Road and A641 Bradford Road. Medium cost solutions S3 Request Tesco to resolve the conflict issues resulting from the location of the zebra crossing and petrol filling station access proximity to the main road junction. S4 Signalise the existing roundabout layout as a method of queue management and to keep the roundabout clear. High cost solutions S5 Carry out a comprehensive improvement to fully signalise the junction, incorporating pedestrian facilities, so the zebra crossing can be removed. S6 Provide a left turn slip lane from Ludenscheid Link to Bradford Road S7 Provide a left turn slip lane from Tesco to Huddersfield Road Another observation is the Council's attempt to introduce a cycle lane along Bradford Road which is not fit for purpose. The majority of this road from Tesco to Bailiff Bridge has parked cars all the way along. Indeed, outside the new MP Fit, cars are usually double parked due to inadequate parking. The much needed Brighouse Sports Centre on Bradford road also has inadequate parking leading to issues around illegally parked cars or clients parking their cars on Bradford Road. This is just another example of introducing public facilities without properly considering the wider impact for those living close by. Despite all these contraindications, the Site Assessment report states there would be no significant impact on the road network and the traffic impact is not of a concern. Suggesting no off-site improvements. Therefore, how are we to trust the same council to introduce and implement plans for safer roads and pedestrian areas, traffic reduction and greener travel, when they appear not to have even addressed recommendations from their own commissioned report dating back to 2008 to implement improvements with the roundabout at Tesco. **CONSIDERATION FOR EXISTING RESIDENTS** Granny Hall Lane and properties near the proposed site have occupants who make up a caring community and all appear to appreciate living in a quiet residential area. Many people in the area have lived here for decades and newer residents appear to be young professionals who want to contribute to society and ensure the well-being of other

residents. Most of the properties are privately owned, well-maintained and desirable. We already have a good mixture of young, families and older people. Even before these plans were proposed we were already worried about younger residents not getting a place at their nearest chosen school, implications on our health and social care with dwindling budgets. Traffic problems and having to commute due to limited professional vacancies in our local area. Whilst not denying the need for social housing and the importance of ensuring this basic human right for people to live in affordable housing. There are possibly some areas in Calderdale which h will be more suitable for mass development. However, the Plan for Brighouse and the proposed 19 social houses in Granny Hall show no relation to the existing demographics and don't appear to demonstrate the ability to enhance the lives of people already living in this area. Indeed there only appears to be losses.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1141**

Site ref (if applicable): **LP0548**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1143**

Site ref (if applicable): **LP0548**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX115**

Site ref (if applicable): **LP0548**

Person ID: **1181327**

Name: **Mr Mason Manley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

As part of the preparation of the Local Plan, the legal suitability of the proposed sites should have been considered; in this case, it clearly has not been. This piece of land is not for CMBC to develop but is instead a gift held in covenant for the children of Granny Hall. The land was gifted to the children following a tip fire which was put out by the local fire brigade: the owner at the time could not afford to pay for the fire brigade's services and therefore gifted this land as payment. At the time of writing, CMBC's information office and legal team are looking into the legal holding of this land and (if possible after posting) I will update this comment with their findings following my Freedom of Information request.

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

Sound Reason:

As expressed by the political representation of the area, we do not consider the plan to be positively prepared. We do not feel confident that the need for increased infrastructure has been properly planned for and also feel that the specifics of this area with regard to traffic have also not been considered. St. Andrew's Infant School - which is situated on Blackburn Road - generates huge amounts of traffic twice a day at peak times and causes our already battered road infrastructure to clog up completely. An additional 19 houses would only exacerbate this problem. This Local Plan site cannot be justified given the large amounts of plant traffic which would cause air pollution, noise pollution and traffic issues as previously mentioned. The extent of the contamination at this site has been grossly under-estimated: it is disused quarry which has since been used as a rubbish tip making the land toxic both environmentally and in terms of building conditions and suitability.

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

Duty to Co-operate Reason:

This site is not economically viable due to the amount of work that would be required to make the site safe.

Suggested Modifications:

To make the Local Plan legally compliant and sound, site number LP0548 should be entirely removed from the plan.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5049399>

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Comment ID **APX1171**

Site ref (if applicable): **LP0548**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1173**

Site ref (if applicable): **LP0548**

Person ID: **1181582**

Name: **MR ROBERT HIRST**

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:

1. Lack of consultation This area of land was not included in the Councils original plans in 2017 we were only made aware of this new proposal in August 18. 2. Covenant of the land I was of the impression that the land was gifted to Brighouse Borough Council under a covenant that stated that its use was to be solely for the recreational purposes of the local inhabitants of the area. 3. Lack of detail in the site assessment of the land Surely there as to be major concern's over the suitability of the land! This area was previously mined for stone and like the surrounding area has been prone to sink holes as a result of its previous

history. Since we moved into the area in the early 90's there has been 2 sink holes appear. 4. Land of infra structure to support such a development. This also applies to the proposed plans for @ 4000 new builds in Brighthouse in general. i.e. schools, highways, pollution, health support and green areas etc.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1177**

Site ref (if applicable): **LP0548**

Person ID: **1184057**

Name: **Mr Tim Isherwood**

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 wish to oppose this proposal on the basis of insufficient infrastructure. 1. Are there enough school places available 2. Can the local doctors surgeries cope with an increase in patient numbers? they are struggling to cope with existing patients. 3. Traffic issues - Blackburn road is already a bottleneck at school opening and closing times. This will be further exacerbated during construction and on completion. WAAT of the survey issues?

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

Duty to Co-operate Reason:

Suggested Modifications:

Modification is not the answer-withdrawal of the scheme is.

Additional Evidence Link:

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Comment ID **APX1179**

Site ref (if applicable): **LP0548**

Person ID: **1185070**

Name: **Mrs Tracie Sawyer**

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:

In considering the application in its current form, I do not believe it is positively prepared, justified or effective. Facilities in the immediate and surrounding areas are already strained and the proposal to increase housing will only add to the pressure these are under, especially when the proposal does not include any plans to address the impact on these services. These include, but are not limited to; roads, public transport, education and healthcare The current plan also fails to mention or address any impact to the dwellings in the immediate vicinity It is noted that this is not the first proposal issued to build on this land, with there being a failed application recorded last year. As the characteristics of the land have not changed, I fail to see how the land can now be deemed suitable. Has the strict and enforceable criteria by which to measure suitability now been relaxed to allow this? Given this plan sought to address a previously failed attempt, it is even more surprising how much detail this current plan lacks in addressing pertinent issues. As such, I believe that it would currently be irresponsible to progress with this proposal without detailed plans to address the wide ranging impacts. These have not been made available and as such I assume they do not exist. This is alongside what appears to be a relaxation of the criteria given the recently failed attempt with a proposal In summary the current plan is premature and woefully lacking in the required detail required to commence with a scheme which would impact the area in such a detrimental way. I believe this proposal should be revisited, with resource deployed to provide more detail and effort in addressing the concerns of the public, and the impact it would have in its current guise. The current proposal feels rushed and more care and attention is required to ensure it is justified and effective

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1206**

Site ref (if applicable): **LP0548**

Person ID: **1184061**

Name: **Mrs Joanna Walkington**

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 do not believe your proposal gives appropriate respect to the local residents; and the disruption and decrease of air quality and road safety this will cause to the local infants school too (on Blackburn Rd). Blackburn road is already congested and is a bottleneck. The increase of traffic will undoubtedly be

detrimental to all concerned in this area and to Brighouse as a whole. The noise and general disturbance factors generated by the proposed building work would have a huge impact on the day to day lives of local residents and quality of life. Already, many of us cannot park, or gain access to our properties, due to the school. This plan is fundamentally dangerous and will only serve to make traffic in this area worse. This area is already heavily populated. Your proposal will have an adverse impact on existing facilities i.e schools, doctors, surgeries and services within this community. This is an infill site in the middle of a developed and settled heavily residential area. Where is the common sense? Not to mention the noise and air pollution it would cause. This site is of integral importance to the local community. This plot should be preserved as such, not to be built over with any form of housing development that would have a heavy impact for us all. We are all told to 'move about' and 'exercise more' to encourage our children to be 'outdoors more' to encourage our children to too be 'outdoors' and less time spent indoors. Why are you trying to take this facility away from the local community? Is this proposal going to affect our labour councillors residence? I doubt it? We object to even more traffic on Granny Hall Lane, Slead Avenue and Blackburn Rd. These areas are already a rat run and your proposal will increase air pollution and generate more cars (often speeding) road surface conditions here already poor! The proposed site is an infill site and NOT a suitable housing site. In this part of Brighouse alone there have already been several infill housing developments over recent years. It is common knowledge that a proposal to build on this site was filtered out in 2017 due to the site deemed unsuitable to develop on. SO WHY HAS IT BEEN SLIPPED BACK IN AGAIN..... ESPECIALLY AT SHORT NOTICE? DISGUSTING BEHAVIOUR!

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

Duty to Co-operate Reason:

Suggested Modifications:

NOTHING WILL MAKE THIS PLAN COMPLIANT OR SOUND! WITHDRAWAL IS THE ANSWER

Additional Evidence Link:

Comment ID **APX1220**

Site ref (if applicable): **LP0548**

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. I would like to make a comment about a site which has been included within this consultation, this relates to LP0548. This has not previously been included within any previous consultation and therefore people have not had the opportunity to comment on this site. The other week, as councillors, we attended a drop in session organised by Calderdale Council. Over 100 people attended the meeting from this particular area (Granny Hall Lane), all objecting to the site for various reasons, mainly the loss of amenity space, road traffic issues. Local knowledge is a wonderful thing, and residents notified us that this space used to be a quarry, however part of the land is now subsiding and therefore

questions the validity to be included within the whole plan. At the meeting, we were made aware of a covenant on the site, which would actually prevent development.

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>

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Comment ID **APX1256**

Site ref (if applicable): **LP0548**

Person ID: **1186453**

Name: **Mr Paul Clayton**

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:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. I believe there is a covenant on the land. It was a quarry therefore excavations would have to be made to find out what has been tipped into it. There will be shafts around this area. The site has not been placed on any of your plans for development before - why? as residents we have not been informed! You have not increased local structures to take on the extra cars/people/children etc. I do not want public money spending on this site as to find out what has been tipped here when the council do not have funds. Social housing does not fit in this area of Brighouse. Already subsidence by the Rose Garden on Granny Hall Lane. We are led to believe land is not owned by council. It will have more noise and air pollution to this area. Local area were cars so rat runs by cars. Safety of children going to school.

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

Duty to Co-operate Reason:

Suggested Modifications:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Public money would have to be spent to find out what is in the quarry. Money would have to be spent to check on tunnels. Who owns the land? This would have to be checked and verified. Infrastructure would need to be altered: roads/Drs surgeries/schools/parking facilities (in this area). Dr surgeries are already struggling Schools - won't be able to take on all children and they are having to make staff redundant already.

Additional Evidence Link:

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Comment ID **APX128**

Site ref (if applicable): **LP0548**

Person ID: **1181533**      Name: **Mrs Fiona Duthoit**      Organisation:

Agent ID:      Name:      Organisation:

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

Legal Compliance Reason:

To the best of our knowledge the plan is legally compliant, we have to assume that it is so. We are not legal practitioners and our objections are set out later in this document.

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

Sound Reason:

This is a small plot of land for the number of houses considered and will no doubt put extra strain on the already over subscribed local schools. It should be noted that twice a day Blackburn Road has become almost unusable for local residents, and for those on Ye Farre Close, due to, the infant school and the already high volume of cars accessing the school via Blackburn Road. Sometimes it is impossible to access your own property due to the double parking and drive blocking and indeed if a fire engine or ambulance needed to access a property via Blackburn Road they would really struggle during school drop off and pick up time increasing the risk to life. The surrounding streets already suffer from high volumes of traffic with choke points at the roundabout on Garden Road/Lightcliffe Road and Granny Hall Lane/Halifax Road due to the mini supermarket and cash machine, again as on Blackburn Road the double yellow lines are ignored and ineffectual. Blackburn Road is already an accident waiting to happen and the un-policed 20 mph speed limit has had no affect on people who are determined to speed up and down the local roads and have no consideration for where or how they park. Furthermore any building work will require large industrial vehicles which in short term will be environmentally detrimental and will have an impact on the local roads during the building process. These roads are already wearing out and are in desperate need of repair, the extra traffic will just make the situation worse. I would also like to draw your attention to the telephone mast that is in close proximity to the site and would question therefore the suitability of placing people right next to it to live and I have concerns that the land may be contaminated due to previous use and this should be fully investigated along with a thorough search into any possible mine workings under the site.

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

Duty to Co-operate Reason:

I am not a legal practitioner and therefore have to assume the local plan is compliant with the Duty to Co-operate.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX135**

Site ref (if applicable): **LP0548**

Person ID: **1181533**      Name: **Mrs Fiona Duthoit**      Organisation:

Agent ID:      Name:      Organisation:

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

Legal Compliance Reason:

To the best of our knowledge the plan is legally compliant, we have to assume that it is so. We are not legal practitioners and our objections are set out later in this document.

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

Sound Reason:

This is a small plot of land for the number of houses considered and will no doubt put extra strain on the already over subscribed local schools. It should be noted that twice a day Blackburn Road has become almost unusable for local residents, and for those on Ye Farre Close, due to, the infant school and the already high volume of cars accessing the school via Blackburn Road. Sometimes it is impossible to access your own property due to the double parking and drive blocking and indeed if a fire engine or ambulance needed to access a property via Blackburn Road they would really struggle during school drop off and pick up time increasing the risk to life. The surrounding streets already suffer from high volumes of traffic with choke points at the roundabout on Garden Road/Lightcliffe Road and Granny Hall Lane/Halifax Road due to the mini supermarket and cash machine, again as on Blackburn Road the double yellow lines are ignored and ineffectual. Blackburn Road is already an accident waiting to happen and the un-policed 20 mph speed limit has had no affect on people who are determined to speed up and down the local roads and have no consideration for where or how they park. Furthermore any building work will require large industrial vehicles which in short term will be environmentally detrimental and will have an impact on the local roads during the building process. These roads are already wearing out and are in desperate need of repair, the extra traffic will just make the situation worse. I would also like to draw your attention to the telephone mast that is in close proximity to the site and would question therefore the suitability of placing people right next to it to live and I have concerns that the land may be contaminated due to previous use and this should be fully investigated along with a thorough search into any possible mine workings under the site.

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

Duty to Co-operate Reason:

I am not a legal practitioner and therefore have to assume the local plan is compliant with the Duty to Co-operate.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX152**

Site ref (if applicable): **LP0548**

Person ID: **1181758**

Name: **Mrs Julie Dent**

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:

My objections listed below are in respect of the land at the junction of Granny Hall Lane and Blackburn Road where plans have arisen indicating that 19 social housing homes are to be constructed. There has been no consultation on this proposed development it has just appeared amongst the rest of the proposed locations The land is unsafe as, in the past, there have been sink holes appear overnight The land is currently suspect in respect of the above as a large dip in the centre of the area is gradually increasing The land was deemed unsuitable by the Council in 2017 There is a lack of infrastructure in Brighouse to cope "" insufficient doctors, insufficient school places Blackburn Road is the home of St Andrews Infant School which is chaos at the start and end of each school day, more people and cars would be dreadful and dangerous There will be a loss of an amenity which is used on a daily basis On the whole the number of houses already included in previous consultations is not proportionate in respect of Brighouse to the rest of Calderdale

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX263**

Site ref (if applicable): **Lp0548**

Person ID: **1181944**

Name: **Mr David Fuller**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There has been no public consultation re the change of use of this land. The change is not in keeping with the local area. The Calderdale council have not increased the supporting infrastructure to support this, ie schools, doctors, transport, etc

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

Sound Reason:

There has been no public consultation re the change of use of this land. The change is not in keeping with the local area. The Calderdale council have not increased the supporting infrastructure to support this, ie schools, doctors, transport, etc

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

Duty to Co-operate Reason:

There has been no consultation, and thus not coordination.

Suggested Modifications:

Public open space.

Additional Evidence Link:

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Comment ID **APX287**

Site ref (if applicable): **LP0548**

Person ID: **1182012**

Name: **Miss Gillian Moody**

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:

Housing Plans LP0548 Land at Junction of Blackburn Road and Granny Hall Lane First of all, I want to complain most strongly about the fact that there has not been proper consultation on this scheme. It did not appear in the plan passed by council in 2017 and the first I heard of it was on Friday 31 st August 2018, so essentially no chance for consultation at all. Therefore, one of the key stages has not been followed. My further objections are listed below

Covenant on the land I have lived on Granny Hall Lane since 1960 when my parents moved into one of the new semi-detached bungalows built on the right-hand side (looking towards Lightcliffe Road) These were built by a company owned by Mr George Mellor. (I believe that this company was also responsible for the Slead Avenue etc. development). My understanding is that land currently under discussion was the actual stone quarry and I believe that it was gifted to the council (Brighouse Borough Council) under a covenant that stated it should kept in perpetuity for the use of the local people. If this is the case, then the proposed development is at least immoral and probably illegall.

Land Stability As I said above this piece of land was the actual stone quarry, and I believe that the reason that it wasn't developed when my own home was built, and the subsequent Slead Avenue development, was severe concerns over the stability of the land. I am also under the impression that the reason that all of the houses on this side of the road are lucky enough to have larger gardens than normal, is due to the fact that these were felt to be too close to the quarry to be safe to build on, as well as the gradient of the land. When I first lived here in the 60s the land didn't look as it does now. It was a hollow with higher sides (over 6 foot high) at the front and sides (a great place to play as a child). Even then there were holes and hollows, my younger sister being unlucky to fall down one of them that was filled with nettles! As an old quarry that had been largely filled in prior to 1960 I cannot believe that the standards required for this were as stringent as they would be today. The land has definitely not remained flat, suggesting subsidence of some sort is taking place. The area close by is obviously not that stable either, with the hollow continually appearing in front of what was the rose garden, just across the road. It is also stated that the area will have to be explored, for flood risk, minerals and I would suggest stability. I feel that this is a great mis-use of my money for the potential benefit of just 19 homes.

Local Amenities It's all well and good stating that local primary schools are within 15 minutes, but this is of little use if there are no places available at them. I know for certain that new potential pupils have to be turned away from both St. Andrew's and St. Chad's and have to go on a waiting list. Local doctor's surgeries are also more than full, as from personal experience, I know that unless it is urgent there is usually a 3-4 week delay in being able to see a GP which is unacceptable.

Green Spaces "" whilst it states that the new dwellings will be within 600m of a green space, I am sure that there will be existing dwellings that will now be further away than this, i.e.

those on Lightcliffe Road etc. Highways "" they are a number of problems in the Granny Hall Lane/ Blackburn Road areas from the state of the road (it has been like driving on a railway for many years), speeding and the dreadful junction with Halifax Road. Overall this plan appears to ill conceived, minimises any potential problems in return for very little benefit. I would additionally like to comment on the overall plan for Brighouse where the number of houses being proposed is totally out of proportion for the local area with what appears to be no thought for increasing amenities such as schools, doctors etc. A particular issue is the roads in the areas being considered, and the effect that the increased traffic will have accessing Brighouse town centre. I try never to use J25 from the M62 to access Brighouse simply because there is invariably at least a greater than 20 minute delay (should take less than 5 minutes) in reaching the town centre. In fact, only his week I did unusually leave at J25 because of dreadful delays at J26, however due to the queue into Brighouse, I turned right to Clifton by the Holiday Inn and went all the way on High Moor Road across to Birkby Lane and down to Bailiff Bridge. Not very good environmentally in terms of petrol used, emissions and increased traffic through Clifton village. This can only be exacerbated if the current plan goes ahead.

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

Duty to Co-operate Reason:

Suggested Modifications:

LP 0548 should be filtered out of the plan completely

Additional Evidence Link:

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Comment ID **APX31**

Site ref (if applicable): **LP0548**

Person ID: **1178438**

Name: **Mrs Dianne Mawer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site should never have been put forward for building, as this land was willed to the children of Granny Hall Lane as a cricket Pitch! This is documented in the old Brighouse council minutes in the Brighouse Library! It was willed as payment for a fire that broke out when is was used as a tip and the owners couldn't afford to pay the fire brigade so gave the land in payment. it is also well known that there is a tunnel under there which links under Granny Hall Lane to the old Pond Quarry across the roadmaking this land unstable!

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:

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Comment ID **APX355**

Site ref (if applicable): **LP0548**

Person ID: **1182261**

Name: **Mrs Susan Hill**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I believe that the land was gifted to the local people for a recreation area and is not owned by Calderdale council. Also it has only recently come to light that this parcel of land is up for development. It was not mentioned in the original plans for the whole of Calderdale

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

Sound Reason:

The land in question is totally unsuitable for building on. I lived on Slead Avenue most of my life and as a child we used to play on it, which used to be an old quarry full of hollows, holes and even springs. At one time a deep sink hole appeared suddenly overnight. It would cost millions to make the land stable enough to build on, at the cost of us the tax payer. This cannot possibly be justified for the sake of 19 houses.

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

Duty to Co-operate Reason:

The local schools are all full, the GP surgeries are also full to capacity. I worked in one until recently and we struggled to meet the needs of the local community as it is. The roads around the site are in a bad state of repair and would be made considerable worse with heavy machinery regularly using them. Blackburn Road is narrow and at school times is very heavily congested. Granny Hall Lane by the One Stop Shop is a total bottle neck. Can I ask why we need extra housing in Brighouse; according to plans we are due to have 4000? extra houses - why? where are all these homeless people? There are plenty affordable houses in Brighouse and Rastrick already

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX425**

Site ref (if applicable): **LP0548**

Person ID: **1182417**

Name: **Colin Jones**

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 am writing to you to voice our objections to your plans to build on the land in Brighouse. The section of land in question is your site number LP0548 at the junction of Granny Hall Lane and Blackburn Road, Brighouse. This section of land is used and always has been for recreational use a play area for children and valuable green space for the local people to enjoy. I believe that the land was the site of quarry and in the past was given to the children of the area and should be kept that way. Also the land should be left alone because of historic mine workings etc and may cause other problems in the surrounding area if disturbed. In the past sink holes have appeared in the land as you will know and at the moment small dips can be seen on the land. An increase in housing in the area will put a strain on local services, doctors, schools and parking and the volume of the traffic which is at time at crisis point with air pollution high on the list. I hope that the Council can see that this is a unsuitable area to develop and leave this green space for the people to enjoy.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX445**

Site ref (if applicable): **LP0548**

Person ID: **1182427**

Name: **Lesley McMullen**

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 am writing to you to voice our objections to your plans to build on the land in Brighouse. The section of land in question is your site number LP0548 at the junction of Granny Hall Lane and Blackburn Road, Brighouse. This section of land is used and always has been for recreational use a play area for children and valuable green space for the local people to enjoy. I believe that the land was the site of quarry and in the past was given to the children of the area and should be kept that way. Also the land should be left alone because of historic mine workings etc and may cause other problems in the surrounding area if disturbed. In the past sink holes have appeared in the land as you will know and at the moment small dips can be seen on the land. An increase in housing in the area will put a strain on local services, doctors, schools and parking and the volume of the traffic which is at time at crisis point with air pollution high on the list. I hope that the Council can see that this is a unsuitable area to develop and leave this green space for the people to enjoy.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX487**

Site ref (if applicable): **LP0548**

Person ID: **1181213**

Name: **Mrs Karen Johnson**

Organisation:

Agent ID:

Name:

Organisation:

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

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?: **No**

Duty to Co-operate Reason:

See Attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5063827>

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Comment ID **APX519**

Site ref (if applicable): **LP0548**

Person ID: **1182577**

Name: **Mrs Kathleen Chilton**

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 am writing about building on Blackburn Road which I think it is most unfair of the Council to even

consider building social housing there, it will stick out like a sore thumb in this lovely area and consider with in a mile we have Smith House, Whinney Hill and Stoney Lane estates. I thin within this area that is enough. When I came to live in this area in 1962 we were told it was an impossibility to ever build on Blackburn Road because of the quarrying springs in the area and the sink holes adjacent to the land.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX523**

Site ref (if applicable): **LP0548**

Person ID: **1182586**

Name: **Mrs Helen Somerville**

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:

Whilst I understand the need for more housing especially affordable and social housing, the proposal to use the Granny Hall Road/Blackburn Road site is inappropriate. The site is not suitable for building due to quarrying in the vicinity in the past. The land is unstable. Also the roads near the site will not accommodate an increase in traffic. In particular the Halifax Road end of Granny Hall Road near the shop, where parked cars cause problems.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX542**

Site ref (if applicable): **LP0548**

Person ID: **1182555**

Name: **Mr Richard Cowley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This piece of land on Granny Hall Lane/Blackburn Road was not on the original plans laid out in 2017. Also we believe this land was gifted to the children of Granny Hall Lane as a recreation area.

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

Sound Reason:

We believe there was a quarry on this land and there is a tunnel/tunnels leading from this land to the old pond quarry. In the past sink holes have appeared in the adjacent land. Also at some point this land was used for landfill. What type of waste material was deposited there? Could asbestos have been deposited? The cost of a site investigation and rectification to council tax payers would far outway the cost of building 19 houses. There are plenty of other parcels of land within Calderdale that can be used for housing (to meet Government demands) without adding to the already highly congested Brighouse area. Plans for the infrastructure have not been set up as far as provisions for increases in traffic, demands for doctors and adequate schooling in this local area. The junction of Granny Hall Lane/Halifax Road is a potential accident black spot now and an increase in traffic/parking would only make congestion 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:

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Comment ID **APX641**

Site ref (if applicable): **LP0548**

Person ID: **1182963**

Name: **Ms Rachel Chatterton**

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 add my name to the list of objectors for the development plan proposed by Calderdale Council for Brighouse for the following reasons: Parts of the plan have been tacked on the end of the original proposal so that the local people have not been afforded the opportunity to enter in to full consultation about development "" one being the green space on Granny Hall Lane Brighouse does not have the infrastructure to cope with the extent of the proposed developments. All of the roads into and out of Brighouse are full to capacity making access to the M62 motorway all but impossible during busy times. Brighouse suffers from the backlog daily. The proposed development on Granny Hall Lane fails to address the infrastructure required to allow 19 additional households to obtain required services such as schools and doctors which are full to capacity. It also fails to allow for access into and out of Granny Hall Lane at busy times. The One Stop Shop has inadequate parking and frequently has deliveries and customers blocking the road and access to and from Halifax Road. Alternative access along Garden Road is

blocked with overflow car parking from St Andrew's School. The land on Granny Hall Lane is a former mine & quarry and is subject to subsidence and has dropped significantly over the years. The cost of reinstating this land to ensure stability would be prohibitive for only 19 houses. Calderdale Council is aware of the national requirement to improve air quality and reduce pollution levels but seems intent on filling Brighouse's green spaces and amenities with more buildings to destroy it yet further. There is no lateral thinking here in evidence at all.

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 **APX714**

Site ref (if applicable): **LP0548**

Person ID: **1182637**

Name: **Mr Paul Burke**

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:

We are writing in particular to the proposed plan to build 19 social housing dwellings on recreation field at the junction between Blackburn Road and Granny Hall Road. The plan for this particular site appears to have been submitted last minute and indeed stealthily, thus limiting time for consultation and consideration. We therefore feel there has been inadequate environmental justice: putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions; (empowering people to shape their surroundings, para 17, NPPF). It appears within the proposed plan Calderdale intends to build 9000 - 12,000 new homes. It is suggested 4,500 of these are to be built in Brighouse, Rastrick and Hipperholme areas. This is considerably disproportionate given the overall population and size of Calderdale. This would mean the capacity of existing infrastructure, including public transport, utilities and social infrastructure (such as schools and hospitals) would be expected to absorb further development due to lack of insight and investment to improve the infrastructure. In 2001 Brighouse and Rastrick had a population of 32,360 (at the last 2011 Census 11,195 resided in Brighouse) and overdevelopment in our area is likely to see this figure explode. In terms of duty to cooperate, it appears as Calderdale residents we have very little understanding of the proposed Kirklees Plan which sees another few thousand properties being built along our borders, again predominantly affecting Brighouse. We are uncertain what type of property is being built and who for. However, these properties are planned to be built within very easy reach of the M62 which is a prime commuter belt for Leeds and Manchester and is likely to appeal to those wanting to secure private accommodation who don't necessarily live in Kirklees and Calderdale. It also appears Calderdale Council are so intent on attracting housing developers into Brighouse they are willing to charge what appears to be a meaningless Community Infrastructure Levy (CIL) of £40 per 80 sq m in Brighouse. Other areas of Calderdale could see a CIL of up to £85 per sq m. This

is the very levy Brighouse would be dependent on to finance some of the much needed infrastructure expansion. Main issues which we feel require further exploration are as follows:-

**HEALTH** Our already overstretched GP practices in Brighouse are each serving approximately 8.5 thousand patients. You have stated in your Draft Calderdale Infrastructure Plan 2018 that assuming population growth of about 18k over the life of the Plan, approximately 2 further GP practices would be required by 2032 within Calderdale. With 4500 homes projected for Brighouse, Rastrick and Hipperholme alone, we feel this is greatly underestimated given the potential for each home having multi-occupants. Whilst our own GP Practice at Church Lane is excellent in providing longer hours, urgent care / appointments, we are waiting approximately 3-4 weeks for routine appointments to see a GP and this does not guarantee your preferred GP. In addition, even if Calderdale could build new health care centres to accommodate thousands of more residents, there is a national shortage of GPs and shortfalls are expected to continue. Any additional patients added to these overextended surgeries could put existing patients' health at risk. Our nearest walk-in services / out of hours is over 3 miles away and Calderdale Royal and Huddersfield Royal are currently in unresolved dispute regarding emergency care, with a possible outcome of one of these facilities closing its Accident and Emergency Provision. Again expanding the population of Brighouse-with lack of adequate urgent care facilities could potentially put existing residents' lives at risk.

**AGEING POPULATION AND ELDERLY CARE** You have mentioned and acknowledged an ageing population in the Infrastructure Plan and how this will impact on services. Brighouse is said to have a higher than the national average population of older people. However, it is uncertain how you intend to address their future needs. We are aware of new care homes being commissioned in the local area but there does not appear to be any preventative measures to try and prevent premature admission into long term care. We refer to effectively tackling under occupancy within existing social housing. We have had personal experience of when trying to find suitable accommodation for an ageing relative who was occupying a 3 bedroom family local authority owned property at the time. It would also be useful to understand how many local authority properties are currently under occupied, unoccupied or inhabitable and if this goes any length in meeting the housing shortage rather than new builds being deemed as the solution to the housing shortage. Also it would help to understand if the Plan will ensure suitable adapted social housing such as sheltered bungalows or extra care facilities being built to ensure the future needs of existing elderly residents in Brighouse. This question arises from professional experience of how substandard housing or lack of properly adapted properties results in 24 hour care admissions which then further impacts on dwindling social care budgets.

**HERITAGE AND CURRENT USAGE** The Plan is required to consider the impact that the development of sites will have on the area's cultural resource- this includes the intangible such as folklaw. Local authorities should recognise the contribution of heritage assets (e.g. listed buildings, scheduled monuments) to the social and economic regeneration of an area: (...recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. para 126, NPPF) We would argue the proposed site 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) has significant cultural importance and is irreplaceable. We are aware the proposed site was historically donated and whilst currently owned by Calderdale Council we feel as a community we need to know of any restrictions or contraindications for development on this site. The proposed site is currently used as a recreation site providing space for the young, families and dog walkers alike. This is not a site that is occasionally used; on the contrary, the land provides leisure opportunities at multiple times throughout the day. It also supports the well-being of those residents adjoining or living opposite in terms of providing some outlook onto green land. Your own Duty to Co-operate Statement (paragraph 10.1) explains the importance of having green infrastructure to promote health and well-being. You also acknowledge the pressure these areas are under in terms of being earmarked for development and the lack of opportunity to increase recreation facilities, especially in urban areas, whilst stating IT IS IMPERATIVE THAT EXISTING OPEN SPACE IS PRESERVED, PROTECTED FROM LOSS AND INAPPROPRIATE DEVELOPMENT WHICH WOULD HARM IT'S CHARACTER, APPEARANCE OR FUNCTION. PARTICULARLY IN UNBAN AREAS. It is acknowledge that there is a park within walking distance from this site; however there are no barriers in place and this leaves it open to an adjacent to a busy road which can be off putting to

those with young children and dog owners. ENVIRONMENTAL IMPACT We feel an explanation of how your plan to develop 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) and indeed the wider Brighouse development has considered all the environmental losses. We query if the development of sites have been properly considered and consequently what impact this will have on the area's environmental carrying capacity and in particular their implications for resource conservation, natural resources and biodiversity: (...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; para 109, NPPF) For instance on site 0548 SITE 54 (The field on Granny Hall Lane / Blackburn Road) we regularly see bats at dusk flying above the field. These frequent sightings are not surprising as the area provides insects and a treeline / hedgerows to help them commute. Disturbance or destroying this habitat could potentially see a loss for this protected mammal as well as disrupting and affecting the biodiversity of this area. It also appears Calderdale Council intends to sacrifice Green Belt in order to provide new homes and it is uncertain to what extent they have considered all available Brown Belt land. Another huge concern is the envisaged increase in traffic on Granny Hall Lane, its surrounding roads and Brighouse in general. Potentially increasing risk to life, health and well-being through increased noise, pollution and lack of adequate provision or response to deal with these issues. In terms of poor air quality, Calderdale is expected to be one of the 33 councils with noncompliance with EU annual mean NO2 beyond 2018. Air pollution is associated with premature death and disease / illness such as cancers, heart disease, strokes and lung disorders. Therefore, how can this same council support: expansion of our towns and neighbourhoods given the likelihood they cannot sustain legal compliance within their existing boundaries. We live in Ye Farre Close which is a no through way containing 10 dwellings. Most of us own at least two cars and commute outside the Calderdale boundaries. During week days we often struggle to negotiate double parked cars on Granny Hall lane and surrounding streets due to drop offs and pick ups at St Andrews School and Parents / caregivers often resort to parking in Ye Farre Close for this purpose. As you appreciate impacting on resident's ability to access or depart from their property due to obstruction. On the whole we consider ourselves tolerant and understanding of the need for these commuters to ensure their children's well-being. However, it has caused some issues / ill feeling amongst residents, not only in Ye Farre Close but on surrounding streets where these cars park. Another 19 dwellings where occupants could potentially own 2 or more cars is only likely to add to the daily chaos. Brighouse has seen its fair share of retail development in the last couple of years, most of it welcome. However, there appears to have been no consideration towards the explosion in traffic. It is already proving difficult to negotiate traffic on Bradford Road due to congestion caused by the new retail park and McDonalds. In the other direction we had the arrival of Lidl which also adds to an already bottleneck from the M62 direction. At peak times and during M62 lane closures mean journey times are already unacceptably extended and this is without the introduction of thousands of more vehicles on our local roads. Traffic congestion already results in Granny Hall Lane and surrounding areas being used as a "rat run" with vehicles trying to negotiate the mini roundabouts and adding to already mounting driver frustration. Then to add to the chaos, the roundabout outside Tesco is like running the gauntlet and is totally inadequate to safely stream traffic. There has been a noted increase in road traffic accidents on this roundabout since the store opened. Calderdale requested a Brighouse Traffic Management Review in 2008 which acknowledged traffic problems and in relation to Tesco Roundabout suggested the following low cost / medium cost and high cost solutions as seen below. However, it does not appear to have even adopted the low cost solutions some 10 years on. Tesco Roundabout - Huddersfield Road/ Ludenscheid Link/ Bradford Road The key issue to be addressed at this junction is: Because of the short distance between Tesco roundabout and Wakefield Road signals, queues from which tail back and block the roundabout. Low cost solutions S1 Introduce "keep clear" marking outside the entry to Tesco so that it does not get blocked by queuing traffic on the A641 Huddersfield Road. S2 Re-locate bus stops on A641 Huddersfield Road and A641 Bradford Road. Medium cost solutions S3 Request Tesco to resolve the conflict issues resulting from the location of the zebra crossing and petrol filling station access proximity to the main road junction. S4 Signalise the

existing roundabout layout as a method of queue management and to keep the roundabout clear. High cost solutions S5 Carry out a comprehensive improvement to fully signalise the junction, incorporating pedestrian facilities, so the zebra crossing can be removed. S6 Provide a left turn slip lane from Ludenscheid Link to Bradford Road S7 Provide a left turn slip lane from Tesco to Huddersfield Road Another observation is the Council's attempt to introduce a cycle lane along Bradford Road which is not fit for purpose. The majority of this road from Tesco to Bailiff Bridge has parked cars all the way along. Indeed, outside the new MP Fit, cars are usually double parked due to inadequate parking. The much needed Brighouse Sports Centre on Bradford road also has inadequate parking leading to issues around illegally parked cars or clients parking their cars on Bradford Road. This is just another example of introducing public facilities without properly considering the wider impact for those living close by. Despite all these contraindications, the Site Assessment report states there would be no significant impact on the road network and the traffic impact is not of a concern. Suggesting no off-site improvements. Therefore, how are we to trust the same council to introduce and implement plans for safer roads and pedestrian areas, traffic reduction and greener travel, when they appear not to have even addressed recommendations from their own commissioned report dating back to 2008 to implement improvements with the roundabout at Tesco. CONSIDERATION FOR EXISTING RESIDENTS Granny Hall Lane and properties near the proposed site have occupants who make up a caring community and all appear to appreciate living in a quiet residential area. Many people in the area have lived here for decades and newer residents appear to be young professionals who want to contribute to society and ensure the well-being of other residents. Most of the properties are privately owned, well-maintained and desirable. We already have a good mixture of young, families and older people. Even before these plans were proposed we were already worried about younger residents not getting a place at their nearest chosen school, implications on our health and social care with dwindling budgets. Traffic problems and having to commute due to limited professional vacancies in our local area. Whilst not denying the need for social housing and the importance of ensuring this basic human right for people to live in affordable housing. There are possibly some areas in Calderdale which h will be more suitable for mass development. However, the Plan for Brighouse and the proposed 19 social houses in Granny Hall show no relation to the existing demographics and don't appear to demonstrate the ability to enhance the lives of people already living in this area. Indeed there only appears to be losses.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX746**

Site ref (if applicable): **LP0548**

Person ID: **1183285**

Name: **Mr Michael Kennedy**

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:

This site was filtered on the initial draft plan in 2017 as it was a former landfill site and part of the land is subject to a long lease providing access to adjoining houses. It would not, therefore, be taken forward as a potential housing allocation. The assessment report for this site raises several issues; investigation of surface water drainage, investigation of mineral resource and mitigation of contamination due to prior use. Also it was recommended by OS that it be retained as an amenity greenspace. Nothing has changed in relation to these facts therefore the site should again be filtered. Road traffic in the area is already congested, with the junction of Granny Hall Lane and Halifax Road a particular accident black spot. On street parking adds to this problem especially at school run times, and without the provision of off street parking for the new development this will only get worse. Consideration has not been given to the local infrastructure in this plan. Schools, doctors, road systems would all need investment to cope with the increased demand from further housing. Also the costs of investigating the problems with the site and making it suitable for housing do not seem justified for the small number of houses it would provide.

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

Duty to Co-operate Reason:

Suggested Modifications:

With regard to site LP0548 this should again be filtered as the council suggested previously.

Additional Evidence Link:

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Comment ID **APX756**

Site ref (if applicable): **LP0548**

Person ID: **1183329**

Name: **Mr Kieran Nalton**

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 proposed site is located within the centre of a densely populated area which is at saturation point. No consideration has been given to the impact of lasting second order constraints upon local infrastructure and public services. Granny Hall Lane is already used as a race track cut through by many motorists, who completely disregard the 20 mph speed limit at all hours. Residents within the immediate vicinity of this road are subject to high volumes of traffic which is magnified during the school run twice a day. Construction traffic on top of this would have a detrimental impact for the residents and attendees of schools in the local area. This development would add no benefit to the economy of the local area, only additional constraints upon public services.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX854**

Site ref (if applicable): **LP0548**

Person ID: **1182822**

Name: **Miss Helen Clayton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The plan for this site appears to have been submitted at the last minute thus limiting time for consultation and consideration. Indeed Calderdale Council did not include this land in the original plans laid out in 2017 as it was deemed unsuitable. My understanding is that this area of land has been gifted for recreational use by residents and any restrictions on changes to the land use needs to be fully explored.

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

Sound Reason:

Previous use of the land as quarry and associated sinkholes means possible instability. The area has been previously used as landfill and it is therefore questionable what was deposited. The cost of site investigation and subsequent rectification will involve significant expense at the cost of tax payers Calderdale Site Assessment Report (SAR) states that traffic impact is not a concern. The traffic volume and congestion on Granny Hall Lane and Blackburn Road has greatly increased in recent years. In part due to increased cars per household but also to the use of these roads as a 'rat run' to avoid the congestion in Brighouse centre. Occupiers of new housing will undoubtedly add to this. In addition Blackburn Road becomes almost impassable twice a day due to parking for drop off and collection of children from St Andrew's Infant School. The increase in traffic volume therefore also adding to the air pollution. The SAR states that building on this site will involve some loss of land which is not required or can be replaced elsewhere. I would strongly disagree. This land is a green space which is irreplaceable once built on. It provides a popular and well used recreational area for children and young people to meet and play on as well as an area which provides valuable visual enjoyment for local residents; thus supporting their physical and emotional wellbeing. The suggestion within the SAR states the local area has sufficient alternative open spaces. A proportion of the local residents are older and some with mobility problems. I would argue that the additional walking distance to gain access to Lane Head Park is too great for a significant number of residents and thus will deny them access to green space. Reference to ecology of the area within the SAR states there will be no impact on environmentally sensitive areas. There are frequent sightings of bats flying above the field and the trees and hedging provide insects and possible roosting sites for them. Any disturbance may lead to the loss of this protected species as well as disrupting the biodiversity of this area. The SAR summary also includes a recommendation that the trees be retained or replaced. As this is not binding and, considering Calderdale Council's failure to replace trees that have already fallen on Granny Hall Lane and Lane Head Park, it is unlikely to be followed. The building of additional housing will have a negative impact on local amenities; placing a burden on local schools and already overstretched GP practices where waiting times for appointments are already excessive.

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

Duty to Co-operate Reason:

I would suggest that this is not an economically viable proposal.

Suggested Modifications:

Removal of this site form the Local Plan

Additional Evidence Link:

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Comment ID **APX872**

Site ref (if applicable): **LP0548**

Person ID: **1183513**

Name: **Mr David Watson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I understand this land was gifted to the children of the area and was to be used for recreational activity.

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

Sound Reason:

1. This land was formerly a quarry site and railway line and I also understand was used as land fill therefore I would question its suitability for building development. The area has been subject to sink hole development in the past and currently this piece of land appears to be sinking lower. 2. My property is directly adjacent to the piece of land and the driveway to my property is held on a long term lease from the council and has been for several years. Building on this piece of land could cause possible subsidence and destabilisation of the driveway. It could also affect access to my property. Trees planted alongside the piece of land by the original owners of the property could be adversely affected by building work in close proximity. 3.The local infrastructure would be unable to support further housing in this area. The roads are already congested particularly at school start and finish times due to the close proximity of St Andrews School. Granny Hall Lane and Blackburn Road are also frequent used as short cuts for numerous cars/vans

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX880**

Site ref (if applicable): **LP0548**

Person ID: **1183513**

Name: **Mr David Watson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This land was gifted under a covenant to the children of the area

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

Sound Reason:

1. I understand that this piece of land was formally a quarry and also land fill site therefore I would question its suitability for development. It has been subject to sink hole development in the past and currently appears to be sinking in the centre. 2. My property is adjacent to the piece of land and the driveway to my property is held on a long term lease from the local council. I have concerns that development of this land could cause subsidence and destabilisation of my driveway and also issues with access to my property. Trees alongside the land were planted by the original owners of the property and could be adversely affected by the development. 3. The local infrastructure is not suitable for further development. The roads Granny Hall Lane and Blackburn Road are used by numerous vehicles as short cuts and the area becomes very congested particularly at school starting and finishing times. The bottle neck at the end of Granny Hall Lane is an ongoing problem and further development in this area and increased traffic could exacerbate the problem causing increased safety risks.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1058**

Site ref (if applicable): **LP0548**

Person ID: **1182634**

Name: **Jean & Michael Haystead**

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/5081001>

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Comment ID **Lpp1059**

Site ref (if applicable): **LP0548**

Person ID: **1184300**

Name: **Mr Peter Dalby**

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/5081005>

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Comment ID **Lpp1061**

Site ref (if applicable): **LP0548**

Person ID: **1182922**

Name: **Norman Butterworth**

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/5081552>

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Comment ID **Lpp209**

Site ref (if applicable): **LP0548**

Person ID: **1182096**

Name: **Mr Thomas Hill**

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/5062522>

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Comment ID **Lpp414**

Site ref (if applicable): **LP0548**

Person ID: **1181743**

Name: **Mr Gordon Johnson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This land was gifted by covenant to the children of Granny Hall Lane following a fire which the quarry manager could not afford to pay for. This is documented in Council minutes housed at Brighthouse library. On a final note, I have tried to record my comments twice on the website, receiving confirmation they have been submitted but they are nowhere to be found.

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

Sound Reason:

The land is contaminated previously used as a quarry and tip. There are hazardous substances such as asbestos if disturbed would cause serious damage to the environment. There are mine shafts and tunnels leading to quarry across Granny Hall Lane. The road infrastructure cannot support 19 houses evidenced by daily gridlock when parents dropping off and picking up from St Andrews Infants School. The cost of a full site survey and making the site ready would outweigh the benefits of providing 19 houses. I would question this to be a poor use of tax payers money, not viable.

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

Duty to Co-operate Reason:

The site is not economically viable. The site was taken off the Local Plan last year so what has changed?

Suggested Modifications:

This site LP0548 should be removed from the Local Plan as soon as possible.

Additional Evidence Link:

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Comment ID **Lpp48**

Site ref (if applicable): **LP0548**

Person ID: **1181506**

Name: **Mr Paul Thewlis**

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 put considerable time, money, and effort into creating a cozy, peaceful home for my wife and two children at Blackburn Lane. The green park across from us is and has always been an integral part of this home. So I am shocked and dismayed that this space is now being taken away from us and replaced by a housing development. I understand that housing is in demand and new homes must be provided. However, I disagree with the idea of creating new developments on green land when so many disused and derelict buildings are scattered across the area. I feel that these new housing developments are simply a low effort attempt at addressing the problem that disregards the harm done to the current residents of the surrounding areas. These harms consist of removing the convenience of nearby recreational green space, destroying the present views from the houses on Blackburn Road, and multiplying the residential traffic and noise. This will affect not only the quality of life of the present residents but also the property values of their homes. As we all know, these property values are an essential part of the retirement savings of the majority of British residents. I urge the council to reconsider the development of these green field areas in favour of redesign and refurbishment of the many disused properties found throughout Calderdale. This would have the dual effect of not affecting the present residents around the green fields as well as boosting the neighborhoods of the residents surrounding the disused properties.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp552**

Site ref (if applicable): **Lp0548**

Person ID: **1183401** Name: **Mr MARTIN CALLAGHAN** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

This parcel of land was not in the draft. Has been pushed in at the last minute in the hope it will pass by the locals without comment. This proposal needs consultation with the local residents who's views and strength of feeling against the proposal were aired at the library meeting. If the land is as understood by locals gifted to the council under covenant for the use of local children then it cannot be legal to develop the site

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

Sound Reason:

The local area is already short of school places, The local traffic conditions prevent free movement by motor car and therefore restrict business. The road conditions and construction do not appear to have been given due consideration. Granny Hall Lane is floating slab construction to allow for movement due to stone mining tunnels under the area. The council should be fully aware of this situation as it is not long ago the road opened up a sink hole by the rose garden and exposed a tunnel entrance.

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

Duty to Co-operate Reason:

Can the council confirm discussion with neighbouring authorities on meeting housing needs took place ie why is Brighouse shouldering a vast percentage of the housing requirements when other areas are contributing very little.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp57**

Site ref (if applicable): **LP0548**

Person ID: **1181639** Name: **Mrs Susanne Oliver** 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 wish to object to planning of 19 houses to be built, granny hall lane, brighouse. This would be taking away a well used community area. A safe place for children to play. We all use this green area all year round. Daily residents meet up on this comm...

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp62**

Site ref (if applicable): **LP0548**

Person ID: **1181743**

Name: **Mr Gordon Johnson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This land was gifted in covenant to the children of Granny Hall Lane, this is documented in council minutes in Brighouse library.

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

Sound Reason:

The land is contaminated having previously been used as a tip housing hazardous substances if disturbed such as asbestos. The cost benefit of building 19 houses it would be difficult to justify paying tax payers money to make the site suitable to build on. There are also tunnels/mine shafts leading to the quarry on the other side of Granny Hall Lane. There are visible dips evidencing subsidence. The road infrastructure is insufficient to cope with an additional 19 houses pressure is already experienced twice a day when dropping off and picking up children at St Andrew's Infant School.

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

Duty to Co-operate Reason:

I understand this land was withdrawn from the Local Plan last year, what has changed?

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp652**

Site ref (if applicable): **LP0548**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 site LP0548 is the former Broomfield quarry that was part of the Granny Hall Quarry complex which also included Pond Quarry, site LP0945. The site was worked from 1893 to 1959 when it was filled in with refuse presumably mainly ash and then capped over for open space. The site is rectangular in shape but the ground conditions will require appraisal and it is known that the neighbouring site is 20 metres deep in the Elland Flag Rock sequence where it has been worked. The site may not be deliverable in the next 5 years due to the depth of fill and remediation work required for housing such as piling. With the revised figures for housing starts in the Council Area the plan is not sound in that most of the site in the eastern side of the district will only be delivered in the phases 11 to 15 years of the plan. Some other sites ought to be reconsidered in the allocation to meet the sites that can be delivered in 5 years of adoption of the plan.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on site allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public.

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road. Re-examine the sites that can be developed and delivered in the first phase of the plan so that the other sites on former quarries can be investigated and delivered in years 10 to 15.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074015>

Comment ID **Lpp66**

Site ref (if applicable): **LP0548**

Person ID: **1181743**

Name: **Mr Gordon Johnson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The land was gifted by covenant to the children of Granny Hall Lane by the landowner (Quarry Manager) following a fire, this is documented in council meeting minutes housed at Brighouse library.

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

Sound Reason:

This is contaminated land, former quarry and tip. There are hazardous materials including asbestos if disturbed would be disastrous for the environment. The road infrastructure around Granny Hall Lane and

Blackburn Road could not support developing this land evidenced by grid lock on a daily basis when parents dropping off and picking up from St Andrews Infant School Monday to Friday. The cost of a full site survey and taking corrective action spending tax payers money would not be cost effective for 19 houses. The site is home to a colony of bats at dusk and these are a protected species.

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

Duty to Co-operate Reason:

The site was taken off the local plan last year so what has changed?

Suggested Modifications:

Remove the site from the Local Plan as soon as possible, the land should be given "village green" status to continue to support the local children (as per covenant), the wild life (bats) and the local dog walkers.

Additional Evidence Link:

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Comment ID **Lpp954**

Site ref (if applicable): **LP0548**

Person ID: **1183890**

Name: **Jennifer & Philip Court**

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/5075227>

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Comment ID **Lpp972**

Site ref (if applicable): **LP0548**

Person ID: **1184067**

Name: **Diane Ure**

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/5076993>

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Comment ID **Lpp980**

Site ref (if applicable): **LP0548**

Person ID: **1184094**

Name: **Neil McCallion**

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:

Can the council explain where the extra people who would live in this area will receive healthcare. We already have a 3 week waiting list at times for an appointment to see a doctor. The water pressure on granny hall park is already extremely low and would probably only get worse. Having lived here nearly all my life I have seen the green area (old quarry) on granny hall lane sink more and more how will the houses stay up? There is already a problem from rat run drivers and parked taxis now they can't park in brighthouse and the parking at one stop shop creates a nightmare at an already busy junction. Already local people may struggle for school places is a new school planned as well. My main concern is an already overcrowded surgery with not nearly enough parking.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp981**

Site ref (if applicable): **LP0548**

Person ID: **1182111**

Name: **Stephen Thornton**

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 strongly object to any building on this land having lived close for 48 years the local infrastructure and road safety are my main concerns . my property already vibrates when heavy goods vehicles travel along granny hall lane and is already used as a rat run therefore being a danger to school children at the school 500 yards away

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp992**

Site ref (if applicable): **LP0548**

Person ID: **1182483**

Name: **Mr & Mrs Hansom**

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/5078814>

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Comment ID **Lpp993**

Site ref (if applicable): **LP0548**

Person ID: **1182485**

Name: **J E Bentley**

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/5078817>

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Comment ID **Lpp994**

Site ref (if applicable): **LP0548**

Person ID: **1182484** Name: **JE Emmerson** 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/5078827>

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## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. The community has not been consulted with on site LP0548 which has not been included in previous rounds of consultation.

#### Council's Response:

1. Although this site has been "Filtered" in previous consultations, it has been consultable. It was thought that the site was not available for development in previous rounds of consultation however the site has been put forward by Housing Services and the Council's Corporate Assets team has said the site is available. The site was subject to the rigorous assessment as set out in the Site Allocation Methodology.

#### Test of Soundness

#### Main Issues:

1. Open space - Loss of open space.
2. Land stability - Previous quarry and site subsiding.
3. Land contamination - Previous quarry and has been tipped (potentially with asbestos).
4. Availability - Covenant which gifts the land to the public. 99 year lease for the driveway to 100 Granny Hall Lane.
5. Infrastructure - Lack of/pressure on amenities, services and facilities in the local area, e.g. schools, highways, health, recreation.
6. Local Road Network - Inadequate local road network, specifically congestion, road safety issues and on-street parking.
7. Flooding - Potential risk of increased surface water flooding.
8. Heritage - The site has significant cultural importance.
9. Ecology - The site is part of an ecological network. Potential impact on protected species including Bats on site.
10. Air Quality - Building on Brighthouse's green spaces will reduce air quality and increase pollution.
11. Settlement Character - The development is not in keeping with the character of the local area.
12. Viability - The site is not economically viable.

#### Council's Response:

1. An analysis by Safer, Cleaner Greener shows there is sufficient alternative sites of the same typology to meet the Council's adopted standards.
2. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
3. Environmental Health suggested that any contamination due to its status as a former quarry and tip may

be capable of mitigation.

4. There is no reference to a covenant which gifts the land to the public on the Land Registry Title; only an easement of the driveway to 100 Granny Hall Lane which can be incorporated into the development.

5. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

6. Highways Development Management have indicated that traffic impact is not a concern given the number of dwellings that could be accommodated. There would be no requirement for any off-site highway improvements.

7. An assessment of Flood Risk demonstrates the site is suitable for the development subject to consultation with the LPA/LLFA.

8. Neither Historic England or the Council's Conservation (Heritage) team have identified any heritage significance.

9. The site has not been identified as having any ecological constraints. Any loss of boundary trees could be provided on site.

10. Environmental Health has not raised any concerns with this site contributing to air quality concerns. However, other sites in the area have been steered to guidance set out in the West Yorkshire Low Emission Strategy.

11. The site has not been identified as being in a Special Landscape Area, Conservation Area or other area of particular character importance. However, the Local Plan has a policy (BT1) to ensure development respects or enhances the character and appearance of existing buildings and surroundings.

12. The Local Plan and Preferred Sites for Allocation Viability Assessment - Addendum Report March 2019 demonstrates the site is economically viable.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Remove site allocation and retain as public open space.
2. Development should not be higher than one storey.

Council's Response:

1. No change required - Its allocation is considered consistent with the Council's site allocation methodology and no significant site constraints have been identified which can not be mitigated.
2. The development of this site will be in line with Policy BT1.

## Document Section: LP0565 - New Housing Site - Brighthouse

### Representations

Comment ID **APX10**

Site ref (if applicable): **LP0565**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Several large oak trees will require felling to create any form of access. Historic woodland. Destruction of habitat including the potential of protected species, bats and badgers amongst others.

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

Sound Reason:

No access. Obstruction of views of adjacent properties. I suspect that the owner of the land owns the adjacent old farm residences and therefore has no objection, as I believe they plan to sell and move on, leaving the rest of the residents to suffer the consequences! Plus, I believe that the holder of this lease is nowhere to be found as I have previously expressed interest in a nearby property, so to build on this land would be against the will of the leaseholder.

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 **APX1089**

Site ref (if applicable): **LP0565**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX774**

Site ref (if applicable): **LP0565**

Person ID: **1102273**

Name: **Mr & Mrs C & J Meredith**

Organisation: **Sunnyfield Cattery**

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing allocated area and numbers of unit.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073652><http://calderdale-consult.objective.co.uk/file/5077312>

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Comment ID **APX775**

Site ref (if applicable): **LP0565**

Person ID: **1183402**

Name: **Mr J Crossley**

Organisation:

Agent ID: **895577**

Name: **Mr Roger Lee**

Organisation: **Roger Lee Planning Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

Consider Publication Draft to be sound but suggest modifications to the proposed boundary of the allocation

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

Duty to Co-operate Reason:

Suggested Modifications:

Land allocation to be extended to include hatched area on attached plan. This would serve to link the two field areas more satisfactorily and assist with the housing provision that can be achieved. In addition, removal of some existing buildings associated with the cattery can be facilitated again to assist the housing allocated area and numbers of unit.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073652>

Comment ID **Lpp723**

Site ref (if applicable): **LP0565**

Person ID: **960064**

Name: **Mr Andrew Traves**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I cannot comment if the plan is legally compliant.

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

Sound Reason:

I do not agree with the proposal. Rastrick common and especially Ogden Lane are congested at peak times, especially in a morning with traffic from parents dropping off their children at Rastrick Preparatory School. The increase in homes is only going to add to this as the owners will have cars. Parents park their cars in the Junction Car Park and on the road by the Golf Course which is at the opening to the Bowling Alley. Access to the proposed new homes will be via The Bowling Alley which is only a narrow dirt road, which will get congested too with cars and people walking up and down. Cars are going to meet coming up and down and there are no places to move over to let cars past. We do not want the extra traffic coming up the Bowling Alley. There are only a few properties at the moment which use it, homes at Ivy Terrace, and properties at Bowling Alley Terrace. In the past before bollards were erected there used to be drivers using the Bowling Alley as a short cut to get up to Lyndhurst Road. Joy riders used to driver fast up there too, there is a big chance this will happen again. It is going to be extremely built up with no green areas around the existing properties. It is a lovely green area with large old trees up the Bowling Alley. Looking out the window from my home, there is now green fields and trees. If the plan goes ahead there is going to be

houses. There is a small wood behind Sunnyfields Cattery, so the wildlife such birds and foxes will be affected as the wood will be destroyed. On a night you can hear foxes and owls. With the increase in homes will be an increase of noise too. It is peaceful in this area but not with extra homes and cars. There have been some new homes built at the bottom of Ogden Lane which have been built on green land, it is just getting more and more built up around here and we don't want it. If the plans go ahead for houses to be built on Southedges Quarry and the land on Toothill it will be so built up. The houses will be built on to the side of a hill, rainwater can run off quickly as it is now, which has caused minor flooding in the past. Rainwater will run off much quicker with homes and concrete laid down everywhere. Doctors surgeries and schools are already oversubscribed "" where are these new people going to go? Quality of life is going to decrease so much with green areas being built on. Noise, pollution, congestion, loss of wildlife.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp878**

Site ref (if applicable): **LP0565**

Person ID: **961218**

Name: **Linda Traves**

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 do not agree with the plans. I have lived in this area for over 40 years and I'm very concerned with the increase in traffic, pollution, homes and noise. Access to the proposed new homes will be via The Bowling Alley which is only a narrow dirt road, which will get congested too with cars and people walking up and down. It is going to be too built up not with just these new homes but also the proposed ones at Ogden Lane and Toothill Lane. It is just getting more and more built up around here and we don't want it. There is traffic congestion at peak times especially with parents dropping children off at Rastrick Preparatory School which impacts on Toothill Lane and Rastrick Common. There are wonderful views with woodland and this is going to be spoiled. It will affect the wildlife Quality of life is going to decrease so much with green areas being built on. Noise, pollution, congestion, loss of wildlife.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically congestion.
2. Site Access - Site access is unsuitable due to narrow width of Bowling Alley.
3. Open space - Loss of visual amenity green space.
4. Ecology - Impact on wildlife.
5. Flooding - Increased risk of flooding.
6. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools and doctors.
7. Pollution - Increase in noise and air pollution.
8. Sustainability - The sustainability of the site has not been demonstrated through the Sustainability Appraisal.
9. Heritage - A historic assessment of the site is required.

Council's Response:

1. Highways Development Management considers the site developable with mitigation including an assessment of Ogden Lane/A643 and Bridge End / A643 roundabouts.
2. Bowling Alley/ Bowling Alley Terrace is highway from Rastrick Common and past Scholey Avenue. Part of the width is adopted and part unadopted. Whilst not wide enough at present the first 30m could be widened to provide a 2-way road as the its Council land. A short section of one car width alongside the existing dwellings would be Ok as there is intervisibility and it would keep speeds low.
3. Safer, Cleaner, Greener recommends that before the site is developed the impact on the remainder of the site should be examined and any mitigation measures put in place. The public right of way to the north of the site should be safeguarded.
4. Although there is a slight incursion into the Wildlife Habitat Network, the Council's Conservation Section (Ecology) has indicated the site is acceptable to allocate with mitigation including a buffer with native planted shrubs along the south east boundary of the site; locally native species rich hedgerows to be

planted on the other boundaries; avoid light spillage into the woodland; as well as including bat tubes and bird boxes within dwellings.

5. The Council's Flooding and Drainage section consider the site is suitable for development after necessary mitigation. This would include the provision of green and blue infrastructure on site such as SuDS and green roofs to reduce the infiltration rate of precipitation as well as provide storage for storm water run-off.

6. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

7. Environmental Health has not raised any concerns with this site contributing to air quality or noise pollution concerns. However, other sites in the area have been steered to guidance set out in the West Yorkshire Low Emission Strategy.

8. A Sustainability Appraisal has been undertaken on the site which records a positive impact against four of the SA Objectives, 2 negative impacts and the rest uncertain.

9. Both Historic England and the Council's Conservation Team (Heritage) considers that the development of this site is unlikely to result in harm to any designated heritage asset.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Site boundary should be redrawn to include part of the existing cattery and to round off the South Eastern boundary in accordance with the submitted plan.

Council's Response:

1. The Council would be open to the change in the boundary to the west of the site as it could allow access through the existing property and would remove the Environmental Health issue of the cattery. However, the Council does not wish to see the extension of the boundary to the east as the site currently follows a logical boundary and it is likely that this area would not be in the developable area due to the ecological buffer anyway.

## Document Section: LP0568 - New Housing Site - Brighouse

### Representations

Comment ID **APX1091**

Site ref (if applicable): **LP0568**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

Comment ID **APX11**

Site ref (if applicable): **LP0568**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Destruction of habitat. Greenfield site law state that only in exceptional circumstances must green belt be destroyed. Protected species will be killed. Surface water and sewerage systems will not be effective and cause flooding and health hazards.

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

Sound Reason:

Dewsbury Rd/Clough Lane crossroads will become congested further with traffic. More volume of traffic

added to an already struggling j24 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1108**

Site ref (if applicable): **LP0568**

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/5081726>

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Comment ID **APX1140**

Site ref (if applicable): **LP0568**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1163**

Site ref (if applicable): **LP0568**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX1207**

Site ref (if applicable): **LP0568**

Person ID: **1183568**

Name: **Mr Andrew Squires**

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:

A lack of public involvement where plans have been changed in the publication draft, that have not been

consulted on. Only six weeks consultations was given by the council over the summer holidays where many people were away. There are many industrial units around Brighthouse empty and many other brown fill sites available for industrial units. Brighthouse and Clifton does not need more pollution near schools and homes.

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

Duty to Co-operate Reason:

Suggested Modifications:

More time and involvement by the council should be done. There is already pollution coming from the industrial estate on Armitage Rd bellowing over Clifton and Brighthouse schools and homes where the council do not meet pollution targets. Extra lorries and cars pollution is not what children with asthma and breathing difficulties require when going to school in Clifton and living in the local area. There is also a great risk of flooding on Wakefield Rd when all the fields are covered in concrete and tarmac. Junction 25 on the M62 is already a accident zone with many accidents every year.

Additional Evidence Link:

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Comment ID **APX446**

Site ref (if applicable): **LP0568**

Person ID: **1182432**

Name: **Mrs Liz Roy**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Prior to building have you appraised the amount of schools, doctors that will be needed to accommodate the increase of housing

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

Sound Reason:

Why is this area being chosen when other areas of calderdale have been left out. have you looked at the road structure to accommodate the increase of traffic

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

Duty to Co-operate Reason:

all the above questions should be answered and passed before continuing with the plan

Suggested Modifications:

look at other areas for development

Additional Evidence Link:

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Comment ID **APX485**

Site ref (if applicable): **LP0568**

Person ID: **1140099**      Name: **Mr David Collins**      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/5063708>

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Comment ID **APX740**

Site ref (if applicable): **LP0568**

Person ID: **1122185**      Name: **Mr Anthony Stanley**      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/5072753>

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## **Main Issues and Council Response**

## Legal Compliance

### Main Issues:

1. Previous representation document was not presented in its entirety and not taken into consideration.

### Council's Response:

1. All representations during previous consultations were sent to relevant consultees to respond to issues raised in these documents. For ease of responding to different topic areas, representations were split into the relevant areas.

## Test of Soundness

### Main Issues:

1. Health and well-being - Air and noise pollution from the M62 and A643 and Fire Station.
2. Road Network - Road safety. Potential accidents of cars coming off the M62 and the A643 is considered to be the most dangerous stretch in the country according to the Road Safety Foundation.
3. Strategic Road Network - Highways Agency recommends the site not coming forward before 2021.
4. Local Road Network - Inadequate local road network, specifically road safety issues. A Transport Assessment has not formed part of the assessment of this site.
5. Local Road Network - The 2008 and SATURN model demonstrated a number of traffic constraints which have not been resolved.
6. Site Access - One access for this many dwellings would be unsuitable.
7. Sustainability Appraisal - The SA identifies 5 of the 17 appraisal objectives as achievable. Of these 4 are inaccurate and should be scored as a negative impact. Of the objectives which were marked uncertain, these should all be negative.
8. Land Stability - The council has failed to include a geological survey of the embankment stability.
9. Ecology - The site is located within a Wildlife Corridor and includes Protected Species, namely Bats, Great Crested Newts, numerous bird species and Bluebells.
10. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. education, health, drainage and sewerage.
11. Open Space - Loss of amenity open space.
12. The site does not meet the requirements of Policies within the existing UDP.
13. Flooding - Increased risk of surface water flooding. Underground Springs and watercourse.
14. Heritage - archaeology assessment needed for potential Roman Road crossing the site.
15. Agriculture - loss of viable farming land.

16. A Developable Area is considered to be unnecessary as this area will be determined at detailed design stage.

17. Site Specific Considerations - objection to the inclusion of: 'Provision of green and blue infrastructure including green roofs and SuDS', 10m buffer on the south boundary should be taken out of the developable area and planted densely with native shrubs to improve habitat linkages', 'The Central Hedgerow should be retained and restored' and 'West Yorkshire Low Emission Strategy'

#### Council's Response:

1. The landowner recognise the constraint of the motorway adjacent to the site. Given the location to the motorway, a buffer between the motorway and residential units will need to be designed into any future scheme. Also given that the site is adjacent to the Fire Station, any proposed scheme will need to consider the impacts of this on residential amenity in terms of noise and light, also by providing appropriate buffering. Environmental Health has raised concerns over air quality from the increased road traffic from this and surrounding allocations, as well as noise from road traffic; therefore, an Air Quality Assessment and Noise Impact Assessment would be required.
2. Neither Highways England or Highways Development Management have raised concerns regarding cars "coming off" the M62 and A643 in accidents. There is also a stand off separating the developable area and the Motorway.
3. Additional comments in the Site Report from Highways England expands on their original comments (which were based on higher housing figures) state that "Impact on the SRN is expected to be mitigated by committed schemes." Therefore, the site was positioned earlier in the Housing Trajectory.
- 4/5. Highways Development Management has commented that in addition a Transport Assessment and Travel Plan would be required to assess the impact of additional traffic.
6. Highways Development Management has commented that site access from New Hey Road is possible but land would be required from the site to allow for widening to enable provision of a right turn lane on New Hey Road due to size of development and existing traffic flows on A643.
7. The assessment of this site is considered consistent with the Council's Sustainability Appraisal methodology.
8. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
9. The Conservation Section (Ecology) has indicated the development of this site is acceptable subject to mitigation, including a buffer to the south planted densely with native shrubs to improve habitat linkages, retain existing hedgerows, and any SuDS scheme should take account of existing biodiversity. Prior to a masterplan being undertaken for the site a Preliminary Ecological Appraisal should be undertaken and post masterplan an Ecological Impact Assessment and Ecological Management Plan should be produced. The land includes semi-improved grassland, hedgerows and a small bat roost; and although the closest great crested newt records held by West Yorkshire Ecology Service are 4.7km away, reports by objectors justify the need for a survey.
10. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

11. The site is currently designated as protected land and used for agriculture. The site is not a public open space however there is a public right of way though the site which should be safeguarded. An assessment of open space in the area shows that there is a deficiency of natural/semi-natural areas within the catchment of this site. However if the surrounding greenbelt land not proposed for development, and which performs the function of a natural/semi-natural open space, is taken into account, the provision of natural/semi-natural areas within the catchment of this site meets the adopted standards.

12. The site has been assessed against the Council's Site Allocation Methodology and recommended for inclusion in the Local Plan where these policies will apply.

13. The Council's Flooding and Drainage Section has indicated that the site is suitable for development after necessary actions for the surface water/drainage network assessment. Representations submitted by the landowner's agent support the need for some mitigation measures to mitigate any drainage issues.

14. If required at application stage, a desk based assessment and archaeological evaluation should be undertaken prior to development in line with NPPF paragraph 128 and HE1 of the Local Plan.

15. The majority of the land falls within Agricultural Land Classification 4 or 5 which is the lowest quality agricultural land. The site assessment process seeks to protect land which is of higher quality in terms of the Agricultural Land Classification.

16. An indicative developable area is considered to be necessary in order to determine an indicative site capacity. The indicative developable area is based on constraints identified in the site assessment process. The indicative developable area may be subject to changes when an actual development scheme is drawn up.

17. The Site Specific Considerations are deemed necessary to assist developers in formulating detailed proposals to bring sites forward. The lists of reports required and site specific considerations direct those wishing to bring schemes forward to the most relevant issues to be addressed. These lists are not exclusive and other matters may arise at the detailed planning stage.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Provide further evidence of the suitability of this site.
2. The site should be removed from the Local Plan.
3. The indicative capacity of the site should be increased to 102 dwellings.
4. Remove the need for an indicative developable area.
5. The reference to green roofs should be removed.

6. 10m buffer along the southern boundary is unjustified and should be removed.
7. The requirement to retain the central hedgerow should be deleted.
8. Reference to the West Yorkshire Low Emission Strategy should be deleted from the site specific considerations for this allocation.

Council's Response:

1. - 3. No change required - The site's allocation is considered consistent with the Council's site allocation methodology. The indicative developable area is based on constraints identified in the site assessment process.
4. No change required - An indicative developable area is considered to be necessary in order to determine an indicative site capacity. The indicative developable area may be subject to changes when an actual development scheme is drawn up.
5. - 8. No change required - The Site Specific Considerations are deemed necessary to assist developers in formulating detailed proposals to bring sites forward. The lists of reports required and site specific considerations direct those wishing to bring schemes forward to the most relevant issues to be addressed. These lists are not exclusive and other matters may arise at the detailed planning stage.

## Document Section: LP0571 - New Housing Site - Brighthouse

### Representations

Comment ID **APX1144**

Site ref (if applicable): **LP0571**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX12**

Site ref (if applicable): **LP0571**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

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:

Sheer Volume of traffic both during construction and following. probably an extra 200no cars additional traffic plus construction traffic in a town that already has major traffic issues. This cannot be just.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX718**

Site ref (if applicable): **LP0571**

Person ID: **1183156**

Name: **Mrs Helen Davies**

Organisation: **Robert Halstead Chartered Surveyors & Town Planners**

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 consider the plan to be sound for the following reasons: Positively prepared: The residential capacity of 100 residential units on the site would make a significant contribution to the Council's overall housing target for the borough and importantly the site's contribution to the overall housing requirement in the form of one-bed apartments. Justified: The site is considered suitable for the following reasons: Location within an existing urban area (Brighthouse) Excellent access to local amenities including shops, schools and other local facilities Excellent access to local employment Excellent access to local public transport networks Effective: The site is in single ownership and the owner is willing to develop the land in the near future meaning the site can be delivered within the 5-year period. Consistent with national policy: The site is sustainable in accordance with national policy for the following reasons: Development of this site would bring back a vacant previously developed site back into beneficial use The release of this site would allow for the preservation of areas of Green Belt The site would provide starter homes and smaller accommodation for the local population Site access is achievable Any impact from developing the site on Ecology, Listed Buildings and air quality can be suitably mitigated

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/5072983>

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Comment ID **Lpp937**

Site ref (if applicable): **LP0571**

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:

There is insufficient regard to protection and improvement of the River Calder

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

Duty to Co-operate Reason:

Suggested Modifications:

Require consultation with the Calder Rivers Trust on this development. Require buffer zone of 10m adjacent to the river, consider requirement of public access to the river to increase river engagement

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Ecology - insufficient regard to the protection and improvement of the River Calder.
2. Local Road Network - Inadequate local road network, specifically congestion.
3. Incorrect site boundary.
4. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

1. The site is adjacent to the River Calder with some associated lowland mixed deciduous woodland, both of which are UK Biodiversity Action Plan priority habitats. Otters and bats are also present near to the site. Development of the site has the potential to shade the river and cause disturbance from lighting, noise, people and pets. A Bat Survey and Ecological Statement were submitted by the landowners during the Local Plan Initial Draft consultation. The Council's Conservation Section (Ecology) has reviewed these documents, and considers there are some shortfalls in the evidence provided but has concluded that with mitigation, demonstrated at application, the site is suitable for residential development.
2. Highways Development Management does not consider congestion a constraint which would render this site undevelopable. However, has noted that Birds Royd Lane provides access to Brighouse Railway station and therefore Birds Royd Lane / A641 junction may need assessing.
3. Changes were made to the boundary following comments made during the 'Local Plan - Initial Draft'

consultations.

4. The Supporting Information contained in Appendix 1 of the Local Plan reflects the comments made by the Council's Flooding and Drainage team.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Require buffer zone of 10m adjacent to the river, consider requirement of public access to the river to increase river engagement.
2. Boundary should be revised to reflect submitted plan.
3. Add 'Risk of reservoir flooding', 'Potential fluvial flood risk' and 'Adjacent to River Calder' to list of constraints in Appendix 1.

Council's Response:

1. No change required - a 10m buffer has been recommended in the Site Specific Considerations.
2. The Council would be open to amending the site boundary.
3. The Council would be open to amending the Site Constraints to include 'Risk of reservoir flooding', 'Potential fluvial flood risk' and 'Adjacent to River Calder'.

## Document Section: LP0846 - New Housing Site - Brighthouse

### Representations

Comment ID **APX414**

Site ref (if applicable): **LP0846**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed building, to Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX647**

Site ref (if applicable): **LP0846**

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:

The former Lodge to Rastrick House and its entrance gate, railings and gate piers are Grade II Listed Buildings. We welcome the reference to the proximity of this Listed Building in the Constraints. This will alert potential developers of the need to ensure that any development proposals take account of the need

to ensure that those elements which contribute to its significance are not harmed.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Need to add requirement for a Heritage Impact Assessment on close Listed building, to Reports Required section, to comply with NPPF

Council's Response:

1. A Heritage Impact Assessment has been undertaken by the Conservation Section (Heritage) which indicates that development of this site could improve the quality of the surrounding urban environment which would have a positive impact on the character and setting of the listed buildings. This has been reflected in the Site Allocations Supporting Information.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Need to add requirement for a Heritage Impact Assessment.

Council's Response:

1. No change required - The Site Allocations Supporting Information identifies the Listed Building constraint and recommends the consideration of the HIA results.

## Document Section: LP0945 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1139**

Site ref (if applicable): **LP0945**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1167**

Site ref (if applicable): **LP0945**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX1227**

Site ref (if applicable): **LP0945**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX221**

Site ref (if applicable): **lp0945**

Person ID: **1181910** Name: **Mr Paul Meredith**

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 live on Springfield Grove which overlooks the proposed site. I am not completely appose to the land being redeveloped but this must be done with the surrounding area best interests taken into consideration. Recently work was carried out on the quarry (my guess is to tidy and prepare for development) this was carried out in such a manner that was distressing to all the neighborhood. I contacted multiple people to

raise my concerns at the way the work was being carried out and the numerous safety issues i had concerns with. Machinery should not be started up before 8am, I have a young family and this caused havoc, it is not fair to have that noise running all day at that volume which was unbearable (I contacted my local Councillor to let him listen and he was shocked). The machinery going in and out of the quarry blocked the entrance to Springfield Grove and the pavement, multiple times, leaving school children having to walk in the middle of what is already a dangerous road and cars stuck in the middle of the road waiting to get in. No regard or consideration was taken in regards to the bats, badgers, foxes and other wildlife! If the quarry is filled in I can only imagine the issues with air and noise pollution. What measures will be taken to ensure this doesn't effect the local residents quality of life? What type of houses are being proposed to be built on the land? We invested in our house due to the views and the fact it isn't looked over. While I appreciate this can't be a consideration for development, you may win more locals over if they know that 3 story town houses won't be built right up to the edge of their land. If an outlined plan is proposed with little impact on the local environment and set safety guidelines are put in place this could be a successful project, however my faith in this being carried through is not great and the recent work has filled me with even less confidence. In all, I think it is a disaster waiting to happen for all parties concerned, unless you engage with the direct residents within the area.

Additional Evidence Link:

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Comment ID **Lpp1283**

Site ref (if applicable): **LP0945**

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 for context of comments: This is a quarry site, with numerous identified constraints including access (steep site), land stability, and contamination, which all add to the concerns regarding the viability and deliverability of the site. Furthermore, given the constraints, it is considered the density assumptions are too high. The housing Technical Paper identifies a suggested delivery in Year 9 (2026) and makes reference to viability having an impact on the delivery timescale.

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>

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Comment ID **Lpp1336**

Site ref (if applicable): **LP0945**

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 for context of comments: This is a quarry site, with numerous identified constraints including access (steep site), land stability, and contamination, which all add to the concerns regarding the viability and deliverability of the site. Furthermore, given the constraints, it is considered the density assumptions are too high. The Housing Technical Paper identifies a suggested delivery in Year 9 (2026) and makes reference to viability having an impact on the delivery timescale.

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>

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Comment ID **Lpp1404**

Site ref (if applicable): **LP0945**

Person ID: **1185995**

Name: **Persimmon Homes (West  
Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP0945 - Pond Quarry, Lightcliffe Road, Brighouse, HD6 2JJ Site is a former quarry with a very large chasm occupying most of the site rendering it completely undevelopable in its current state. Due to the Government's Land Fill Tax the inert material required to fill this void is simply no longer available as inert materials are now recycled on site to avoid them being treated as a waste. The site is completely undevelopable and unviable. See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

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Comment ID **Lpp611**

Site ref (if applicable): **LP0945**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 considerable amount of land that is allocated for housing is on former quarries some of which require engineered fill so will not come on stream for 11 to 15 years. Little land has been considered that could be available within 2 to 3 years of adoption of the plan and Site LP1072 was take out of the allocations for housing when it is an easier site to develop and also better road network. The evidence for the housing requirements has been revised in September 2018 and Calderdale has been consistently below the levels required for housing completions.

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

Duty to Co-operate Reason:

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074007>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

## Test of Soundness

### Main Issues:

1. Land Stability - The site is a former quarry which needs considerable work to remediate.
2. Land contamination - Concerns over contaminated land.
3. Deliverability - The site would take many years to bring forward due to the volume of material required to fill the quarry.
4. Viability - the numerous constraints to this site will make the site unviable.
5. Density assumptions are too high.
6. Site Access - Steep site

### Council's Response:

- 1./2. The site has substantial ground problems that have precluded development to date. The site would be required to be restored which would involve infilling with inert waste which the land owner has commenced. Environmental Health have indicated the site may also have contamination and land stability issues which would also need to be investigated and remediation if necessary. Therefore, a Contaminated Land Assessment and Land Stability report will have to accompany any Planning Application.
3. The Housing trajectory has positioned the site later in the Plan period, bearing in mind that restoration work has commenced on site.
4. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner who has commenced restoration works and the Viability Study shows the Minimum Land Value Benchmark is Exceeded.
5. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'7 published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.
6. Highways Development Management has commented that whilst access can be taken from Springfield Grove and Granny Hall Lane, care would be needed in design of access roads and retaining structures may be needed due to the site's steep nature. A Transport Assessment and Travel Plan in order to address impacts on immediate area and identify any road layout changes.

## Duty to Co-operate

### Main Issues:

### Council's Response:

## Suggested Modifications

### Council's Response:

## Document Section: LP1000 - New Housing Site - Brighouse

### Representations

Comment ID **APX1092**

Site ref (if applicable): **LP1000**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

Comment ID **APX1121**

Site ref (if applicable): **LP1000**

Person ID: **1118993**

Name: **Mrs Hazel Sanderson**

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:

Inadequate public consultation in my local area. I have seen no evidence of joint discussion with Kirklees. re the joint impact of proposed large development of adjoining boundaries. Inevitably both authorities developments will impact on each other but this is not taken into account. Assessment of current roads/capacity cannot be accurately assessed without including impact of Kirklees development. Already

Calderdale fails to enforce current restrictions on traffic ie. 20mph, No HGV over bridge in Woodhouse. Proposed development areas have been dictated by availability of land & not objectively assessed, or based on local need. An increase to Brighouse housing by over 30% completely changes the local community. Garden suburbs proposed do not meet the definition of garden suburb, the numbers of houses proposed would make it unlikely a green belt would be retained. Access roads into all sites are inappropriate & inadequate. The timescales of such a large development would have an intolerable impact on the current residential area, with everything large scale construction brings. Land donated to the council at Stratton Road included covenant to not develop. How does the proposed development fit with the proposals to create a 'forest' along the M62 corridor to combat noise & pollution.

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

Duty to Co-operate Reason:

Suggested Modifications:

Further local consultation, politically the area is under represented. For council decision making. Stratton Road consultation. Clarification of infrastructure improvements including junction 24a. Object impact report of Kirklees & Calderdale developments where boundaries meet.

Additional Evidence Link:

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Comment ID **APX1152**

Site ref (if applicable): **LP1000**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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 part of the plan is not sound as there is limited access to the proposed site. the access road would make the junction with woodhouse lane dangerous as it is already difficult to navigate. It is a tight corner with cars parked along the road. It does not comply with the duty to co-operate as there is already significant plans around the whole of Brighouse and around Woodhouse lane in particular. The people who wrote the plans clearly don't live in Brighouse. It is a small area and the plans are disproportionate.

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

Duty to Co-operate Reason:

Suggested Modifications:

This is Greenfield land. Build on brown land first.

Additional Evidence Link:

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Comment ID **APX1219**

Site ref (if applicable): **LP1000**

Person ID: **1139521**

Name: **CLlr Sophie Whittaker**

Organisation: **Councillor**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I am certainly no expert in the field of law so my comments about whether the Plan is legally compliant or may be lacking in the relevant detail. Nonetheless, I would draw upon the approach and handling of the Plan from a member of the public's perspective. There are sites, certainly in the Rastrick Ward, that the Council have added in at the 'eleventh hour' that were not filtered sites in the Regulation 18 consultation, and therefore unavailable for comment or objection before now. I make reference to site LP1000 specifically which is a 'new' site added for social housing on grounds which have a covenant of Open Space next to a children's playground " the only one in Woodhouse, I would point out. Many residents in this area feel as though they have not had the same opportunity to object to this site as they have for other sites in the Plan, and have real concerns about unfairness of the proposals, given the large scale of development in the South-East of the Borough compared to other parts of the Council area. We (as local Brighouse & Rastrick Councillors) have received unprecedented levels of objections against the proposals to overdevelop the area which would gridlock existing infrastructure networks and make Brighouse an undesirable place to live. Furthermore, as a Councillor for one of the most affected Wards (Rastrick) for the Local Plan, I feel I must comment on the user un-friendly online consultation portal, which many residents found very difficult to navigate and make their comments. In spite of the Council encouraging residents to make comments this way as the best and easiest way to feed into the consultation, some residents reported that they simply gave up trying to use the online portal as they had grown frustrated with its complexities. They therefore wrote in directly to the Council, but were uncertain whether their comments were received as they never received an acknowledgement. I would therefore shed doubt on whether the Council consulted effectively with members of the public, given the levels of frustration experienced in feeding in, and question whether the Council took all comments (however they were submitted) into full consideration.

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

Sound Reason:

Is the Local Plan sound? No, I do not believe that the Plan is sound or fit for purpose for the following reasons: Infrastructure The vast majority of residents in Rastrick have commented, either directly in the consultation (previous and current) or in person to local Councillors about the real lack of detail in the Infrastructure Delivery Plan (IDP) to tackle, not only the already existing stretched-to-breaking-point infrastructure, but the additional infrastructure that would be needed with the growth of development. The whole Local Plan is heavily dependent on the development of the 2 x "Garden Suburbs" in neighbouring Wards Brighouse and Rastrick (South East Calderdale). Without these sites, the Plan would fall short of the baseline housing requirement, which indicates the short sightedness of the Plan and questions the evidence of which the Plan is based. There is acknowledgement in the IDP of the need to improve some vital infrastructure " transport links, health services, and educational facilities. However, I would refer to the Clifton Village Neighbourhood Forum's independent examination and report of the highways network, particularly focusing on Brighouse. Contrary to the Council's assessment, the independent report concludes that the existing highways network is operating over capacity and significant further development in the area has been based on insufficient highways evidence. This comes as no surprise to anyone who lives in Brighouse and its surrounding area. In addition to the unrelenting day-to-

day congested roads travelling in and out of Brighouse Town Centre, residents and commuters have to endure exacerbated delays whenever there are problems on the close-by M62 which are a weekly occurrence at least. The very fact that the Council are using flawed evidence as a basis on which the Local Plan has been formulated, is proof in itself that the Plan is unsound, and rightly brings other elements of the Plan's evidence-base into disrepute. Furthermore, the overuse of the word "mitigation" commonly used in almost every single site report in the Plan, raises more questions about where, when and how all forms of recognised need for mitigation will be delivered, than it seems to answer. Disproportionate allocation The numbers speak for themselves in the Local Plan " more than 1/3 of the total housing allocation is proposed for Brighouse & Rastrick alone. Rastrick is only a small ward, encompassing around 1.4% of Calderdale. Yet, despite this, our population is incredibly dense, already being over 4 times that of Calderdale as a whole. Rastrick residents are therefore right to ask: why is Rastrick allocated almost 2,400 new houses " that's around 20% of the total housing allocation, plus a further 8 hectares to be used as employment land, and the rest of Calderdale get off lightly? Compare the 2,400 for Rastrick, with the likes of Calder Ward (which represents 30% of Calderdale due to receive a mere 144 new houses) and it becomes very difficult to argue that the numbers have been distributed fairly and proportionally across the Borough. Air quality 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. Green Belt/Greenfield & Ecology 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?: **No**

Duty to Co-operate Reason:

The Council have categorically failed in their duty to cooperate in several fundamental ways. There is little within the Plan to suggest that highways issues, commuter patterns, local services/provisions, transport links and the Green Belt have been thoroughly considered, in collaboration with Kirklees council. The sheer scale of development at Woodhouse & wider Rastrick (around 2,400 in total), plus the proposed dwellings for North of Bradley Road, Bradley in the Kirklees Local Plan (nearly 2,000), begs the question; have Calderdale and Kirklees communicated with one another about their plans and the cross-border impact and, if yes, to what extent has this cooperation/cross-council working occurred? The overall lack of joined-up thinking in this corner of the world is evident in the proposal for close-knit, large scale development in the first instance, and further highlighted through the use of inadequate evidence and minimal understanding of the impact of close proximity development of this scale would have on Woodhouse, Rastrick, Brighouse, and North-West Kirklees. Let's be very clear, across the Calderdale-Kirklees border we are talking about 4-5,000 additional new houses and 5 business/industrial sites within a 2-3 mile radius, with very little detail about how, where and when more infrastructure (highways, health care services, schools, sewage, etc.) will be funded and implemented, with absolutely no plans about how increasing public health concerns (e.g. air pollution) will be tackled. This offers no assurances to residents that the Plan is deliverable in both a practical or safe manner, and fails to address many of the fundamental issues key to building a healthy and prosperous future for all.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5103797>

Comment ID **APX140**

Site ref (if applicable): **LP1000**

Person ID: **1181738**

Name: **Mr David Pitts**

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 object to the two planning proposals for housing development in the Woodhouse area of Brighouse, LP 1000 for 24 houses at the bottom of Stratton Road and LP 1451 for 1257 houses between Woodhouse Lane and Bradley Road. My main objections centre on the increased volume of traffic these two proposals would create. Currently at peak periods many roads in these areas struggle to cope with the amount of vehicles which use them. I live on Stratton Road and experience these difficulties on a regular basis. An increase in traffic which is likely to follow from these developments would make it almost impossible. To improve the situation there would have to be an immediate upgrading in the roads infrastructure in these two areas and surrounding road system BEFORE any development is undertaken otherwise there would be near gridlock. My other concern is the effect these two proposals would have on local schools, NHS facilities and other amenities. Many of these are already struggling to cope and any increase in usage which these developments would inevitably lead to would bring them to breaking point.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX353**

Site ref (if applicable): **LP1000**

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:

I am objecting to the local plan from a legal compliance perspective as I have not seen any response to comments submitted on the previous version of this plan during the last consultation process in Summer/Autumn 2017. Nor can I see how the comments previously made have been taken into consideration. This site was not included in the previous version of the plan and there has been no adequate consultation within the local neighbourhood.

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

Sound Reason:

I am objecting to the proposed additional development off Stratton Road (LP1000), together with the vision for the Woodhouse garden suburb, which will result in even more traffic chaos than we are currently experiencing, especially during the school run times. Woodhouse lane/ Daisy road are currently used as a rat -run, being very congested and unsafe Access to the garden suburb from Ryecroft lane is unacceptable and unsafe to support the proposed level of early development due to the blind bend entrance, and multiple parked vehicles Access to the proposed LP1000 site from Woodhouse Lane will add to the existing problems and dangers we already have. This area is not suitable for construction traffic due to excessive residential, on street parking.

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

Duty to Co-operate Reason:

I object to the proposed development at LP1000 as I do not consider that the local residents have been adequately consulted, or that the process for submitting comments is sufficiently well supported or accessible. There has been no previous inclusion of this site in the development plans, and many local residents may still be unaware of this proposal.

Suggested Modifications:

The plan should be modified to exclude this site from development without a clear indication of how the site will be accessed and how additional traffic resulting from such a deveopment will be managed.

Additional Evidence Link:

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Comment ID **APX381**

Site ref (if applicable): **LP1000**

Person ID: **954839**

Name: **Anthony M Brook**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

No account has been taken with regard to the Grade II listed properties adjoining this proposed site or the issues relating to the site Stability, Natural Spring and the fact that the only place the access road can be built means felling protected trees and will make a very dangerous junction into Woodhouse Lane.

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

Sound Reason:

The plan states that the site can support 24 dwellings, where? The site adjoins Grade II listed building that have to be protected with space left around them. Secondly the access road would require to sweep round the site to avoid a very steep road joining Woodhouse Lane and thee is the matter of a Natural Spring which has to be dealt with. Where do the council think they can build 24 dwellings.

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

Duty to Co-operate Reason:

No consultation has taken place between planners and the owner/s of the Grade II listed buildings.

Suggested Modifications:

The site may be able to support one or two high value developments but there is not the space to put in a reasonable access road stabilise the hill side and deal with the Nature Spring whilst leaving space around the Grade II listed buildings.

Additional Evidence Link:

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Comment ID **APX415**

Site ref (if applicable): **LP1000**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed buildings, in Reports Required

section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX522**

Site ref (if applicable): **LP1000**

Person ID: **956213**

Name: **Mr & Mrs J Hill**

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:

Air pollution not taken into account. No infrastructure plan. Green space wildlife habitat encroached upon. Where is the capacity on our already over crowded roads to come from. Air quality and congestion should also be considered in relation to developments in neighbouring Kirklees.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX601**

Site ref (if applicable): **LP1000**

Person ID: **1182845**

Name: **Dr James Jackson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I do not believe the plan to be legally compliant. I note in the Council's site report for the next door LP0999 that this site "This is a greenfield site within the Urban Area, currently in use as amenity greenspace and provision for children and teenagers. The site is subject to a restrictive covenant which means the site is

not available or deliverable for any development. The site is therefore filtered from the site allocations." Site LP1000 is also a greenfield site in the urban area, and is also under the same restrictive covenant. As such, the plan put forward is not viable and should also be filtered out.

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

Sound Reason:

First concern is the surprise at a whole 24 houses? Is this possible - it seems ridiculous. Will they be tall and thin, overlooking all other houses? Secondly, there are significant draining issues. My garden backs onto the site and conditions are damp and boggy. How will water be drained away from the proposed site, and where to? Unless proper planning is undertaken, I suspect my garden (lower down) will be damaged. Third, the site will be very challenging to access. Traffic is an issue, and even the traffic caused by initial construction would be significant and dangerous. There will be multiple trucks/lorries (and parking for workers - where will that be?? It does not exist!) on a daily basis, on a blind corner (junction of Woodhouse Lane and Tithe Barn view) which is used by children to walk to primary school and to the nearby playground. Add in usual traffic, and the chances of collision and accident are high. Such issues continue after the build would be completed, with another access road on a blind bend. I am fully aware how people handle that bend (cutting through towards Birds Royd Lane) and with this plan, it's an accident waiting to happen. Fourth - significant loss of perhaps the only bit of wild greenery \*in\* Brighouse with resulting effects on wildlife. The report mentions bats, but there are many other animals, and I have seen sparrowhawks, etc. Fifth, in a more general response to this and to the other development (LP1451), the council must surely be aware of the HUGE traffic issues in Brighouse. Getting out of/into Brighouse at rush hour, and since I make use of the M62 to get to work, I am fully aware of the HUGE jams that already occur - the length of Wakefield Road from Tesco all the way back to the M62. If these plans go ahead, quality of life in the town will plummet. I would like to make second mention of the restrictive covenant that resulted in the filtering out of site LP0999 from consideration. It is as valid for LP1000 as it is for LP0999.

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

Duty to Co-operate Reason:

I object to the proposed development at LP1000 as local residents have not been adequately consulted, nor is the process for submitting comments sufficiently accessible. Many local residents may still be unaware of this proposal and I was only made aware myself by a leaflet put through my door by a well-meaning other. I then had to trawl through this site to find LP1000 and comment. There was NO direct communication with me by the council and I remain frustrated and disappointed at the way this unpopular plan has been handled (all cloak and dagger) without due process.

Suggested Modifications:

LP1000 should be filtered out from the development plans, as was LP0999.

Additional Evidence Link:

Comment ID **APX648**

Site ref (if applicable): **LP1000**

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:

2 and 4 Woodhouse Lane, to the south of this area, are Grade II Listed Buildings. The Heritage Impact Assessment considered that development would change the character of the adjacent fields and could dominate the streetscene, but impact is limited due to the dominant residential character of the immediate area and limited contribution the site makes to the setting. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1000 amend the first Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX661**

Site ref (if applicable): **LP1000**

Person ID: **1182978**

Name: **Miss Helen Grant**

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:

Site reference number (if applicable) LP1000 Legal Compliance Do you consider the plan to be Legally Compliant Yes Sound Do you consider the plan to be sound. No If the proposal were to go forward they would be a detrimental impact on the Grade 2 listed buildings. It will change the status quo of the environment. Also I'm concerned with the safety issue regarding the historic site. I'm in favour of new developments but its not I believe a particular well thought out plan. Further more the land is protected by a covenant an historical interest.

Additional Evidence Link:

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Comment ID **APX662**

Site ref (if applicable): **LP1000**

Person ID: **1182978**

Name: **Miss Helen Grant**

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:

Site reference number (if applicable) LP1000 Legal Compliance Do you consider the plan to be Legally Compliant Yes Sound Do you consider the plan to be sound. No If the proposal were to go forward they would be a detrimental impact on the Grade 2 listed buildings. It will change the status quo of the environment. Also I'm concerned with the safety issue regarding the historic site. I'm in favour of new developments but its not I believe a particular well thought out plan. Further more the land is protected by a covenant an historical interest.

Additional Evidence Link:

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Comment ID **APX710**

Site ref (if applicable): **LP1000**

Person ID: **1182508**

Name: **Mr Ian Osborne**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

A lot of time and money was spent by Mr Elliott from 2 Woodhouse Lane, to have the previous development stopped. Only 12 years ago on the grounds of the proposed site having a covenant (common land) the land is not owned by the council, they have no right to build on the land just as no one else. This has been left as a gift to Woodhouse and should remain this way. How can the council seek to overturn the covenant which is only 12 years since the council was refused planning on PL 1000

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

Sound Reason:

Even with adequate visibility splays, requested by the highway management the road is still under the required 2 lane minimum width. A major overhaul of this section of Woodhouse Lane needs to be undertaken as the accessibility onto this site is completely out of the question for vans and heavy goods. This is a very dangerous stretch of road and can't imagine why anyone would put a junction on this narrow section. With all the proposed houses to be built in Woodhouse Lane good road network is essential. The emergency services (ambulances and fire service) need to access this area with ease not congestion. The plot PL1000 between Woodhouse Lane and Stratton Rd where 24 social houses are proposed for building. To put so many houses on such a small parcel of land this will only end up with more cars parked on Woodhouse Lane. The recommended minimum width for two lane traffic is 20 feet. Woodhouse Lane where the entry to the site will be only measures between 14 / 15 feet, 6 foot under the recommended safety width. There is a very narrow pavement on one side of the lane no pavement on the other side. There are no grass verges which means that it cannot be widened. Everyday I hear vans and cars going onto the Kerr and pavement. I have worked on building sites many times, as all sites have health and safety regulations, not all workmen will have parking permits on such a small site. They may be as many as 30/40 workmen on this site. Where will all the workmen park their vans as it will be impossible to accommodate all these vehicles on Woodhouse Lane. Has the council taken any consideration into the safety and welfare of the children in this area. On this basis alone I cannot support these slapdash plans. We have a very active bat habitat and roosts in the area of plot PL 1000. As all bat species, their breeding grounds and resting places are fully protected by law. The council will be liable if the bat habitat watercourse or woodland are removed, that will stress or harm the bats. The stream and constant surface water and woodland create a perfect breeding ground for insects, moths and UK mosquitoes that these bats rely on. Much consideration must go into the bat roosts and the bat activity. The council needs to notify Natural England on the protection of these bats and whether the site is of special interest, and not ripped up for housing. When I moved into 4 Woodhouse Lane 12 years ago, I noticed there was a problem with the water to the back of the house, and the cellar had been flooded. I have cleared part of the land to put water drainage in and a small wall to protect this listed building from the stream and the constant surface water. I was told by Mr Elliott the land had been filled in some places by members of the public. Only this year I informed the council of someone dumping sheets of asbestos. I believe from Mr Elliott's remarks that the land has been contaminated by historical asbestos many years ago. Before any planning is passed I ask the council to contact the environmental agency to investigate into this problem, for the safety of the planners, workmen and residents.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp180**

Site ref (if applicable): **LP1000**

Person ID: **960452** Name: **Ms Madeline Brook** 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 particular piece of land is sandwiched in between existing house, some of which are grade 2 listed. When it was considered for building on in 1989, the council refused based on the trees, shrubs and the significant impact it would have on the amenity of the existing homes. These issues still exist. From the lay of the land, it is clear to see that at some point it has either been used for quarrying, mining or as a tip. Access to the site is poor, if not dangerous. The land has a natural spring which regularly floods the cottages near by if not managed carefully. The area is rich with diverse wildlife, woodpeckers, jays, sparrows and a foxes den. As the council determined back in 1989, the impact building would have on this small piece of land to the cottages adjacent to the land is considerable. Where there are grade 2 listed properties on the LP1451 site, special provision is being considered to ensure the amenity of the grade 2 listed properties is not impacted. The same needs to be considered here.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp21**

Site ref (if applicable): **LP1000**

Person ID: **1179161** Name: **Ms Keren Wild** 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 voice my views, and would like some answers as to how the above can be even contemplated and I ask that these views are taken into account: 1 - Bird Royd lane is not an adequate road and cannot take anymore traffic, you only have to look at the state of the surface and the way it is used by traffic going to the businesses. Can you please tell us if they build more houses up at Woodhouse what is

the intention with Birds Royd lane? The amount of houses that are being proposed, would suggest that another 2000 cars would be trying to get through Brighouse on a morning and an evening which is already very congested. The proposal will also increase the traffic down Woodhouse Lane which would put residences at risk, especially with the School and Park in this area. Woodhouse Lane most of time is in passable due to residents parking. At times emergency vehicles cannot get through. These plans put people at risk, plus vehicles. 2 - Woodhouse Lane would have to be used for all the lorries for the building of houses. Taking point one into account. Lorries of 7.5 tons cannot go over the bridge on the end of Birds Royd Lane, so they would have to use Woodhouse Lane. The lorries will not get through due to parking and the way that residents already living in this area use the road. 3 - Junction 25 at Brighouse and Wakefield Road. I use this Junction every day during the week. I travel 64 miles to and from work everyday. 62 of those miles are done on the motorway network. The last or first two are in Brighouse. It should take me 8 minutes on average to get from Woodhouse to the Motorway and visa verse. It can take me 54 minutes to do the motorway miles. Then 25 to 45 minutes to get off at Junction 25 and do the last two miles home. How do you intend to deal with the already chocked infrastructure around Brighouse. We should be sorting this issue out instead of building new houses. The new Supermarket in Brighouse, has greatly effected Wakefield Road and is causing additional delays. 4 - Traffic going to matches/concerts at the Stadium in Huddersfield. People use Brighouse as a rat run - this needs sorting out with Kirkless ensuing quick and easy access for all users. Brighouse is being used as a rat run, and the intention is to add another 2000 cars to this rat run! 5 - How is the School infrastructure going to cope with another 2000 pupils - it is simple maths - approx numbers of houses being built could bring in 2000 new pupils to the area. Woodhouse or the Rastrick Schools do not have the capacity to take these new pupils into the area. Plus the traffic associated with the School run! We have a very good quality life in Brighouse, and it is a very nice place to live, which I have done all my life, but the concerns listed should stop anyone seriously thinking about building new house in this area, you can see the detrimental effect on the community. All you have to do is go the local pool on a morning and listen to conversations, it all about traffic and how bad it is getting in Brighouse. Building more houses will tip balance. The town, the infrastructure, will not cope, and it will kill it!

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp42**

Site ref (if applicable): **LP1000**

Person ID: **1179129**

Name: **Mr Ian Carruthers**

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:

Housing plan at Woodhouse and Stratton Road I live with my wife and 2 children near to the area where the houses are planned. i bought my house 6 years ago. i have invested aroun £40.000 in my home. My children attend the local school and my wife and I work in public service. My children use the Bradley woods area regularly to just be children and get some fresh air. The reason we moved was the semi rural nature of this area. i know from my neighbours who are strongly apposed to this plan will consider selling and moving. There are areas of derelict land everywhere and empty houses in disrepair. These houses are a money making project. I can already see people putting their houses up for sale. West yorkshire is becoming a mess of housing estates roads and small retail parks. where are we supposed to live?? Again the council have failed us.

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 **Lpp722**

Site ref (if applicable): **LP1000**

Person ID: **1183595**

Name: **Mr Chris Shaw**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

1. There has been no consultation with residents in the local area about the planned development 2. Access into the site would be off a road which is only wide enough for one car to pass at any one time. 3. Access into the site would dangerous. 4. There are bats and owls that live and hunt in the proposed site area. 5. The proposed site has been previously rejected by the Calderdale council as a site for building on, in their own words they said "The proposed development would result in the loss of a number of attractive mature trees which are considered to be of significant public amenity value and would hereby be contrary to the policy of the Local Planning Authority" in addition, Calderdale Council said "The site forms part of a wider open area of land and for formal and informal recreational purposes, the development of which would be detrimental to the character and amenity of the area" 6. The residents on Woodhouse Lane, who have lived their for many years have gardens on the proposed site. 7. A natural spring is on the land. 8. The land has been previously mined. 9. Numbers 2 and 4 Woodhouse Lane are Grade 2 listed properties and any building on this land would be incompatible with listed building regulations.

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

Sound Reason:

The flooding of the land is an issue, we object to the findings of the Land Report. The site access is not safe, the road is only wider enough for one car and is on a blind bend. the proposed site would increase pollution from more cars being on the road. There are bats and owls which frequent this land. 2 and 4 Woodhouse Lane are grade 2 listed properties and any building on this land would be incompatible with listed building regulations. The journey times are based on current traffic, With an additional 4,000 to

6,000 vehicles on the roads from all the other developments the Council's (Calderdale and Kirklees are proposing) these would significantly increase and grind the already congested roads to a standstill

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

Duty to Co-operate Reason:

We have had no consultation, the Council are trying to slip this in as a site to build on without following any due process. Conversation Heritage has indicated there would be a "significant and adverse impact" to the Grade 2 listed properties in building happened on this site. The entrance into the site would be extreme steep and not fit for purpose..

Suggested Modifications:

None, its not legal compliant to build on this site.

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. There has been no consultation with the residents in the local area regarding the planned development.

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. Site Access - Site access is unsuitable due to dangerous access which would be very steep and only accommodate one car to pass at a time.
2. Local Road Network - Inadequate local road network, specifically Woodhouse Lane is under the required 2 lane minimum width; wider congestion; and safety.
3. Open Space - Loss of informal amenity space.
4. Ecology - Impact on wildlife including protected species.
5. Drainage - A natural spring is on the land.
6. Land Stability - The land has been previously mined.
7. Contamination - Potential contamination from tipping by the public.
8. Heritage - Impact on adjacent listed buildings.

9. Heritage - The wording of "Considerations to recommendations provided within the HIA" is not likely to be effective as developers don't have to comply with the recommendations.
10. Air quality - Pollution from additional cars on the road. Impact on the existing AQMA.
11. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors.
12. Planning History - Refused for Outline Planning Permission on the grounds of mature trees and open space.
13. Availability - Covenant on the site gifts the site to the residents of Woodhouse to be used for recreation.
14. Density - the site will not accommodate 24 dwellings.

#### Council's Response:

1. Highways Development Management considers the site developable with a new access onto Woodhouse Lane. In order to provide adequate visibility splays, some of the site would be required.
2. Highways Development Management has not indicated any concerns with the development of this site on the local road network.
3. An analysis of open space in the area shows that there are sufficient alternative sites of the same typology to meet the Council's adopted standards.
4. West Yorkshire Ecology has not indicated any ecological constraints to the site; however, the Conservation Section (Ecology) has indicated that the site includes a number of trees. Where possible, these should be included into the design of the site.
5. The site is within Flood Zone 1 however, JBA Flooding Consultants has identified the site is subject to Surface Water Flooding. Therefore, it is recommended that a Flood Risk Assessment be undertaken. The Council's Flooding and Drainage Section noted a number of drainage issues in close vicinity of the site, however, considers the site suitable for development after necessary actions for the surface water/drainage network assessment. Capacity building of existing drainage network and well planned site investigations are required as well as consideration of the topography and water features that will affect the layout of the development. Application of SuDS are recommended if required.
6. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
7. Environmental Health have not raised any concerns over contamination of this land.
8. The Heritage Impact Assessment states the site does not make a significant contribution to the setting of the listed buildings; however, new development could be over dominant therefore careful consideration of layout and design is required.
9. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local

Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

10. Environmental Health has not raised any concerns in terms of the impact of development on air pollution levels in the area. However, the Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04, contain strategies and actions plans which are working together to help reduce and manage emissions and improve air quality.

11. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

12. All site assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1). As such, the site is considered to be developable. Any forthcoming application will be assessed against the current development plan and updated NPPF, using the Council's most recent 5 year housing supply position.

13. Prior to the site being developed the Council will be required to investigate how the covenant may be overcome. The Council's Housing Services support the allocation of the site. The site has been identified for the Calderdale Local Delivery Company, which would be able to directly deliver new homes across the borough. The site is therefore an important part of the Council's proposed delivery vehicle to improve housing delivery and meet identified housing need.

14. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'7 published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## **Suggested Modifications**

1. Amend the first Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"
2. Build on brownfield sites first before the greenfield site.
3. Further detail on infrastructure improvements is required.
4. This site should be excluded from the Plan.

Council's Response:

1. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

2. 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

3. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

4. No change required - The site's allocation is considered consistent with the Council's site allocation methodology

## Document Section: LP1032 - New Housing Site - Brighouse

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### Representations

Comment ID **APX1093**

Site ref (if applicable): **LP1032**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX1145**

Site ref (if applicable): **LP1032**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1170**

Site ref (if applicable): **LP1032**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX13**

Site ref (if applicable): **LP1032**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Protected species and several large trees. Unnecessary destruction of green belt.

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

Sound Reason:

More volume of traffic added to an already struggling j24 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX416**

Site ref (if applicable): **LP1032**

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:

Need to add requirement for a Heritage Impact Assessment on adjacent Listed building, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX984**

Site ref (if applicable): **LP1032**

Person ID: **1121916**

Name: **Dr Edward Bylina**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Community involvement has been inadequate. There is little or no evidence that concerns raised and submitted in 2017 about the Calderdale Local Plan have been seriously considered. Please see my comments in the section labelled as Soundness.

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

Sound Reason:

Housing development on this site needs to consider the impact of additional traffic affecting Ogden Lane, which is often congested with vehicles at peak times. This is aggravated when there is an incident on the M62 which often causes an increase in traffic in Brighouse and Rastrick, this occurs frequently. Any development must minimise the impact on wildlife, both plant and animal, particularly at the southern end of the site which has many trees. Several species of birds and animals use this site including bats, owls, jays, foxes, and hedgehogs. A detailed ecological assessment does not appear to have been made. This site acts as a wildlife corridor. Development of this site must take into account nearby historic buildings such as St. Matthew's Church. The site covers an old stone quarry, thus there is a risk of subsidence. Development of houses on this site must ensure maximum energy efficiency and minimal pollution caused by household waste, noise, vehicle gas and particulate emissions. There must be no adverse effect on the physical and mental health of existing local residents. The site is used for parking by local residents and visitors, particularly at the start and end of the school day. Adequate car parking would have to be provided for new as well as existing residents and visitors, to avoid congestion and on-pavement parking on Ogden Lane, which is a regular occurrence. There must be no loss of any public rights of way which are frequently used by people of all ages, especially children walking to/from local schools.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1306**

Site ref (if applicable): **LP1032**

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>

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Comment ID **Lpp647**

Site ref (if applicable): **LP1032**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 considerable amount of land that is allocated for housing is on former quarries some of which require engineered fill so will not come on stream for 11 to 15 years. Little land has been considered that could be available within 2 to 3 years of adoption of the plan and Site LP1072 was taken out of the allocations for housing when it is an easier site to develop and also better road network. The evidence for the housing requirements has been revised in September 2018 and Calderdale has been consistently below the levels required for housing completions. Southages Quarry has been worked for Elland Flag Rock over a wide area which also includes LP1033 to the south. Whilst it is previously developed land as a quarry there will be engineering problems to overcome in terms of ground conditions. This site could come on stream within the next 5 years but will not meet the deliverable targets for housing within the next 5 years unless other sites which are similar are added to the housing allocations in the eastern part of the district.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on site allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public.

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road. Re-examine the sites that can be developed and delivered in the first phase of the plan so that the other sites on former quarries can be investigated and delivered in years 10 to 15.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074012>

Comment ID **Lpp725**

Site ref (if applicable): **LP1032**

Person ID: **960064**

Name: **Mr Andrew Traves**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I cannot comment if the plan is legally compliant.

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

Sound Reason:

I do not agree with the proposal. Rastrick common and especially Ogden Lane are congested at peak times, especially in a morning with traffic from parents dropping off their children at Rastrick Preparatory School. The increase in homes is only going to add to this as the owners will have cars. Parents park their cars in the Junction Car Park, in the dirt land behind The Junction, halfway up Ogden Lane and on the road by on Rastrick Common by the Golf Course. There is daily traffic queuing up Odgen Lane and also Thornhill Road/Crowtrees Lane. The increase in traffic is just going to be horrendous. Bad for safety of pedestrians, young and old. Pollution is going to increase with slow moving traffic. It is going to be extremely built up with no green areas around the existing properties. Although the land has been dug up by Younger Homes in the past it is a lovely green area with large old trees. Looking out the window from my home, there is now green fields and trees. If the plan goes ahead there is going to be houses. There is a small wood behind The Junction, so the wildlife such birds will be affected as the wood will be destroyed. Tearing down the trees will have a negative impact on air quality too. With the increase in homes will be an increase of noise too. It is peaceful in this area but not with extra homes and cars. There have been some new homes built at the bottom of Ogden Lane which have been built on green land, it is just getting more and more built up around here and we don't want it. If the plans go ahead for houses to be built on land by The Bowling Alley and and the land on Toothill it will be so built up and congested. Doctors surgeries and schools are already oversubscribed "" where are these new people going to go? Quality of life is going to decrease so much with green areas being built on. Noise, pollution, congestion, loss of wildlife.

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 **Lpp885**

Site ref (if applicable): **LP1032**

Person ID: **961218**

Name: **Linda Traves**

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 do not agree with the proposal, I have lived in the area for over 40 years and am very concerned with the increase in traffic, pollution from cars, noise and impact on the enviroment. There have recently been

some new homes built at the bottom of Qgden Lane which have been built on green land, it is just getting more and more built up around here and we don't want it, it will be only a matter of time before there is an accident. If the plans go ahead for houses to be built on land by The Bowling Alley and the land on Toothill it will be so built up and congested. Younger Homes have dug this land up but it is still a lovely green area with large old trees. Looking out from my home I don't want to see a built up area where there was once trees and greenery. There were mineshafts underground this area too. There is a small wood behind The Junction, so the wildlife such birds will be affected as the wood will be destroyed. Tearing down the trees will have a negative impact on air quality. With the increase in homes will be an increase of noise too. It is peaceful in this area but not with extra homes and cars. There is daily traffic queuing up Odgen Lane and also Thornhill Road/Crowtrees Lane. The increase in traffic is just going to be horrendous. Bad for safety of pedestrians, young and old. Pollution is going to increase with slow moving 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:

1. Inadequate community involvement. Concerns that comments from last consultation were not taken into consideration.

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. Local Road Network - Inadequate local road network, specifically congestion, safety.
2. Strategic Network - additional pressure on J24 of M62
3. Land Stability - Risk of subsidence, mineshafts exist under this site.
4. Ecology - Impact on wildlife.
5. Air quality - removal of trees and increased congestion will impact on air quality.
6. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, doctors, sewage system

7. Open Space - Loss of amenity green space.
8. Deliverability - engineering works will push the site back to be delivered in year 11 to15.
9. Viability - developing quarry sites have additional costs which could render the site unviable
10. Historic Environment - Any development would impact on St. Matthew's Church.
11. Flooding - Increased risk of surface water flooding.
12. Sustainability - The Sustainability Appraisal has not demonstrated the sustainability of the site.

Council's Response:

1. Highways Development Management state that site access will need to be appropriate given gradient of Toothill Bank, and any access from Toothill Bank will need to take into account access to the bowling club car park opposite. Access can also be taken from Ogden Lane. The Transport Assessment will address impacts on immediate area and identify any road layout changes required.
2. Highways England have stated that there would be no significant impact on the strategic highway network.
3. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
4. In order to mitigate impact on ecology, the Council's Conservation team for Ecology has recommended the developable area of the site to be reduced to 1.05ha to exclude the area of lowland mixed deciduous woodland which is a UK Biodiversity Action Plan priority habitat. The area removed from the developable area is through the centre of the site which can be taken into account during design and layout stage.
5. Environmental Health has not raised any concerns in terms of the impact of development on air pollution levels in the area. However, the Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04, contain strategies and actions plans which are working together to help reduce and manage emissions and improve air quality.
6. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.
7. Although the site is not designated open space or Green Belt, the Safer, Cleaner, Greener Section has assessed the site as it performs the function of a natural/semi-natural open space. Although the site may be used informally for recreation this cannot be safeguarded since it is private land and it is not designated as open space and is not identified as a playing field as well as their being sufficient amounts of this open space typology in the locality. Public rights of way also cross the site, and these should be considered when designing the layout of a scheme.
8. The site has been positioned in the Housing trajectory consistent with the methodology set out in the Housing Technical Paper and information from the land owner.

9. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner and the Viability Study shows the Minimum Land Value Benchmark is Exceeded.

10. The site is also in close proximity to a number of Listed heritage assets, including the Church of St Matthew. Although Historic England has not raised any concerns the Council's Conservation Section (Heritage) indicated limited impact as the trees to the western edge of the site currently help to screen the site. Any development proposal will be required to comply with Local Plan policies which seek to protect and enhance heritage assets. This should include careful consideration of scale, height, and materials and existing trees should be retained to the western boundary.

11. The site falls within Flood Zone 1, with small amounts of surface water flood risk over a small proportion of the site. Given the size and greenfield status of the site, a Flood Risk Assessment would be required in order to assess any risk of flooding and propose mitigation measures to reduce such risks. The Flooding and Drainage Section of the Council indicates the site is developable with mitigation including Hydrological & FRA of the Jumble Dyke water course and well planned site investigations as well as green and blue infrastructure including SuDS.

12. A Sustainability Appraisal has been undertaken on the site which records a positive impact against five of the SA Objectives, 11 uncertain and no negative impacts.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Add requirement for a Heritage Impact Assessment

Council's Response:

1. No change required - Historic England has not raised any concerns the Council's Conservation Section (Heritage) indicated limited impact as the trees to the western edge of the site currently help to screen the site. Any development proposal will be required to comply with Local Plan policies which seek to protect and enhance heritage assets. This should include careful consideration of scale, height, and materials and existing trees should be retained to the western boundary.

## Document Section: LP1033 - New Housing Site - Brighthouse

### Representations

Comment ID **APX1054**

Site ref (if applicable): **LP1033**

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:

PEA and protected species surveys required in addition to sensitive landscape schemes (including SuDs) to retain species rich grassland. Managed through an EMP to achieve a net gain in biodiversity and no fragmentation of CWHN.

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 **APX1094**

Site ref (if applicable): **LP1033**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX1115**

Site ref (if applicable): **LP1033**

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/5082215>

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Comment ID **APX1165**

Site ref (if applicable): **LP1033**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX1211**

Site ref (if applicable): **LP1033**

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:

The following allocations include land used (or last used) as playing field or playing field that will be prejudiced by development proposed adjacent to it. Sport England therefore objects to their allocation; Site LP1078- Land between Dewsbury Road and New Brighouse Site LP1033 - Land off, Toothill Bank, Rastrick, Brighouse Site LP1009 Site of demolished school, Clough Lane, Mixenden Site LP1197 Park Lane, Siddal Site LP1429 Former St Catherines High School, Holdsworth Road, Holmfield Site LP1481 Former St Catherines High School, Holdsworth Road, Holmfield In accordance with NPPF para 97 and Sport England's playing field policy it is incumbent on the Council (in allocating these sites) to show that; There is surplus playing pitch provision (across all sports now and across the plan period); or The playing field will be replaced by playing field of an equivalent quantity or quality; or That the new development next to the playing field will not prejudice the playing field's use We have reviewed the analysis to each of the sites and do not consider that such justification exists at present.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX14**

Site ref (if applicable): **LP1033**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Unnecessary destruction of green belt. Protected species destroyed. Flood risk, and sewerage flood risk when combined with other proposed developments in the vicinity.

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

Sound Reason:

More volume of traffic added to an already struggling j24 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX980**

Site ref (if applicable): **LP1033**

Person ID: **1121916**

Name: **Dr Edward Bylina**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Community involvement has been inadequate. There is little or no evidence that concerns raised and submitted in 2017 about the Calderdale Local Plan have been seriously considered. Please see my comments in the section labelled as Soundness.

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

Sound Reason:

Toothill Bank is a steep hazardous road and extra traffic from the proposed development could lead to more accidents. Also there would be increased congestion, particularly on Ogden Lane which is already a problem at peak times. This is made worse when there is an incident on the M62 which causes a significant increase in traffic in Brighouse and Rastrick, these incidents occur frequently. The only access to this site is via Toothill Bank, which is hazardous. A significant part of this site is steeply sloped. It appears that a comprehensive ecological assessment has not been made. Several species of birds use this area including owls, jays and many others, as well as bats, foxes, squirrels, hedgehogs. There is a wide range of plantlife from wildflowers to hedgerows and trees. This site acts as a wildlife corridor. This site is a significant open space frequently visited by people of all ages for recreational use. A housing development here would cause significant pollution by noise, household rubbish, vehicle exhaust gasses and particulates. Additionally there would be detriment to the physical and mental health of the people who use and view the site if development were to take place. Local schools are oversubscribed. Local primary healthcare and social services are currently struggling to meet demand and a significant increase in the local population

would aggravate this leading to more frustration amongst existing patients, clients and staff. There is a risk of subsidence due to it being the site of an old quarry. There is a possibility that the risk of flooding would increase, due to increased surface water. This site which is green belt land should not be developed because: it acts as a barrier to prevent sprawl from built up areas, it is part of a space between built up areas,, there is wildlife designation of value,, there is rural land use, the land is tranquil, there is access by footpaths and it is used for recreation, the site includes good agricultural land, it does not contain any brownfield land.

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 **Lpp726**

Site ref (if applicable): **LP1033**

Person ID: **960064**

Name: **Mr Andrew Traves**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I cannot comment on this.

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

Sound Reason:

I do not agree with the proposal. The increase in traffic will impact negatively on already congested roads. Rastrick common and especially Ogden Lane are congested at peak times, especially in a morning with traffic from parents dropping off their children at Rastrick Preparatory School. The increase in homes is only going to add to this as the owners will have cars. Parents park their cars in the Junction Car Park, in the dirt land behind The Junction, halfway up Ogden Lane and on the road by on Rastrick Common by the Golf Course. There is daily traffic queuing up Ogden Lane and also Thornhill Road/Crowtrees Lane. The increase in traffic is just going to be horrendous. Bad for safety of pedestrians, young and old. Pollution is going to increase with slow moving traffic. These new properties are going to be built on fields on green belt land. The areas used by people to go walking, play sports, walk pets. It is going to be extremely built up with no green areas around the existing properties. It is peaceful, green area but not with extra homes and cars. There have been some new homes built at the bottom of Ogden Lane which have been built on green land, it is just getting more and more built up around here and we don't want it. If the plans go ahead for houses to be built on land by Southedges Quarry and and the land on Toothill it will be so built up and congested. Toothill is a narrow road "" how this road and the roads it connects to cope with the extra traffic? It is bad enough now! Quality of life is going to decrease so much with green areas being built on. Noise, pollution, congestion, loss of wildlife.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp886**

Site ref (if applicable): **LP1033**

Person ID: **961218**

Name: **Linda Traves**

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 do not agree with the proposal. There have been some new homes built at the bottom of Ogden Lane which have been built on green land, it is just getting more and more built up around here and we don't want it. If the plans go ahead for houses to be built on land by Ogden and the land on Toothill it will be so built up and congested. Toothill is a narrow road "" how this road and the roads it connects to cope with the extra traffic? It is bad enough now! The increase in traffic will impact negatively on already congested roads. Rastrick common and especially Ogden Lane are congested at peak times, especially in a morning with traffic from parents dropping off their children at Rastrick Preparatory School. These new properties are going to be built on fields on green belt land. The area is used by people to go walking, play sports, walk pets. It is going to be extremely built up with no green areas around the existing properties. It is peaceful, green area but not with extra homes and cars.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Inadequate community involvement. Concerns that comments from last consultation were not taken into consideration.

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. Local Road Network - Inadequate local road network, specifically capacity, congestion, on street parking, road safety.
2. Access - Toothill Bank is a hazardous access.
3. Open Space - Loss of amenity open space used for recreation. There is no evidence that the facility is surplus to requirement.
4. Topography - a significant part of the site is steeply sloped.
5. Ecology - the site acts as a wildlife corridor and includes a range of fauna and flora.
6. Ecology - The Wildlife Habitat Network and grassland should not be excluded from the developable area.
7. Health - Increased noise and air pollution from increased traffic.
8. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors, sewerage system.
9. Land Stability - potential subsidence due to site being an old quarry
10. Flooding - Increased surface water flooding
11. Green Belt - the site performs the function of the Green Belt.
12. Sustainability - The Sustainability of the site has not been demonstrated with only 6 positives out of 17 SA objectives, with the remaining 'uncertain'.
13. Developable Area - Culverted beck through the site which needs a buffer.
14. Developable Area - The extent of a developable area can only be reasonably determined at detailed design stage.
15. Heritage - Impact on historic buildings.
16. Green Belt - There isn't a need to create a strong a defensible Green Belt Boundary. One already exists.
17. Surface water management - the requirement of green roofs is unnecessarily prescriptive.

### Council's Response:

1./2. Site access is achievable, but its location would need to take into account the location of the junction opposite to the bowling club car park. Concerns have been raised regarding safe vehicular access and

footways, but the Highways Development Management Section considers that these can be achieved. The Transport Assessment will address impacts on the immediate area and will identify any road layout changes.

3. Although the site may be used informally for recreation this cannot be safeguarded since it is private land and it is not designated as open space. There is no evidence that the site has been used as a playing field since at least 2000 and it has not been included in the 2006, 2012 or 2017 playing pitch strategies. The site also is not identified as a playing field in the UDP.

4. The majority of steeply sloping part of the site is not within the indicative developable area.

5. Part of the site is covered in species rich semi-improved grassland. This area has been removed from the developable area on recommendation of West Yorkshire Ecology. The site is also covered by the Wildlife Habitat Network, so development proposals will need to take account of this in designing layout and landscaping. The Conservation Section (Ecology) has commented that the site is suitable for development, subject to mitigation.

6. The indicative developable area is based on constraints identified in the site assessment process. The developable area may be subject to changes when an actual development scheme is drawn up.

7. Environmental Health has not raised any concerns in terms of the impact of development on air pollution levels in the area. However, the Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04, contain strategies and actions plans which are working together to help reduce and manage emissions and improve air quality.

8. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

9. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.

10. The site lies within Flood Zone 1, however, a small proportion of the site is at risk from surface water flooding. The development of the site has the potential to increase surface water run-off, therefore a Flood Risk Assessment will be required. Jumble Dyke runs through the site, and the Flooding and Drainage Section have recommended that a Hydrological Assessment is undertaken. One drainage issue has been identified in the past and subsequently resolved. The Flooding and Drainage Section have commented that the site is suitable, and mitigation could secure the area from flooding.

11. Regarding the Green Belt designation, the overall parcel within which the site is located performs poorly when assessed against the five green belt purposes, and when assessing the revised boundary of the specific site, it also performs poorly.

12. The site's allocation is considered consistent with the Council's Sustainability Appraisal methodology.

13. The assessment of the culverted beck and the need for any potential buffer will be determined at application stage. The beck is a non-minor water course therefore may not need a buffer and could be built over.

14. An indicative developable area is considered to be necessary in order to determine an indicative site capacity. The indicative developable area is based on constraints identified in the site assessment process. The indicative developable area may be subject to changes when an actual development scheme is drawn up.

15. Neither Historic England, West Yorkshire Archaeology Advisory Service nor the Council's Conservation team have raised any concerns regarding impact of development on any heritage assets.

16. On assessment of any forthcoming application this particular site specific consideration will be adhered to if this is the case.

17. The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Preliminary Ecological Appraisal and protected species surveys required in addition to sensitive landscape schemes (including SuDS) to retain species rich grassland. Managed through an Ecological Management Plan to achieve a net gain in biodiversity and no fragmentation of CWHN.
2. The site specific considerations should more accurately reflect the need to provide a strong defensible boundary at the southern extent of the eastern parcel of land.
3. The reference to green roofs should be removed.
4. Delete: "Remove the grassland from the developable area and maintain grassland on site."

Council's Response:

1. No change required - Part of the site is covered in species rich semi-improved grassland. This area has been removed from the developable area on recommendation of West Yorkshire Ecology. The site is also covered by the Wildlife Habitat Network, so development proposals will need to take account of this in designing layout and landscaping. The Conservation Section (Ecology) has commented that the site is suitable for development, subject to mitigation.
2. No change required - a site specific consideration already exists. Which ensures all boundaries are considered adjacent to the Green Belt.
- 1./3./4. No change required - The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

## Document Section: LP1053 - New Housing Site - Brighouse

### Representations

Comment ID **APX1057**

Site ref (if applicable): **LP1053**

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:

Although we agree with the need for a buffer to be provided from the woodland, detail also needs to be provided on the impacts to the LWS with appropriate mitigation put in place to ensure there is no habitat fragmentation. This should be implemented through a sensitive landscape scheme (including SuDs) to achieve a net gain in biodiversity along with a sensitive lighting scheme. PEA and protected species surveys will also be needed as appropriate.

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 **APX1146**

Site ref (if applicable): **LP1053**

Person ID: **1182231**      Name: **Mrs Rebecca Holmes**      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:

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Comment ID **APX1164**

Site ref (if applicable): **LP1053**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX1222**

Site ref (if applicable): **LP1053**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX842**

Site ref (if applicable): **LP1053**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 considerable amount of land that is allocated for housing is on former quarries some of which require engineered fill so will not come on stream for 11 to 15 years. Little land has been considered that could be available within 2 to 3 years of adoption of the plan and Site LP1072 was taken out of the allocations for housing when it is an easier site to develop and also better road network. The evidence for the housing requirements has been revised in September 2018 and Calderdale has been consistently below the levels required for housing completions. The plan does not seem to be effective in that the housing requirements cannot be delivered in the first phase of the plan 0 - 5 years especially with the revised housing figures amended from 214,000 per annum to 300,000 in September 2018. It is accepted there are transitional arrangements for the allocation of housing but the figures have been amended by some 40% in the recent NPPF 2018 and guidance based on ONS statistics and the allocations are not deliverable in the time scales required for a 5 year supply of housing land. The sites which are former quarries and still require restoration will not be available until the second or third phase in 10 to 15 years time.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on site allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public.

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074009>

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Comment ID **Lpp1275**

Site ref (if applicable): **LP1053**

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 for context of comments: This site is a quarry and is not well related to the settlement edge, it is surrounded by woodland, beyond which lies industrial land. It is not close to existing residential areas and would be an isolated remote housing site. The Housing Technical Paper identifies a suggested delivery in year 12 (2029). There is a 'part unknown' comment against the availability of the site, and comments refer to the owner of the land confirming its availability for housing, however the site requires restoration work due to previous quarrying. We recommend deletion of this site.

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>

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Comment ID **Lpp1324**

Site ref (if applicable): **LP1053**

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 for context of comments: This site is a quarry and is not well related to the settlement edge, it is surrounded by woodland, beyond which lies industrial land. It is not close to existing residential areas and would be an isolated remote housing site. The Housing Technical Paper identifies a suggested delivery in year 12 (2029). There is a 'part unknown' comment against the availability of the site, and comments refer to the owner of the land confirming its availability for housing, however the site requires restoration work due to previous quarrying. We recommend deletion of this site.

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>

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Comment ID **Lpp1406**

Site ref (if applicable): **LP1053**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP1053 - Squire Hill Quarry, Brighouse, HD6 Former quarry site and the level of cut and fill required to makes this site unviable. Quarry is also ransomed by 1054 to the east. Access would need to come through this allocation in order to achieve suitable widths within a single land ownership See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

#### Main Issues:

1. Viability - The level of cut and fill required of the quarry will make the site unviable.
2. Access - Ransomed by LP1054 which access would need to come through.
3. The site is not well related to the settlement edge. Isolated remote housing site.
4. Bad neighbours - Industrial site to the west.

#### Council's Response:

1. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner and the Viability Study shows the Minimum Land Value Benchmark is Exceeded.
2. The Council would expect LP1053 and LP1054 to be brought forward together.
3. The site is located within the Urban Area and adjacent to an extant planning permission.
4. There are some concerns over the proximity of the site to Brookfoot Works. Environmental Health have stated a noise impact assessment would be required prior to development, to include the impact of industrial/commercial noise upon residential amenity, and to identify mitigation if necessary.

#### **Duty to Co-operate**

#### Main Issues:

#### Council's Response:

#### **Suggested Modifications**

1. Remove site from Local Plan Allocations.
2. Detail needs to be provided on the impacts to the LWS with appropriate mitigation put in place to ensure there is no habitat fragmentation. This should be implemented through a sensitive landscape scheme (including SuDS) to achieve a net gain in biodiversity along with a sensitive lighting scheme.

#### Council's Response:

1. No change required - The site's allocation is considered consistent with the Council's site allocation methodology.
2. The Site Specific Considerations include provision of blue and green infrastructure and ecological mitigation.

## Document Section: LP1054 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1058**

Site ref (if applicable): **LP1054**

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 agree that a buffer should be provided from woodland, however detail needs to be provided on the impacts to the LWS with appropriate mitigation put in place to ensure no fragmentation from CWHN. This should be implemented through a sensitive landscape scheme (including SuDs) to achieve a net gain in biodiversity along with a sensitive lighting scheme. PEA and protected species surveys required as appropriate.

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>

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Comment ID **APX1147**

Site ref (if applicable): **LP1054**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1223**

Site ref (if applicable): **LP1054**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX15**

Site ref (if applicable): **LP1054**

Person ID: **1129577** Name: **Mr Anthony Dolphin**

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 increase yet again. Probable risk of flooding.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX859**

Site ref (if applicable): **LP1054**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 LP 1054 adjacent to Squire Hill is steep falling from the edge of Squire Hill Quarry to Brookfoot Lane at a gradient of 1 in 3. The site is within hard rock so excavation will be difficult to create a plateau. There is a possibility that part of the site could be used with LP 1053 but the topography of the land will make it difficult for the whole site to be delivered for 32 dwellings.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on site allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road. Re examine the sites that can be developed and delivered in the first phase of the plan so that the other sites on former quarries can be investigated and delivered in years 10 to 15. The site could allow land to be available for building as this particular site LP 1054 is unlikely to be fully developed due to the topography of the land.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074013>

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Comment ID **Lpp1276**

Site ref (if applicable): **LP1054**

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 for context of comments: This site lies immediately adjacent to LP1053 Squire Hill Quarry. We have similar concerns to the above site (LP1054)"" it is in an industrial area, remote from residential development, with a resultant combined 100 dwelling unsustainable development. There are identified constraints (noise from Brookfoot Works / Road Traffic. The Housing Technical Paper identifies a suggested delivery in year 10 (2027), with comments suggesting it is likely to come forward together with Squire Hill Quarry.

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 **Lpp1327**

Site ref (if applicable): **LP1054**

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 for context of comments: This site lies immediately adjacent to LP1053 Squire Hill Quarry. We have similar concerns to the above site "" it is in an industrial area, remote from residential development, with a resultant combined 100 dwelling unsustainable development. There are identified constraints (noise from Brookfoot Works / Road Traffic. The Housing Technical Paper identifies a suggested delivery in year 10 (2027), with comments suggesting it is likely to come forward together with Squire Hill Quarry.

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>

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Comment ID **Lpp1407**

Site ref (if applicable): **LP1054**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP1054 - Land off, Brookfoot Lane, Brighouse, HX3 9SX Site is too steep and is needed to provide access to the allocation to the west site not deliverable as would be mainly road and levels make delivery of housing and a highway impossible See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Deliverability - Levels would make the majority of the site road.
2. Bad neighbours - The area is predominantly industrial where noise could be an issue.
3. Capacity - Gradient of the site will make the capacity of 32 dwellings unlikely.

4. Local Road Network - Inadequate local road network, specifically congestion.

5. Flooding - Risk of increased surface water flooding.

Council's Response:

1. The Council would expect LP1053 and LP1054 to be brought forward together.

2. Environmental Health Officers have raised concerns regarding the road traffic noise generated from the HGVs and has commented that the site overlooks an industrial estate. Environmental Health have stated a noise impact assessment would be required prior to development where a stand off may be required to mitigate any noise constraints identified.

3. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'7 published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

4. Highways Development Management considers that a safe access to current standards is achievable. The site has access to Brookfoot Lane adjacent to the existing quarry access road. A Transport Statement to include assessments of Elland Rd / Brookfoot Lane would be required as well as an Access Junction Design.

5. The site is wholly within Flood Zone 1. The Council's Flooding and Drainage Section has indicated the site is suitable for assessment following a hydrological assessment of Squire Hill Clough water course and capacity building of existing drainage network and well planned site investigations. Mitigation could be secured through green and blue Infrastructure on site such as SuDS and green roofs to reduce the infiltration rate of precipitation as well as provide storage for storm water run-off.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP1060 - New Housing Site - Brighthouse

---

### Representations

Comment ID **APX1148**

Site ref (if applicable): **LP1060**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1224**

Site ref (if applicable): **LP1060**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX525**

Site ref (if applicable): **Lp1060**

Person ID: **1181644**

Name: **Miss S Patel & Mr Patel**

Organisation: **Patel's News**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Firstly this green belt should be left alone as there are young kids that play here and it is a place that parents can keep an eye on kids Secondly all the houses will be sandwiched together and would most likely look into each other's house Thirdly what happens to shop where to do the old folk that relay on the shop go yes there are other shop but it's a long way to walk for them and what happens to the family in the shop it's their lively hood These plans have not been thought through and it would have been nice for a member of the council to come and talk to the shop keepers about this has they have heard about this plan from the customers that's not professional standards

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:

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Comment ID **Lpp1277**

Site ref (if applicable): **LP1060**

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 for context of comments: This appears to be a well-used green space within an existing residential area. This should be deleted and if it comes forward, it will be a windfall. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper identifies a suggested delivery in year 2 (2019/2020) stating that the site has been identified in the Calderdale Together Investment partnership, and delivery timescales have been provided by Together Housing Group. It is unlikely that this site will deliver next year, given that a planning application has yet to be submitted.

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 **Lpp1331**

Site ref (if applicable): **LP1060**

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 for context of comments: This appears to be a well-used green space within an existing residential area. This should be deleted and if it comes forward, it will be a windfall. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper identifies a suggested delivery in year 2 (2019/2020) stating that the site has been identified in the Calderdale Together Investment Partnership, and delivery timescales have been provided by Together Housing Group. It is unlikely that this site will deliver next year, given that a planning application has yet to be submitted.

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>

## **Main Issues and Council Response**

## Legal Compliance

Main Issues:

Council's Response:

## Test of Soundness

Main Issues:

1. Open Space - Loss of amenity green space which is well used.
2. Delivery - The site is unlikely to be delivered next year as there is no planning application submitted.
3. Residential Amenity - Potential overlooking issues.
4. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. shops

Council's Response:

1. An analysis of open space in the area against the adopted standards shows that there is sufficient amenity green space within the catchment of the site however there are gaps in some other typologies, for example play facilities for older children. Improvements to other open space in the area should be carried out. These could include additional equipment at the nearby play area at Bentley Avenue and the provision of goal posts on the grassed area at Aysgarth Avenue.
2. The site has been identified in the Calderdale Together Investment Partnership, and delivery timescales have been provided by Together Housing Group.
3. Policy BT2 - Privacy, Daylighting and Amenity Space of the Built Environment Chapter ensures that development proposals do not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents or other occupants and provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.
4. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

## Duty to Co-operate

Main Issues:

Council's Response:

## Suggested Modifications

1. The site should be removed from the Local Plan allocations.

Council's Response:

1. No change required - The sites allocation is considered consistent with the Council's site allocation methodology.

## Document Section: LP1077 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1006**

Site ref (if applicable): **LP1077**

Person ID: **1183684** Name: **Mrs Lindsay Mihailovic** 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:

Congestion at Hipperholme crossroads Current emissions very high from standing traffic and this will further compound. Associated health risks - asthma, dementia, etc. Further housing will increase standing traffic, also loss of green space will reduce absorption of CO2

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1149**

Site ref (if applicable): **LP1077**

Person ID: **1182231** Name: **Mrs Rebecca Holmes** 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:

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Comment ID **APX1169**

Site ref (if applicable): **LP1077**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX1225**

Site ref (if applicable): **LP1077**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX16**

Site ref (if applicable): **LP1077**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

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:

More volume of traffic added to an already struggling j24 & 25 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX289**

Site ref (if applicable): **LP1077**

Person ID: **1182022**

Name: **James Keeley**

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 clear that the proposed development of this site has been poorly conceived, a view that is supported by the sheer number of fundamental constraints listed in the Local Plan's Appendix 1 entry for this site. Southedge Quarry is a popular and much beloved recreational area for residents of Brighouse and Hipperholme and is an equally important green belt and habitat for wildlife. The local roads, public services and amenities are already under pressure and will deteriorate further if the Local Plan for LP1077 goes ahead. The size of the planned development and its location are bound to further worsen the traffic problems on the A644 on its approach to Brighouse and Hipperholme town centres. The only sensible

approach to mitigate these issues is to modify the plan and scale back the extent of planned housing allocation on this site. With regard to the Local Plan overall, and speaking from the perspective of a Brighouse resident, the proposed execution of the plan seems to completely contradict its headline intent. The vision claims that Calderdale want the Local Plan to be environmentally sustainable, a place for young people to live and learn, to make its residents proud of where they live and have good health. However the plan appears set to have a negative impact on all of these aspects in Brighouse. While I understand the Brighouse has better transport links to Leeds and Manchester than some other towns in Calderdale, it is unable to cope with the disproportionate burden of new developments that this plan has for it. Something has to give and at present, it seems that Calderdale council has determined that it should be residents' of Brighouse's quality of life. Rather than just moaning, I would like to provide some positive input. A truly sustainable development plan for the decades ahead would be to create new infrastructure and public services, rather shoe-horning houses into the dwindling number of green spaces in existing towns. While it would have greater initial challenges, a new urban development west of M62 Junction 24 could better fulfil the council's vision and allow healthy growth into the 22nd Century. Milton Keynes is a prime example of the potential success of a planned new town. There is also a sound case for developing the Hebden Bridge area to become an inverted city centre for Leeds/Manchester: <https://www.bbc.co.uk/news/business-26472423> Please try and plan for the longer term, even if that means working with other local governments and at national level. Thank you for taking the time to consult your residents and for taking the time to read my comments.

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

Duty to Co-operate Reason:

Suggested Modifications:

It is clear that the proposed development of this site is unsound and has been poorly conceived, a view that is supported by the sheer number of fundamental constraints listed in the Local Plan's Appendix 1 entry for this site. Southedge Quarry is a popular and much beloved recreational area for residents of Brighouse and Hipperholme and is an equally important green belt and habitat for wildlife. The local roads, public services and amenities are already under pressure and will deteriorate further if the Local Plan for LP1077 goes ahead. The size of the planned development and its location are bound to further worsen the traffic problems on the A644 on its approach to Brighouse and Hipperholme town centres. The only sensible approach to mitigate these issues is to modify the plan and scale back the extent of planned housing allocation on this site. With regard to the Local Plan overall, and speaking from the perspective of a Brighouse resident, the proposed execution of the plan seems to completely contradict its headline intent. The vision claims that Calderdale want the Local Plan to be environmentally sustainable, a place for young people to live and learn, to make its residents proud of where they live and have good health. However the plan appears set to have a negative impact on all of these aspects in Brighouse. While I understand the Brighouse has better transport links to Leeds and Manchester than some other towns in Calderdale, it is unable to cope with the disproportionate burden of new developments that this plan has for it. Something has to give and at present, it seems that Calderdale council has determined that it should be residents' of Brighouse's quality of life. Rather than just moaning, I would like to provide some positive input. A truly sustainable development plan for the decades ahead would be to create new infrastructure and public services, rather shoe-horning houses into the dwindling number of green spaces in existing towns. While it would have greater initial challenges, a new urban development west of M62 Junction 24 could better fulfil the council's vision and allow healthy growth into the 22 nd Century. Milton Keynes is a prime example of the potential success of a planned new town. There is also a sound case for developing the Hebden Bridge area to become an inverted city centre for Leeds/Manchester: <https://www.bbc.co.uk/news/business-26472423> Please try and plan for the longer term, even if that means working with other local governments and at national level. Thank you for taking the time to

consult your residents and for taking the time to read my comments.

Additional Evidence Link:

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Comment ID **APX654**

Site ref (if applicable): **LP1077**

Person ID: **1115146**

Name: **Mrs Ann Horsfall**

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:

Brighouse Road and all other roads meeting at Hipperholme crossroads are already very congested, and cannot cope with further traffic, which would be generated by any housing built on this site. Traffic already passing through Hipperholme has caused Hipperholme to become an AQMA, so any extra traffic can only make the situation worse. I consider that this site should be removed from the Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

This site ought to be removed from the Local Plan.

Additional Evidence Link:

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Comment ID **APX802**

Site ref (if applicable): **LP1077**

Person ID: **950981**

Name: **Mrs Patricia Durham**

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:

Look at the constraints list...this site is too near to the already congested Hipperholme crossroads and it has previously been agreed that any development should not take place without 'sorting out' the crossroads. Air pollution levels are already too high in this area and the additional vehicles that would be funneled through Hipperholme would exacerbate the situation. The land is contaminated and currently has

menthane vents in situ. This land is truly unsuitable for development.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX843**

Site ref (if applicable): **LP1077**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 considerable amount of land that is allocated for housing is on former quarries some of which require engineered fill so will not come on stream for 11 to 15 years. Little land has been considered that could be available within 2 to 3 years of adoption of the plan and Site LP1072 was take out of the allocations for housing when it is an easier site to develop and also better road network. The evidence for the housing requirements has been revised in September 2018 and Calderdale has been consistently below the levels required for housing completions.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on ste allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public.

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road. Re examine the sites that can be developed and delivered in the first phase of the plan so that the other sites on former quarries can be investigated and delivered in years 10 to 15.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074010>

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Comment ID **Lpp1218**

Site ref (if applicable): **LP1077**

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>

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Comment ID

**Lpp1278**

Site ref (if applicable): **LP1077**

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 for context of comments: This site is a former quarry, which is likely to have significant constraints that could affect the viability and therefore the deliverability of the site. The Housing Technical Paper identifies a suggested delivery in Year 6 (2023)

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>

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Comment ID **Lpp1333**

Site ref (if applicable): **LP1077**

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 for context of comments: This site is a former quarry, which is likely to have significant constraints that could affect the viability and therefore the deliverability of the site. The Housing Technical Paper identifies a suggested delivery in Year 6 (2023)

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>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Stability - Former commercial land fill site which may have ground conditions which need investigating.
2. Contamination - the land is contaminated from previous landfill activity.
3. Air Quality - This site would impact on the already high air pollution levels.
4. Viability - numerous constraints which brings into question the viability of the site.

5. Flooding - increased risk of surface water flooding.
6. Open Space - Loss of recreation and amenity Open Space.
7. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors, sewerage system.
8. Distribution - This site adds to the disproportionate burden of development on the east of the Borough.
9. Local Road Network - Inadequate local road network, specifically congestion and safety at the Hipperholme crossroads and on the A644.
10. Strategic Road Network - J24 and J25 of the M62 are at capacity.
11. Site Specific Considerations place an undue and unjustifiable policy burden on the site.
12. "Plant dense locally native shrubs adjacent to woodland..." and "Specify and implement other prescriptions..." - These considerations are not necessary as any redline boundary of a planning application is unlikely to extend to the woodland.
13. "Remove deciduous woodland from developable area" - Is this necessary to include as a consideration as it is already excluded.
14. "Plant woodland and develop locally native grasslands in the remainder of the area excluded from the developable area" - this consideration would prevent the remainder of the site coming forward in the future.
15. "Retention of the stone boundary wall" - this does not allow flexibility to bring forward the site.

#### Council's Response:

1. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
- 2./3. Environmental Health has stated that there would be remediation required to address land contamination and a stand off between conflicting uses due to noise. Furthermore the site is in close proximity to the Hipperholme Air Quality Management Area, therefore consideration needs to be given to the West Yorkshire Low Emission Strategy which has been adopted by the Council and gives guidance on good practice for mitigating air quality impacts.
4. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner, developer interest and the Viability Study shows the Minimum Land Value Benchmark is Exceeded.
5. Due to the size and greenfield nature of the site, it is recommended that the site be subject to a Flood Risk Assessment. The Council's Flooding and Drainage Section has not identified any drainage issues on the site, however, state that there is the potential for increased surface water flooding. Therefore the site is suitable for development subject to an evaluation of surface drainage network and the application of green and blue Infrastructure on site such as SuDS and green roofs to reduce the infiltration rate of precipitation as well as provide storage for storm water run-off.

6. Although the site may be used informally for recreation this cannot be safeguarded since it is private land and it is not designated as open space.

7. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

8. 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.

9. Highways Development Management considers the site accessible with mitigation, however, they have serious concerns as the existing A58 / A644 junction is congested to an unacceptable level. 'Technical Note 5: Hipperholme Sensitivity Test' of the transport evidence base supporting the Local Plan states that the traffic modelling exercise has not given sufficient evidence to support the rejection of this site, however, the provision of a small scale mitigation scheme for the Hipperholme cross-roads should be included as a necessity.

10. Additional comments in the Site Report from Highways England expands on their original comments (which were based on higher housing figures) state that "Impact on the SRN is expected to be mitigated by committed schemes." West Yorkshire Infrastructure Study identifies further capacity enhancement needed 2030 to deal with cumulative impact.

11. - 14. The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

West Yorkshire Ecology has advised that the deciduous woodland to the north west of the site be removed from the developable area. The Council's Conservation Section (Ecology) state that there is unlikely to be any significant adverse ecological impacts subject to mitigation, including retaining trees, shrubs and hedgerows where possible; mitigate pressures from recreation on the woodland through planting of native shrubs along woodland adjacent to the site; and to produce an Ecological Management Plan.

15. The site is bounded along its Brighthouse Road frontage by a stone boundary wall which is a characteristic feature of the local environment which Conservation (Heritage) recommends to be retained where possible.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## **Suggested Modifications**

1. Add "will be supported." to the end of ".green roofs."

2. Remove: "Remove deciduous woodland from developable area"

3. Replace with "Plant dense locally native shrubs adjacent to woodland..." and "Specify and implement other prescriptions..." with "Include landscaping within the western boundary of the developable area."

4. Remove: "Plant woodland and develop locally native grasslands in the remainder of the area excluded from the developable area"
5. Add "where appropriate and practical" to the end of "Retention of the stone boundary wall."
6. Remove the site from the Local Plan.

Council's Response:

1. No change required - these are Site Specific Considerations.
2. - 4. The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.
5. The Council would be open to change the wording of the Site Specific Considerations to add "where appropriate and practical" to the end of "Retention of the stone boundary wall."
6. No change required - The site's allocation is considered consistent with the Council's site allocation methodology

## Document Section: LP1078 - New Housing Site - Brighthouse

### Representations

Comment ID **APX1073**

Site ref (if applicable): **LP1078**

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 are encouraged by the inclusion of requirement for PEA and bat surveys. However, this can go further to ensure net gain for biodiversity is achieved including sensitive landscape plans (including SuDs) and sensitive lighting plans to ensure no fragmentation of CWHN.

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 **APX1095**

Site ref (if applicable): **LP1078**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX1100**

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 **APX1111**

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/5082054>

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Comment ID **APX1150**

Site ref (if applicable): **LP1078**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1210**

Site ref (if applicable): **LP1078**

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:

The following allocations include land used (or last used) as playing field or playing field that will be

prejudiced by development proposed adjacent to it. Sport England therefore objects to their allocation; Site LP1078- Land between Dewsbury Road and New Brighthouse Site LP1033 - Land off, Toothill Bank, Rastrick, Brighthouse Site LP1009 Site of demolished school, Clough Lane, Mixenden Site LP1197 Park Lane, Siddal Site LP1429 Former St Catherines High School, Holdsworth Road, Holmfield Site LP1481 Former St Catherines High School, Holdsworth Road, Holmfield In accordance with NPPF para 97 and Sport England's playing field policy it is incumbent on the Council (in allocating these sites) to show that; There is surplus playing pitch provision (across all sports now and across the plan period); or The playing field will be replaced by playing field of an equivalent quantity or quality; or That the new development next to the playing field will not prejudice the playing field's use We have reviewed the analysis to each of the sites and do not consider that such justification exists at present.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX17**

Site ref (if applicable): **LP1078**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Unnecessary destruction of green belt. Destruction of habitat and species. The proposal is huge, and will alienate the current population of Rastrick. No consideration for the residents of Sage Grove and surrounding residences which will be disrupted massively and for an exceptional period of time during and after construction. Disgraceful!!

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

Sound Reason:

More volume of traffic added to an already struggling j24 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX649**

Site ref (if applicable): **LP1078**

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:

Quarry House, 95 metres to the north of this site, and 9 to 13 Delf Hill, on the site's eastern edge, are Grade II Listed Buildings. The Heritage Impact Assessment considered that the asset is mostly shielded by the surrounding mature treeline to the northwest of the property. Nevertheless, glimpsed views of the development site which forms the wider rural setting to the northwest will be affected by the development of the site. The remaining open rural setting formed by the view the across the field to the north could be lost. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1078 amend the fourth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX739**

Site ref (if applicable): **LP1078**

Person ID: **1122185**

Name: **Mr Anthony Stanley**

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/5072753><http://calderdale-consult.objective.co.uk/file/5077526>

Comment ID **Lpp1410**

Site ref (if applicable): **LP1078**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP1078 - Land between, Dewsbury Road and New Hey Road, Rastrick, Brighouse, HD6 There has been no interest in this site from any developers despite active marketing. This is due to the poor ground conditions (Elland flag sub strata) and poor access. Site is considered unviable. See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

## **Main Issues and Council Response**

## Legal Compliance

Main Issues:

Council's Response:

## Test of Soundness

Main Issues:

1. Delivery - No developer interest.
2. Capacity - Density of housing is not appropriate. The site can support a greater capacity of dwellings.
3. Land Stability - Poor ground conditions (Elland flag sub strata)
4. Viability - The site is not viable.
5. There are no technical constraints to the development of this site as proposed in the Local Plan - Initial Draft
6. Heritage - development of this site impacts on the historic form of Rastrick and nearby Listed Buildings.
7. Access - How access is gained to this site is unclear.
8. Local Road Network - Inadequate local road network, specifically congestion and safety
9. Recommendations in HIA should be 'required' in order to be effective.
10. Strategic Road Network - J24 and J25 of the M62 are at capacity.
11. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors, sewerage system.
12. Flooding - increased risk of surface water flooding.
13. Open Space - The loss of open space has not been justified in accordance with NPPF and Sport England's playing field policy.
14. Developable Area - The requirement for a developable area is unnecessary as this should be determined at application stage. There is no justification to exclude areas of the site from development.
15. Developable Area - there is a culverted beck which runs under the cricket pitch and allotments, reducing the developable area.
16. Ecology - The exclusion of the Wildlife Habitat Network from the developable area does not accord with Policy GN2 of the Local Plan. The three fields of semi improve grassland should not be excluded from the developable area as these have been reassessed as having limited biodiversity value.
17. Ecology - net gain for biodiversity could be achieved on this site.

18. Objection to the retention of existing playing pitch or enhancement of facilities. The pitch has not been used for over 5 years and other open space will be provided.

19. Objection to the consideration of recommendations provided within the Heritage Impact Assessment. Removed area from development is required for accessing the site.

20. The West Yorkshire Low Emission Strategy should not be referred to as a site specific requirement.

#### Council's Response:

1. The site is available, with the single landowners having an agent on board. From conversations with the agent it is known that a developer is on board and a planning application will be submitted to the Council soon.

2. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'<sup>7</sup> published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

3. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.

4. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner, agent and developer on board, and the Viability Study shows that the site is considered Viable.

5. The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

6. A Listed Building is situated in the vicinity of the site. A Heritage Impact Assessment has been undertaken which identifies mitigation measures to minimise any potential harm of development to the setting or views of listed buildings, and also to enable enhancement.

7. / 8. Highways Development Management state that development of the site will have a significant impact the local network and junction improvements may be required. At least two vehicular access points are required in order reduce the traffic impact at the New Hey Road/ Dewsbury Road crossroads, and suitable accesses could be provided on Dewsbury Road, Delf Hill and A643 New Hey Road.

9. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

10. Highways England consider that as committed schemes will not provide sufficient capacity, this site

may need to deliver or contribute to the additional schemes identified by the Highways England, for instance in the Draft West Yorkshire Infrastructure Study (2015).

11. The Local Plan is supported by the Infrastructure Development Plan which sets out the infrastructure requirements resulting from the growth proposed in the borough.

12. The site is located in Flood Zone 1 and there is a risk from surface water flooding. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to an evaluation of the existing surface water drainage network, site investigation and implementation of mitigation measures. These could include the application of green and blue infrastructure on site such as SuDS.

13. The Safer Cleaner Greener Section consider that the Badger Hill cricket field should not be included in the developable area of the site unless compensatory improvements are carried out to other cricket facilities in the area.

14. An indicative developable area is considered to be necessary in order to determine an indicative site capacity. The indicative developable area is based on constraints identified in the site assessment process. The indicative developable area may be subject to changes when an actual development scheme is drawn up.

15. - 17./19./20. The Site Specific Considerations and Indicative Developable Area are based on constraints identified in the site assessment process. The list of constraints, reports required and site specific considerations direct those wishing to bring schemes forward to the most relevant issues to address. These lists are not exclusive and other matters may arise at the detailed planning stage. Similarly, the indicative developable area may be subject to minor changes when an actual development scheme is drawn up.

18. The Safer Cleaner Greener Section consider that the Badger Hill cricket field should not be included in the developable area of the site unless compensatory improvements are carried out to other cricket facilities in the area.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## **Suggested Modifications**

1. The site boundary should be redrawn to reflect the wider boundary consulted on in the Local Plan - Initial Draft.

2. Amend the fourth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

3. The capacity of the site should be increased to 267 dwellings.  
Developable area should be redrawn to include the Wildlife Habitat Network and fields with semi improve grassland.

4. Change "Exclude all areas of the Wildlife Habitat Network, the woodland and the 3 fields in the north

east from the developable area" to "Development should support the functioning of the Wildlife Habitat Network"

5. Remove: "Consideration of the guidance in the West Yorkshire Low Emission Strategy"

6. Net gain for biodiversity should be achieved through sensitive landscape plans and sensitive lighting schemes.

#### Council's Response:

1. The purpose of the Green Belt Review is 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. In order to assess Green Belt land against the NPPF purposes, a set of questions for each purpose has been developed including the need to prevent neighbouring towns from merging into one another and to preserve the setting and special character of historic towns. It was considered that the land to the west which was previously included in the Local Plan Initial Draft was not required for employment (the proposed use at the time) and it would reduce the Green Belt between Brighouse and Elland. - No change required.

2. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

3. - 6. The Site Specific Considerations and Indicative Developable Area are based on constraints identified in the site assessment process. The list of constraints, reports required and site specific considerations direct those wishing to bring schemes forward to the most relevant issues to address. These lists are not exclusive and other matters may arise at the detailed planning stage. Similarly, the indicative developable area may be subject to changes when an actual development scheme is drawn up.

## Document Section: LP1093 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1151**

Site ref (if applicable): **LP1093**

Person ID: **1182231** Name: **Mrs Rebecca Holmes** 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:

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Comment ID **APX1226**

Site ref (if applicable): **LP1093**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX673**

Site ref (if applicable): **LP1093**

Person ID: **960781**

Name: **Reef Properties Ltd**

Organisation:

Agent ID: **960726**

Name: **Ms Rachael Martin**

Organisation: **Associate ID Planning**

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

Legal Compliance Reason:

See attached letter.

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

Sound Reason:

See attached letter.

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

Duty to Co-operate Reason:

See attached letter.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5067616>

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Comment ID **Lpp1279**

Site ref (if applicable): **LP1093**

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 for context of comments: This is a former quarry site with likely constraints associated with quarry redevelopment that could affect the deliverability of the site. The site is adjacent to housing site 1095, which is being promoted by a housebuilder. The Housing Technical Paper identifies a suggested

delivery in Year 7 (2024)

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>

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Comment ID **Lpp1334**

Site ref (if applicable): **LP1093**

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 for context of comments: This is a former quarry site with likely constraints associated with quarry redevelopment that could affect the deliverability of the site. The site is adjacent to housing site 1095, which is being promoted by a housebuilder. The Housing Technical Paper identifies a suggested delivery in Year 7 (2024)

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>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

#### Main Issues:

1. Deliverability - Numerous constraints associated to the former use as a quarry which may make the site unviable.
2. Developable Area - It is considered the developable area has been reduced by too much.
3. The requirement for green roofs is unnecessarily prescriptive.
4. The requirement for a 20m buffer from the south west boundary of the site is unnecessarily prescriptive.

#### Council's Response:

1. The Council does not have any evidence which suggests the site would be unviable. There is a willing land owner who has commenced restoration works and the Viability Study shows the Minimum Land Value Benchmark is Exceeded.
2. The developable area of the site is considered to be appropriate based on the constraints of the site and the recommendations from our consultees.
- 3./4. The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

#### **Duty to Co-operate**

#### Main Issues:

#### Council's Response:

#### **Suggested Modifications**

1. Reference to the indicative developable area should be removed.
2. The 'Constraints' box in the Supporting Information Appendix should be headed 'Potential Constraints'.
3. The reference to green roofs should be removed.
4. The reference to a 20m buffer should be removed.

#### Council's Response:

1. No change required - The developable area of the site is considered to be appropriate based on the constraints of the site and the recommendations from our consultees.
2. No change required - these are the identified constraints
- 3./4. No change required - The mitigation measures identified within the 'Site Specific Considerations' are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit further evidence, which may make varying recommendations in terms of mitigation to site constraints.

## Document Section: LP1095 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1138**

Site ref (if applicable): **LP1095**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1166**

Site ref (if applicable): **LP1095**

Person ID: **1183145**

Name: **Mr Nigel Holmes**

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:

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Comment ID **APX18**

Site ref (if applicable): **LP1095**

Person ID: **1129577** Name: **Mr Anthony Dolphin** 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:

More volume of traffic added to an already struggling j24 & 25 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX417**

Site ref (if applicable): **LP1095**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed buildings, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

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Comment ID **APX650**

Site ref (if applicable): **LP1095**

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:

108 to 112 Halifax Road, opposite this site, are Grade II Listed Buildings. The Heritage Impact Assessment considered that development would change the character of the adjacent fields and could dominate the streetscene, but impact is limited due to severance by the A644. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1095 amend the sixth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **Lpp1211**

Site ref (if applicable): **LP1095**

Person ID: **855708**

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

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

Agent ID: **961335**

Name: **Mr Paul Butler**

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 attachments

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/5097631><http://calderdale-consult.objective.co.uk/file/5097632>

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Comment ID **Lpp1383**

Site ref (if applicable): **LP1095**

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

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>

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Comment ID **Lpp387**

Site ref (if applicable): **LP1095**

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 does not provide enough housing for the area and this site is a low performing Green Belt parcel of which part has been allocated as a New Housing Site which is being put forward as LP1095. This Green Belt parcel would be better to be all used as housing land in a sustainable location. The protected woodland would remain protected and the Wood Bottom Lane would form a clear defensible boundary separating the developed land from the open high-performing Green Belt land to the west. The different character of the southern part of the site would allow a different mix of house types to be provided compared to the relatively high density estate expected from the Barratt development on the north side of the woods.

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

Duty to Co-operate Reason:

Suggested Modifications:

extend LP1095 to include the whole of the Green Belt parcel and create a larger or separate New Housing Site

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5067107>

Comment ID **Lpp650**

Site ref (if applicable): **LP1095**

Person ID: **1183491**

Name: **Mr John Carlon**

Organisation:

Agent ID: **1183489**

Name: **Mr John Carlon**

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 site is a former quarry known as Clog Sole Delph on the southern part of the allocation and was filled with refuse and probably fly ash from the local power station. Whilst the site is able to be developed for housing it is unlikely to come forward in the next 5 years especially if the access is to be amalgamated with LP 1093 Hill Crest Quarry. Part of the site on the frontage was also Hove Edge Delf and was filled with refuse. There will be engineering solutions to overcome on this site apart from the central section which appears to not have been worked. To meet the housing targets land will have to be re examined in the east of the district to provide a supply of land that can be developed before 2025.

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

Duty to Co-operate Reason:

The Council have cooperated with the public on the plan and obviously there are disagreements on site allocations and green space. Overall the plan complies with the duty to cooperate with stakeholders and the public.

Suggested Modifications:

The allocation of additional land within Lightcliffe and Hove Edge that can be brought to development within 2 to 3 years of adoption would mean part of the land within the Green Belt being allocated for housing development along the strip of St Giles Road. Re examine the sites that can be developed and delivered in the first phase of the plan so that the other sites on former quarries can be investigated and delivered in years 10 to 15.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074014>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Stability - Former use as a quarry will potentially have land stability issues.
2. Contamination - Potentially the quarry was filled with refuse and fly ash from local power station.
3. Deliverability - The site is unlikely to come forward in the first five years.
4. Green Belt - The site does not create a clear defensible boundary.
5. Green Belt - Loss of Green Belt.
6. The site should be classed as Brownfield Land.
7. Heritage - The Site Specific Consideration relating to Historic Impact Assessments is unlikely to be effective.
8. Strategic Road Network - J24 and J25 of the M62 are overly congested.
9. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors, sewerage system.
10. Local Road Network - Inadequate local road network, specifically road safety issues.

## Council's Response:

1. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
2. Any development should be accompanied by an appropriate contaminated land assessment, with any mitigation measures identified.
3. There is an agent and developer promoting the site and has submitted representations demonstrating the deliverability of the site.
4. "Ensure the creation of a strong and defensible boundary between the allocation for housing and the Green Belt" has been added as one of the Site Specific Considerations in the Supporting Information Document.
5. The proposed changes to the Calderdale Green Belt are clearly 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. The site should not be classed as brownfield as the quarry was restored and has gone back to nature.
7. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.  
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.  
It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
8. Development of the site is likely to cause highway capacity issues as highlighted by Highways England. It has been suggested that development does not commence until completion of the Road Investment Strategy schemes programmed to start in the current period (2015/16 – 2019/20) to minimise impacts on the strategic road network. West Yorkshire Infrastructure Study identifies further capacity enhancement is also needed 2022 and 2030 to deal with cumulative impact.
9. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.  
The IDP is a living document, updated on at least a yearly basis.  
The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.  
Along with the IDP, Policy IM7 of the Local Plan (Master Planning of Housing Sites) contains various requirements that master plans should aim to achieve. One of these considerations states that plans should 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. (4.8)

10. There also may be impacts on the local highway network, however, the Highways Development Management considers that the site has sufficient frontage to provide a safe access to current standards. This could be through the provision of a right hand turning lane on the A644 to minimise impact on the traffic flow, although it would require localised widening of the A644. It has also been recommended that this site is merged with adjacent LP1093 to reduce the number of accesses on to the A644.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. The site should be extended to include the remaining low performing Green Belt Parcel.
2. Amend the sixth Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The exceptional circumstances to extend the site to include the remaining low performing Green Belt parcel has not been demonstrated.
2. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.  
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1116 - New Housing Site - Brighthouse

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### Representations

Comment ID **APX1137**

Site ref (if applicable): **LP1116**

Person ID: **1182231**      Name: **Mrs Rebecca Holmes**      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:

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Comment ID **APX418**

Site ref (if applicable): **LP1116**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed building, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

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Comment ID **APX651**

Site ref (if applicable): **LP1116**

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:

South Edge House on Brighthouse Road, opposite this site, is a Grade II Listed Building. The Heritage Impact Assessment considered that development would change the character of the adjacent fields, but impact is minimal and limited due to severance by the A644. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1116 amend the fourth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - The Site Specific Consideration relating to the Historic Impact Assessment is unlikely to be effective.

Council's Response:

1. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Amend the fourth Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1322 - New Housing Site - Brighouse

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### Representations

Comment ID **APX1096**

Site ref (if applicable): **LP1322**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX1136**

Site ref (if applicable): **LP1322**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX19**

Site ref (if applicable): **LP1322**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

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:

More volume of traffic added to an already struggling j24 of M62. Flooding risks. Not enough schools for current residents. No plans for improvement of sewerage works or mains? Increased risk of RTA's. Destruction of green belt and reduction in value of existing property. Traffic already backs up Bramston street to unmanageable proportions and this will only add further traffic.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Sustainability Appraisal - Sustainability of site has not been demonstrated with only 2 of the objectives being recorded as positive.
2. Strategic Road Network - Increased congestion, specifically junction 24 of the M62.
3. Flooding - Increased risk of flooding.

4. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, utilities.

5. Local Road Network - Inadequate local road network, specifically road safety and congestion (Bramston Street).

6. Green Belt - Loss of Green Belt.

**Council's Response:**

1. The site's allocation is considered consistent with the Council's Sustainability Appraisal methodology

2. Highways England has not indicated any significant impact on the strategic highway.

3. The site lies within Flood Zone 1 and development is suitable subject to consultation with the LPA/LLFA. The Council's Flooding and Drainage Section have indicated the site is suitable for development subject to a hydrological assessment of Jumble Dyke as part of Flood Risk Assessment and where necessary the application of SUDS if required after surface water evaluation.

4. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

5. Highways Development Management state that access is possible but a circuitous alignment of the access road would be required because of the site topography of the site. The traffic impact has been recognised as small given the size of the site, however, recommends a Transport Statement, Access junction design and access road alignment on topographical survey base to ensure developability.

6. The site is located within the Urban Area.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1469 - New Housing Site - Brighouse

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### Representations

Comment ID **APX1098**

Site ref (if applicable): **LP1469**

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:

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?: **No**

Duty to Co-operate Reason:

See attached

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081009>

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Comment ID **APX1135**

Site ref (if applicable): **LP1469**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Sustainability Appraisal - The site only meets 4 out of 17 sustainability objectives with the remaining 10 being uncertain and 2 being negative.
2. Open Space - Loss of amenity green space - a valuable recreational land.
3. Heritage - development of this site impacts on the historic form of Rastrick and nearby Listed Buildings.
4. Stability - Potential land stability issues from previous use.
5. Contamination - Potential land contamination issues from previous use.
6. Noise pollution from railway.
7. Density of housing is inappropriate for the site.

Council's Response:

1. The site's allocation is considered consistent with the Council's Sustainability Appraisal methodology.
2. Safer Cleaner Greener have commented that there are other natural/semi natural sites within the area however this site has been assessed as having a high quality and value. The impact of development on the open character of the area and its visual amenity should also be assessed. Whilst it is acknowledged that the site has a high quality and value, there is not a deficit of this typology in the area and the site is privately owned and public access could be prevented at any time. It is therefore considered unreasonable to filter the site on the basis of loss of open space.
3. Neither Historic England, West Yorkshire Archaeological Advisory Service nor the Council's Conservation (Heritage) team have indicated any constraints to the historic environment.
4. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.
5. There is the potential for contamination; this would need investigating and remediating prior to

commencing development.

6. Good acoustic design would be required for layout and house types due to potential noise from railway.

7. Density multipliers were considered in order that the site capacities were reflected as accurately as possible, and without overstating capacity. The density multipliers agreed by the SHLAA Working Group were based on those included in 'Tapping the Potential'<sup>7</sup> published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP1648 - New Housing Site - Brighthouse

---

### Representations

Comment ID **APX1018**

Site ref (if applicable): **LP1648**

Person ID: **1183684**

Name: **Mrs Lindsay Mihailovic**

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 links to previous planning application, LP1116 initially refused by the Council but the decision later overturned on appeal. Congestion at Hipperholme crossroads continues to be a massive concern particularly around clean air. Current emissions very high from slow moving and standing traffic; this plan will compound significantly. Associated health risks - asthma, dementia, etc. New research is showing that polluted air, particularly lead particles can be absorbed in the womb. Further housing will increase slow moving and standing traffic, also loss of green space will reduce absorption of CO2 and toxic substances. Agreeing plan LP1116 is already adding to already unacceptable levels; this would impact significantly more.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1134**

Site ref (if applicable): **LP1648**

Person ID: **1182231**

Name: **Mrs Rebecca Holmes**

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:

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Comment ID **APX1229**

Site ref (if applicable): **LP1648**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX593**

Site ref (if applicable): **LP1648**

Person ID: **1115146**

Name: **Mrs Ann Horsfall**

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 the potential to link this site for 31 houses with site LP1116, which already has outline planning permission for 50 houses, with a road giving access to Brighthouse Road. Residents objected to this planning

application, number 16/01381/out, and councillors refused the application in July 2017. Their reasons for refusal were in regard to air quality and increase in traffic. Following an appeal by the applicant the planning inspectorate overturned their decision in early 2018. A bigger site such as LP1116 and this site, LP1648, submitted as a single planning application could have been viewed in a different light. I feel that there should be no further housing development in the Hipperholme area until large scale improvements are made to the roads in the immediate area, which are choked with traffic. Residents are already suffering from the associated air pollution and more houses and traffic can only make the situation worse.

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

Duty to Co-operate Reason:

Suggested Modifications:

Removal of this site from the Local Plan so as road traffic and air pollution does not increase in Hipperholme.

Additional Evidence Link:

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Comment ID **Lpp1285**

Site ref (if applicable): **LP1648**

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 for context of comments: This site is an existing car park, located immediately north of a large industrial site (Crosslee Plc). It is unrelated to the built settlement edge. This should be a windfall site. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper identifies a suggested delivery in year 11 (2028).

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>

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Comment ID **Lpp1339**

Site ref (if applicable): **LP1648**

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 for context of comments: This site is an existing car park, located immediately north of a large industrial site (Crosslee Plc). It is unrelated to the built settlement edge. This should be a windfall site. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper identifies a suggested delivery in year 11 (2028).

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>

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Comment ID **Lpp506**

Site ref (if applicable): **LP1648**

Person ID: **961958**

Name: **Crosslee plc**

Organisation: **Crosslee plc**

Agent ID: **1104252**

Name: **Mr Mark Eagland**

Organisation: **Peacock & Smith**

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

Legal Compliance Reason:

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

Sound Reason:

Although Crosslee supports the principle of allocation of land north of Crosslee for housing our client is concerned that the extent of the allocation has been reduced in size to 0.85 hectares (31 no. dwellings) from the total site area of 2 hectares that has been promoted for development. The site assessment report indicates that the reason for the reduction in size of the allocation is because part of the site supports lowland mixed deciduous woodland, a UK Biodiversity Action Plan priority habitat. Crosslee does not consider that this approach is justified, for the following reasons: 1. An Arboricultural Report in support of the proposed allocation has been prepared by Smeeden Foreman. This confirms that most of the woodland on the site is composed of locally native trees and shrubs which derive from natural regeneration (rather than planting). The majority of the woodland canopy is dominated by a dense layer of goat willow, and includes mostly multi-stemmed trees. There are a lot of fallen trees and deadwood throughout the woodland and hence it is need of management. Smeeden Foreman recommend that tree

group G1 is retained along with a linear strip of woodland along the north, east and western edges of W1 to maintain the natural appearance of the landscape from the perspective of existing residential properties to the north of the railway line (Westfield Drive). However, this would still allow some housing to be provided within the part of the site that has not been accepted as a housing allocation. 2. A Preliminary Ecological Appraisal in support of the proposed allocation has also been prepared by Smeeden Foreman. This find that the woodland habitat on the site is of limited botanical value but it is likely to be used by a range of wildlife such as bats for commuting and foraging purposes and birds for nesting and foraging. It is recommended that a linear strip of woodland is retained to the boundaries (consistent with the findings of the Arboricultural Report) particularly the more mature trees associated with the railway line to the north. This would provide continued habitat connectivity, a visual barrier and maintain some of the habitat for continued use by local wildlife. Any proposed landscaping should also include native tree and shrub planting with the aim to mitigate losses of habitat. Providing these mitigation measures are put in place it is possible to provide for some housing within the part of the site that has not been accepted as an allocation. Having regard to the above, Crosslee consider that the arboricultural and ecological reports provided in support of the allocation demonstrate that subject to mitigation measures and a sensitive approach to site layout it is possible to provide for more housing that is proposed in the Local Plan in site LP1648. This is also shown by the Indicative Site Plan (copy attached) that has been provided to the Council that shows a development of 51 no. dwellings. In Crosslee's view exclusion of any housing from all of the current wooded part of the site is not necessary, nor does it constitute a good use of a sustainable site in the urban area such as LP1648.

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

Duty to Co-operate Reason:

Suggested Modifications:

The capacity of housing allocation LP1648 should be increased to a minimum of 51 no. dwellings. The allocation should require woodland management and arboricultural/ecological mitigation measures.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072623>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically capacity, congestion at Hipperholme crossroads.
2. Health - increased air pollution from traffic and congestion.
3. Bad neighbours - the site is adjacent to an existing industrial site.

4. The site is unrelated to the built settlement.

5. Ecology - The removal of the Lowland Mixed Deciduous Woodland from the original site boundary is not justified.

6. Capacity - The original site boundary can support 51 dwellings.

**Council's Response:**

1. Highways Development Management considers this site acceptable subject to the existing access road being widened to adoptable standards and a capacity assessment included in the Transport Assessment. There is also an understanding that the cumulative traffic impact with other potential sites in Hipperholme would result in a severe impact and would require mitigating improvements at the signalised Hipperholme crossroads.

2. Environmental Health has identified a potential impact on air quality bearing in mind the proximity of the Hipperholme AQMA (No. 7) mitigation would be appropriate to address air quality. The Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04, contain strategies and actions plans which are working together to help reduce and manage emissions and improve air quality.

3. Due to the proximity of the site to the Crosslee Factory, a noise impact assessment prior to development would be required to include the impact of industrial/commercial noise upon residential amenity and recommend any mitigation.

4. The site is located within the Urban Area.

5./6. West Yorkshire Ecology Service has recommended that development would be acceptable on a reduced site of 0.84ha. This is due to part of the proposed allocation supports lowland mixed deciduous woodland, a UK Biodiversity Action Plan priority habitat. WYE recommends that the woodland be removed from the developable area and a stand off between any new development. The woodland should be well fenced and no gated access permitted.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

1. Remove this site from the Local Plan.

2. The capacity of housing allocation LP1648 should be increased to a minimum of 51 no. dwellings. The allocation should require woodland management and arboricultural/ecological mitigation measures.

Council's Response:

1. No change required - Its allocation is considered consistent with the Council's site allocation methodology and no significant site constraints have been identified which can not be mitigated.

2. No change required - The density multipliers and recommended developable area were used in assessing the housing allocation in order to determine indicative site capacity of 31 dwellings.

## Document Section: Policy SD7 Allocated Housing Sites - Elland

### Representations

Comment ID

Site ref (if applicable):

Person ID: **855708**

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

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

Agent ID: **961335**

Name: **Mr Paul Butler**

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:

See attachment - PBP Deliverability Assessment - Housing Mixed Use Allocations - providing evidence to support allocation of sites LP0982, LP0773 & LP0177

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: LP0037 - New Housing Site - Elland

### Representations

Comment ID **APX1049**

Site ref (if applicable): **LP0037**

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:

Although a buffer zone is requested as part of the mitigation, there should be further mention of the sites proximity to CWHN. In addition, a PEA and associated protected species surveys should be undertaken and sensitive landscape (including SuDs) and lighting schemes implemented to ensure net gain in biodiversity is achieved.

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 **APX1265**

Site ref (if applicable): **LP0037**

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. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

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Comment ID **APX420**

Site ref (if applicable): **LP0037**

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:

Need to add requirement for Heritage Impact Assessment on Conservation Area, to Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX665**

Site ref (if applicable): **LP0037**

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?:

Sound Reason:

Factual Correction: The development of this site is unlikely to have any impact upon Stainland Conservation Area and the Council has not produced a Heritage Impact Assessment for this area. However, there is a Grade II Listed boundary marker on Jagger Bridge and, for consistency with the approach adopted for other sites, the Constraints section should alert potential developers to its presence.

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

Duty to Co-operate Reason:

Suggested Modifications:

(a) In the Constraints Section add:- "Proximity to Grade II Listed Building (boundary marker on Jagger Bridge)" (b) In the Constraints Section delete:- "Stainland Conservation Area" (c) In the Site Specific Considerations delete reference to the Heritage Impact Assessment

Additional Evidence Link:

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Comment ID **Lpp398**

Site ref (if applicable): **LP0037**

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:

LP0037 Long Heys Farm This site was previously filtered. The Council's description at that time was 'part of a narrow gap between two settlements. This land would erode this gap and not for a logical settlement extension' Stainland & District Parish Council agree with this conclusion, as the site is on Green Belt land which prevents the merging of West Vale and Holywell Green.

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:

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Comment ID **Lpp589**

Site ref (if applicable): **LP0037**

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 agree to the site being filtered because it is 'part of a narrow gap between two settlements. This land would erode this gap and not for a logical settlement extension' The site lies in the green belt between West Vale and semi rural Holywell Green which separates these two very different settlements.

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 **Lpp616**

Site ref (if applicable): **LP0037**

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 reinstatement of the site for development. This site was previously filtered. The Council's description at that time was 'part of a narrow gap between two settlements. This land would erode this gap and not for a logical settlement extension'. We agree with this conclusion, as the site is on Green Belt land which fulfils the important purpose of preventing the merging of the urban edge of West Vale/Greetland and the village of Holywell Green. The area lies between the last house at the bottom of Holywell Green and the last house on the edge of West Vale, by the Brook. These houses are long-standing being over 100 years old. The Grade II Listed boundary marker (adjacent to the site) on the bridge over the Brook records the boundary between the 2 areas. The distance between the settlements is less than 600 metres at this point. To reduce this any further would threaten a main function of the Green Belt, which is to prevent the merging of settlements, something this area has successfully accomplished over many years. The Green Belt maintains the character, setting and village status of Holywell Green village. The

importance of preventing the merging of settlements is recognised for Site LP1567 at Elland (which is a reduction of original site LP1455). This has been filtered in part due to it reducing the gap between Elland and Halifax. This site is close to the proposed new Elland rail station. LP0037 will be over 2km from the new Elland rail station. Within Appendix 1, Site Allocation Supporting Information, the information relates to a different site, which is LP0146 Land to the West of West View.

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

Duty to Co-operate Reason:

Suggested Modifications:

Retain as Green Belt land to maintain the character, setting and village status of Holywell Green and to ensure any Green Belt development is sustainable, including having good public transport accessibility.

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Green Belt – Loss of Green Belt which prevents merging of Holywell Green and West Vale and enables character, setting and village status of Holywell Green to be retained.

2. Accessibility – Over 2km from proposed new Elland station.

3. Heritage – Factual correction: Development of this site unlikely to impact on Stainland Conservation Area and the Council has not produced a Heritage Impact Assessment for this area. Grade II Listed boundary marker on Jagger Bridge and the Constraints section should alert potential developers to its presence.

4. Ecology - Impact on wildlife including recognition of proximity to CWHN. Protected species survey and Preliminary Ecological Appraisal should be undertaken and sensitive landscape and lighting schemes implemented to ensure net gain in biodiversity is achieved.

5. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

There is an error in the Appendix document (page 89). The information in the table is incorrect. The Council will seek a modification in order to correct this issue.

The correct constraints, reports required and site specific considerations can be found in the Council's Proposed Modifications Document.

1. The purpose of the Green Belt Review is 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. In order to assess Green Belt land against the NPPF purposes, a set of questions for each purpose has been developed including the need to prevent neighbouring towns from merging into one another and to preserve the setting and special character of historic towns.

In terms of 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. 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.

The proposed changes to the Calderdale Green Belt are clearly 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.

2. Although the site is situated in excess of 2km from a rail station, the site has good access to a range of services and facilities and is between 400m and 2km from a bus stop with a service at least every 30 minutes.

3. The site is not within a Conservation Area and there would be no impact on the Elland Conservation Area nor the Stainland Conservation Area. There is a grade 2 listed viaduct located some 220m to the south of the site, and a grade 2 listed boundary marker adjacent to the site on the road side. The site is screened by trees, as is the listed viaduct. The main views of the viaduct are from the south-west and from Burrwood Way. Any impact on the setting of the viaduct will be minor provided appropriate building heights and materials are used.

In terms of mitigation, building heights and materials need to be carefully considered, existing trees should be retained wherever possible and the listed boundary marker should be retained and protected during any construction works.

4. The Council acknowledges that the Holywell Brook (UK Biodiversity Action Plan Priority Habitat) runs along the western boundary of the site. To minimise any adverse impact, a 10m stand-off is required which would need planting with locally native woodland species. The site is also within the Wildlife Habitat Network. As such, the Conservation Section (Ecology) has recommended that an Ecological Impact Assessment would be required.

5. There is an error in the Appendix document (page 89). The information in the table is incorrect. The Council will seek a modification in order to correct this issue.

The Drainage and Flooding Section has commented that from the flooding history of the area, the site has been used as a flood storage area during winter flooding for the Holywell Brook. The site is considered suitable for development after a Hydrological Assessment of the adjacent water course and a Flood Risk Assessment of the site.

Such constraints and proposed mitigation measures will be reflected in the Appendix.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## Suggested Modifications

1. Green Belt - Retain as Green Belt to maintain the character, setting and village status of Holywell Green and to ensure any Green Belt development is sustainable, including having good public transport accessibility.
2. Heritage - (a) In the Constraints Section add:-  
"Proximity to Grade II Listed Building (boundary marker on Jagger Bridge)"  
(b) In the Constraints Section delete:-  
"Stainland Conservation Area"  
(c) In the Site Specific Considerations delete reference to the Heritage Impact Assessment.
3. Ecology - Under Site Specific Considerations add need to take account of impact on wildlife including recognition of proximity to CWHN, the need for a Preliminary Ecological Appraisal and Protected Species Survey to be undertaken and sensitive landscape and lighting schemes to be implemented.
4. Add 'Risk of reservoir flooding' and 'Potential fluvial flood risk' to list of constraints in Appendix 1.

### Council's Response:

There is an error in the Appendix document (page 89). The information in the table is incorrect. The Council will seek a modification in order to correct this issue.

The correct constraints, reports required and site specific considerations can be found in the Council's Proposed Modifications Document.

1. The purpose of the Green Belt Review is 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. In order to assess Green Belt land against the NPPF purposes, a set of questions for each purpose has been developed including the need to prevent neighbouring towns from merging into one another and to preserve the setting and special character of historic towns.

In terms of 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. 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.

The proposed changes to the Calderdale Green Belt are clearly 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.

2. There is an error in the Appendix document (page 89). The information in the table is incorrect. The Council will seek a modification in order to correct this issue.

In terms of heritage, the Conservation Section (Heritage) has noted that the site is not within a Conservation Area and there would be no impact on the Elland Conservation Area nor the Stainland Conservation Area. There is a grade II listed viaduct located some 220m to the south of the site, and a grade II listed boundary marker adjacent to the site on the road side. The site is screened by trees, as is the listed viaduct. The main views of the viaduct are from the south-west and from Burrwood Way. Any impact on the setting of the viaduct will therefore be minor provided appropriate building heights and materials are used.

3. The Council acknowledges that the Holywell Brook (UK Biodiversity Action Plan Priority Habitat) runs along the western boundary of the site. To minimise any adverse impact, a 10m stand-off is required which would need planting with locally native woodland species. The site is also within the Wildlife Habitat Network. As such, the Conservation Section (Ecology) has recommended that an Ecological Impact Assessment would be required.

4. There is an error in the Appendix document (page 89). The information in the table is incorrect. The Council will seek a modification in order to correct this issue.

The Drainage and Flooding Section has commented that from the flooding history of the area, the site has been used as a flood storage area during winter flooding for the Holywell Brook. The site is considered suitable for development after a Hydrological Assessment of the adjacent water course and a Flood Risk Assessment of the site.

Such constraints and proposed mitigation measures will be reflected in the Appendix.

## Document Section: LP0075 - New Housing Site - Elland

### Representations

Comment ID **APX1042**

Site ref (if applicable): **LP0075**

Person ID: **1183594** Name: **Miss Maria Lijka**

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 object to this site being developed as it is in the Conservation Area as well as being Green Belt. Stainland has been promoted as a Local Centre. It is a Neighbourhood Centre in the Retail Hierarchy, in the fact it has no food shop or GP surgery. The main road through the village is single lane a some points due to historic buildings and there is a lack of pavements on one side, resulting in vehicles mount the pavement when trying to pass on coming traffic.

Additional Evidence Link:

Comment ID **APX1074**

Site ref (if applicable): **LP0075**

Person ID: **358528** Name: **Mr David Weston**

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:

General comment regarding Stainland due to the historic nature of Stainland a large majority of the housing has no private parking facility. Therefore Stainland Road is one lane filled with parked cars. In the village the queues of stationary cars is becoming a safety issue & the pollution levels certainly require

assessing. This has not been taken into account when further housing is being considered. Safety hazard of vehicles mounting pavements have not been taken into account. This applies directly to LP0075/LP0146.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1076**

Site ref (if applicable): **LP0075**

Person ID: **1129718**

Name: **Mr Malcolm James**

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 wish to object to the inclusion of this site for housing development in the Local Plan. It is within the Stainland Conservation Area and affords a very significant view point from the edge of the village, through the site and up the valley beyond. The site itself is Green Belt and also borders other such designated land. I believe that the Conservation Area Character Appraisal has not been carried out. Without this inclusion of a Green Belt site seems even more inappropriate. Any development would lead to increased traffic on to the short and very busy back Bowling Green Road. This is already the link for traffic that does not wish to go through Stainland but to route down Beestonley lane. The number of vehicles using this route is very high as it is used very heavily by commuter traffic in both the morning and afternoon. These times overlap with the J&I school. There is not a full pavement on both sides of the road. The school has approximately 150 pupils some of whom walk, but many are taken by car. The occupants opposite the site park on Back bowling Green Road as there is nowhere else to park. This means that for most of the time it is already restricted to being a single lane. The bus service to and from Halifax and Huddersfield uses this link road and stop outside the school, adding further congestion in a very small area.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1118**

Site ref (if applicable): **LP0075**

Person ID: **1128483**

Name: **Mr Michael Norcliffe**

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:

LP0075 Laithe Croft Farm. I object to the development as it has a direct impact on Stainland conservation area. It will be highly visible from the top of the village and will spoil the whole vista of the valley it is part of. Stainland has the only sites in Calderdale that are on greenbelt and either within or adjacent to a conservation area boundary. I object to the fact that due consideration has not been given to the correct information regarding roads and facilities. 1. The main road through the centre of Stainland is single lane and has historic buildings either side of that section with either no or inadequate pavements. Traffic flow at peak morning times is well over 90% capacity now. 2. We have not had a GP surgery in the village since 2006. 3. We have no food/household goods type of shops, in fact no produce shops at all. 4. We have an inadequate bus service. Any further development within or around the village will be detrimental owing to the lack of amenities and the single lane section.

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

Duty to Co-operate Reason:

Suggested Modifications:

Retaining the green belt and the setting of the conservation area must be maintained within and around Stainland, any further development in the area must first consider the impact on traffic flow (single lane in parts) and total lack of amenities and services.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082381>

Comment ID **APX1127**

Site ref (if applicable): **LP0075**

Person ID: **957088**

Name: **Mrs Thelma Hodgkinson**

Organisation:

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?: **No**

Sound Reason:

See attachment

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084643>

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Comment ID **APX421**

Site ref (if applicable): **LP0075**

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:

Need to add Heritage Impact Assessment on Conservation Area, to Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX666**

Site ref (if applicable): **LP0075**

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:

This site lies within the Stainland Conservation Area. Historic England considers that the Heritage Impact Assessment has under-valued the contribution which this site makes to the character of the Stainland Conservation Area and, as a result, the harm which its loss and subsequent development might have upon its character. The rolling countryside within which Stainland sits makes an important contribution to the character of the Conservation Area. However, from the majority of the settlement, for the most part, there are only glimpsed views between buildings out to the surrounding countryside and this site is one of the few areas where it is possible to gain a panorama from the street of rural landscape within which the village is located. Consequently, we would consider that the northern part of the site (adjacent to Back Bowing Green Road) is actually of 'medium sensitivity'. Historic England agrees with the evaluation of the Heritage Impact Assessment that views approaching the village from the south-west are important. However, Historic England considers that the southern part of this allocation is actually of 'high sensitivity' since, given the topography of this area, its development would clearly be perceived as an incursion into the open countryside to the south-west of the village. As a result, not only should no development, at all, be allowed on this area but no change of use from agricultural should be allowed "" including enclosing it within a domestic garden. As for the remainder of the site, whilst its development would result in some harm to the character of the Conservation Area, we do not consider that it would be so great that it would prevent this site being brought forward for development provided that its development reflected the linear character of the adjacent part of the settlement. Whilst Historic England would broadly endorse the mitigation measures which have been put forward in the Heritage Impact Assessment, they are not specific enough regarding the form that any development must take to ensure that any proposals delivers a scheme which will conserve the character of this part of the Conservation Area.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0075:- (a) Reduce the size of this site to exclude the area currently identified as being of 'Medium Sensitivity' in the Heritage Impact Assessment. (b) Delete the penultimate Site Specific Consideration and replace with:- "Development should reflect the linear form of this part of the village and be limited to the road frontage only" "Development should be designed to give views from Back Bowling Green Road between any buildings of the surrounding countryside" "The site boundary walls should be retained and repaired"

Additional Evidence Link:

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Comment ID **APX961**

Site ref (if applicable): **LP0075**

Person ID: **1128025**

Name: **Mr Karl Lawson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I object to an inaccurate portrayal of stainland village in the Local Plan. - Previous relevant comments not responded to. - Conservation area not given the same importance in other areas - Removal of wildlife corridor - Removal of special landscape area near M62

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

Sound Reason:

It is not sound because of inaccurate portrayal of Stainland Village in the Local Plan as Stainland is promoted as a local Centre. It is a Neighbourhood Centre in the Retail Hierarchy as the village has not food shop, GP surgery or Post Office and has poor sustainable transport which is not shown in the Local Plan.

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

Duty to Co-operate Reason:

I object to an inaccurate Portrayal of Stainland village in the Local Plan and that previous comments have been ignored.

Suggested Modifications:

Produce an accurate portrayal of the area and take into account previous comments.

Additional Evidence Link:

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Comment ID **Lpp396**

Site ref (if applicable): **LP0075**

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:

Objections and observations relating to Site LP0075 Land at Laithe Croft Farm The Parish Council questions whether the site, which is 0.32hectares, would be under the site size threshold of 0.25hectares, once the mitigation measure of removing land given in the Heritage Impact Assessment has been taken into account. We are concerned that: Stainland has the only sites in Calderdale on Green Belt land that are either, within a Conservation Area boundary, or directly adjacent to one. Unlike many of Calderdale's Conservation Areas, Stainland has no Conservation Area 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' Within the Green Belt Review, Green Belt Parcel Survey reference GB068-00 Purpose 4 states 'No' for 'Is the land part of the setting of a historic place or settlement listed building or conservation area?' As the parcel has part of Stainland Conservation Area within it, the Parish council objects to this decision. The site is within the impact risk zone of a Site of Special Scientific Interest, which has not been included within the site's Sustainability Appraisal Report (unlike Site LP1470). There is no pavement across the road on the corner of Bowling Green School leading to the school and bus stops. Removal of extra Green Belt land adjacent to the site The Parish Council objects to the removal of the area of Green Belt land that is adjacent (bottom left) to Site LP0075. This area

of greenfield land is designated Green Belt in the current Replacement Unitary Development Plan (2006). It is not part of site LP0075's allocation area and no reason has been given for its removal. The Heritage Impact Assessment states that the southwest of site LP0075 should remain free from development. The extra parcel of Green Belt that has been removed for no reason is directly adjacent to this area of land which should not be developed. The parcel of land is also within the Conservation Area boundary and is important to the character of the Conservation Area. Given these points, the Parish Council requests that this land should retain its current designation as Green Belt land. We also ask the Inspector to take into account the objection in relation to Stainland village. Stainland & District Parish Council makes the following 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 housing 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; and there is poor service and facility provision. Many comments on these important issues were made on the 2017 Draft Local Plan but these have not been properly addressed within the site assessments.

**Roads/Pavements** 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). The road is shown to be at 96% volume to capacity in 2014 in the eastward direction (source: WSP map - attached). 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 and the parish area. 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. On-street parking is important to residents, as the historic buildings do not provide off-street parking. The Parish Council believe it is important to protect adequate road capacity and parking for existing residents. Photos of the above are attached.

**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. NPPF 2018 Glossary refers to Town Centres as follows: '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: Future developed Green Belt sites will create travel for most things, as they are poorly sustained in Stainland village. Car usage will be high as cycling and walking are limited by steep topography and buses are infrequent. This in turn will create a greater impact on the single lane and pedestrian safety. We would be grateful if the Inspector would ensure that these important points are taken into account for any future decisions on developing Green Belt land around the village, either at this consultation or future reviews of the Local Plan. We hope that our comments have given the Inspector a clearer picture of our area. Further points Stainland has no GP surgery. 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 (many comments have previously been made but not taken into account). Also, many comments on the poor services and facilities in the area have not been properly addressed within the current site assessments. There is 1 bus per hour to the GP surgery at West Vale (no service after 4.40pm). There is 1 bus per hour to a town centre within 15 minutes (Elland). The distance to the proposed new Elland rail station from Stainland and Holywell Green will be over 2km. Stainland is approximately 2 miles from Elland centre and importantly, along with Holywell Green, is separated from the urban area by Green Belt which retains the villages' status. 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. Any development now and in the future would be on Green Belt land. Stainland has the only sites in Calderdale on Green Belt land that are either within a Conservation Area boundary or directly adjacent to one. Unlike many of Calderdale's

Conservation Areas, Stainland has no Conservation Area 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'. An aim of the Parish Council is to maintain its villages' status and the historic importance of the area, in particular, Stainland Conservation 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: <http://calderdale-consult.objective.co.uk/file/5067556>

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Comment ID **Lpp432**

Site ref (if applicable): **LP0075**

Person ID: **956203**

Name: **Ms Lesa Rhodes**

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 fails to identify in its document that Stainland main road is a single track. There is a lack of pavement in general but also across the road on the corner of Bowling green school leading to the school and bus stops. the green belt land adjacent to the site appears to have been removed. stainland has no GP or food shops and poor public transport links. additional housing in the village will bring extra cars and the road is shown to be at 96% volume to capacity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp455**

Site ref (if applicable): **LP0075**

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 consider the plan unsound as there has not been an appropriate assessment on this green belt site. Stainland is the only green belt site within a Conservation area in Calderdale being considered for building and I cannot see where any consideration has been given to the Conservation Area Character as per Policy HE1 of the Local Plan which states regard should be given to a Conservation Area Character Appraisal where one exists. I object to the removal of the green belt land at the bottom left of LP0075 this is separate to this site and no reason has been given for its removal. According to the Heritage Impact Assessment this bottom corner site should remain free from development and stay as green belt land. Stainland is a small hilltop village serviced by only one road which in the centre part of the village is single track only, this causes safety issues for pedestrians. The road is at 96% capacity according to WSP there is a shortage of pavements leaving disabled with wheelchairs and mothers with prams at the peril of traffic which at times mounts on what little pavement there is. It has been known for pedestrians to be brushed by passing vehicles. The GP Surgery moved out of the village 12 years ago and there is only 1 bus per hour that passes the Doctors but daytime only. There is a severe lack of other retail establishments to serve the villagers no groceries or fresh food for instance is available, residents have to travel out of the village to be able to carry on with their day to day lives. The village simply does not have room for any more cars, on street parking is at a premium and the historic nature of the village does not provide off street parking. T

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp561**

Site ref (if applicable): **LP0075**

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 development of site LP0075 Land at Laithe Croft Farm for several reasons, which are set out below. Main headings : Historic, Suitability of Stainland village, Highways, Sustainability, Justification, Green Belt Historic We believe the site, which is 0.32 hectares, should have already been filtered, as the

development area, which has been reduced by the Heritage Impact assessment, would take it below the site allocation threshold of 0.25 hectares. This would be in line with the practices for other filtered sites, such as LP0196. We note Historic England's current comment on the site. It is clear from this that the area of the site suitable for development is under the site size threshold of 0.25. The late release of the Heritage Impact Assessment, the failure to adjust the development area and Historic England's views coming to light mean this site should already have been filtered before being included within the Draft Published Local Plan. As such the site should not be developed. The site lies within the Stainland Conservation Area boundary (it is the only proposed site in Calderdale on Green Belt land that is within a Conservation Area). Policy HE1 of the Local Plan states: 'Regard should be given to Conservation Area Character Appraisals where one exists' Stainland was designated a Conservation Area 36 years ago, in 1982. It has no Character Appraisal. As mentioned, the Heritage Impact Assessment removes the southern part of the site from development, which begins to acknowledge the importance of the site to the Conservation Area. Firstly, however, we disagree with the allocation of the southern part of the site for gardens. This area would no longer have Green Belt protection and could be developed at a later stage. Laithe Croft Farm and the land around it was originally Green Belt, but sections have been removed in previous iterations of the Unitary Development Plan, in part due to new gardens and driveways. Secondly, we believe development of the remainder of the site, that adjoins Back Bowling Green Road, would be very visible along the ridge of the settlement, block the valued vista seen from within the settlement and change the character of the Conservation Area. Currently, a ring of mainly historic buildings lines the roads along the ridge. Larger development stops here and does not encroach into the wide-open countryside, respecting this unspoilt area which allows long-reaching views into Stainland's historic setting. New housing in fields would change the historic character and setting of the top of Stainland Conservation Area, which can be seen for miles. It would also lose the only open street vista (with views for miles) from within the periphery of the village. This is further reason why the site should not be developed.

**Suitability of Stainland Village** There has not been an appropriate and accurate assessment of the suitability and sustainability of Stainland village to provide housing 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; and there is poor service and facility provision.

**Highways/Pedestrian Safety** The site lies in Stainland village. 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). 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). Residents of any new properties on this peripheral site will need to travel through the restricted section of main road. The site leads on to a highway constrained by several junctions in close proximity to each other. A primary school is across the road from the site and there is no pavement here leading to the school and bus stops. This is by a junction which has severely restricted visibility, making it difficult for buses and vehicles to turn. All exit roads from the top of Stainland are narrow, restricted roads. The junctions of the B6112, which have been monitored in the transport assessment, are either below or above the restricted section through Stainland village. 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. We further object to the development of the site based on the above points.

**Sustainability/Transport** 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. NPPF 2018 Glossary refers to Town Centres as follows: '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. Car usage will be high, as cycling and walking are limited by steep topography. 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). Stainland is over 2km from a rail station and will be over 2km from the new Elland rail station. Poor sustainable transport would create a greater impact on the single lane and pedestrian safety. Development of the site would be in contradiction to the Government's aim to support sustainable patterns of development in the Green Belt. The Council's Technical Paper 'Exceptional circumstances for releasing the Green Belt' 2.5 refers to the 2018 NPPF: 2.5 '... 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 for the current purposes.' NPPF 2018 Para.138 '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 low level of sustainable transport provision for this site has not been correctly highlighted. For this site, the Local Plan has not demonstrated that first consideration has been given to land which is well-served by public transport. Development of the site would not achieve sustainable development. Justification of Need for the Site. NPPF Preparing and reviewing plans Para 31 says: 'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.' The 2016-based ONS projections, released this year, show major slowing of growth in Calderdale's population/households. Site LP0075 contributes to the current housing requirement figure of 12,600 (840 dpa). This figure is based on the New Government Standard Method (2014-based ONS). The latest ONS population figures, 2016-based, shows a slowing-down of the increase in Calderdale's population, which will be +8,652 by the end of the plan period (2018-2033). This is around 6,000 fewer people than were projected in the previous, 2014-based, ONS figures. Almost all of the increase is in the older population. There is no increase in the primary school age population and there is an overall substantial decline in the working-age population. The latest, 2016-based, household projections also show a slowdown, with a lower increase of approximately 7,000 properties. Based on the slowdown, Barton Willmore show that the New Government Standard Method for Calderdale will be 566 dpa. This equates to 8,490 dwellings over the plan period. (The latest ward level mid-year population estimates (experimental statistics) show an overall small decline in the Greetland & Stainland Ward.) This means a reduction in the housing requirement figure of over 4,000 dwellings which LP0075 is part of. We believe the site would be within the 4,000 reduction, given its Green Belt status and the points made in this overall comment. We therefore cannot see the justification for development of the site. Stainland Further Points Stainland has no GP surgery. 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 (several comments previously made on this). Stainland is approximately 2 miles from Elland centre and, importantly, along with Holywell Green, is separated from the urban area by Green Belt which retains the villages' status. Stainland and Holywell Green had a 10% increase of dwellings between 2000 and 2010 but their services and facilities declined. Site's Assessments Within the Green Belt Review, Green Belt Parcel Survey reference GB068-00 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 the site) within it. We disagree with certain decisions in the 2 Green Belt Reviews. Within the Flooding section of the current site assessment it says 'agreed in the public domain'. This is not the case, as can be seen from the many objections made during the Draft publication. Also in this section it says 'dwellings and commercial'. Commercial use on this site has never been proposed before. The site is not a mixed-use site. Policy SD7 says 'no other principal use will be permitted on allocated housing sites'. The site is in a peripheral location leading on to a constrained highway. Many of residents' key comments have not been addressed within the current site assessment. This includes comments (submitted on the Draft Local Plan) on the single lane in the village, pedestrian safety and poor services and facilities. Green Belt The new development line

would extend into an extensive open tract of Green Belt land. The two structures on the neighbour's property to the left are a greenhouse and a Nissen hut type building. The bottom section of the site has Green Belt on 3 sides (current UDP). The Local Plan carries out 2 types of Green Belt Reviews (only the methodology has been consulted on). The first Green Belt Review assesses large parcels of Green Belt around the settlements (Stainland's parcels are wider than village itself). The second is a Green Belt Review of the site. There is no further stage/assessment of the impact of new development on the main parcel. Development of this site would impact on the openness of this extensively open Green Belt valley. We believe the incursion into long-distance views would be such that the site should be protected from development in order to preserve the openness of the wider Green Belt. NPPF 2018 Para.144. points out that 'other harm' should be taken into consideration when attempting to achieve 'very special circumstances'. 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' We do not consider that the Local Plan has justified exceptional/very special circumstances for the release of the Green Belt land. Additional Green Belt Removal We object to the proposed removal of an extra area of Green Belt land that is adjacent (South/bottom left) to Site LP0075. This area of greenfield land is designated Green Belt in the current Replacement Unitary Development Plan (2006). It is not part of site LP0075's allocation area and no reason has been given for its removal (map attached). There has been no assessment of the land, including no Green Belt Review. It has not been consulted on. The parcel of land is within the Conservation Area boundary and is important to the character of the Conservation Area. It also preserves the rural aspect of the historic Laithe Farm building. The Heritage Impact Assessment states that the southwest of site LP0075 should remain free from development. The extra parcel of Green Belt that has been removed for no reason is directly adjacent to this area of land which should not be developed. We note the current comment by Historic England on the site, which highlights the importance of the southern part of land in this area. It says that the southern part of the site should not be developed or have a change of use from agriculture and considers it of a 'high sensitivity'. The parcel of unallocated Green Belt, which is to be removed, lies directly next to this area. Given these points, the land should retain its current designation as Green Belt land.

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

Duty to Co-operate Reason:

Suggested Modifications:

Retain the site and adjacent land as Green Belt land.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073986>

Comment ID **Lpp585**

Site ref (if applicable): **LP0075**

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 this site because of the following inaccuracies, inconsistencies, omissions and unexplained changes in the site survey. The site is within the impact risk zone of a Site of Special Scientific Interest, which has been omitted from the site's Sustainability Appraisal Report (unlike Site LP1470). Stainland has the only sites in Calderdale on Green Belt land that are either, within a Conservation Area boundary, or directly adjacent to one. The area of Green Belt to the bottom left of the site has been removed on the current proposals map. This is not part of the proposed site and there is no explanation for its removal. The current site assessment states preferred use for dwellings and commercial. Commercial purposes have not been suggested for the site before. The site has part of Stainland Conservation Area within it, but this fact is denied in the Green Belt Review, Green Belt Parcel Survey reference GB068-00 Purpose 4 which wrongly states 'No' to 'Is the land part of the setting of a historic place or settlement listed building or conservation area?' Stainland was designated as a conservation area 36 years ago but unlike other conservation areas in Calderdale has never been given a Character Appraisal. Policy HE1 of the Local Plan says 'Regard should be given to Conservation Area Character Appraisals where one exists' the site, which is 0.32 hectares, would be under the site size threshold of 0.25 hectares, once the mitigation measure of removing land given in the Heritage Impact Assessment has been taken into account. The site forms part of important and very far reaching views in and out of the conservation area that cannot be mitigated for as the site survey suggests

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

Duty to Co-operate Reason:

Suggested Modifications:

Green belt land and the conservation area should be protected

Additional Evidence Link:

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Comment ID **Lpp679**

Site ref (if applicable): **LP0075**

Person ID: **953332**

Name: **Mr Lee Copley**

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 is a small village that is serviced by only one road, a road that is poorly maintained with existing volumes of traffic. In parts the road becomes difficult for vehicles to negotiate due to the 'pinch point' formed as a result of historic buildings which retain the character of the local area. The narrowing of the road to a single track only causes safety issues for pedestrians as vehicles mount the pavement in order to pass each other. According to the WSP Stainland Road is at 96% capacity, therefore any increase in housing within the Stainland area only promotes the increase in vehicles and traffic flows. The outcome is more

congestion, an increased risk to pedestrians and road users. The village does not have doctors or dentists and there is a severe lack of other retail establishments to serve the villagers, despite Stainland being promoted as a Local Centre. With the lack of amenities means that residents have to travel out of the village to be able to carry on with their day to day lives. The village simply does not have room for any more cars, on street parking is at a premium and the historic nature of the village does not provide off street parking. The village of Stainland is the only green belt site that lies inside a Conservation area in Calderdale which is being considered for building. No consideration has been given to the Conservation Area character as per Policy HE1 of the Local Plan which states regard should be given to a Conservation Area Character Appraisal where one exists. Planning to build within a Conservation Area completely contradicts the reason for having land designated for protection and for this reason alone LP0075 should not be permitted for development whatsoever.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp689**

Site ref (if applicable): **LP0075**

Person ID: **1183575**

Name: **Mr Stewart Lawson**

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 object to the totally inaccurate portrayal of Stainland as a village in the Local Plan. Stainland is promoted as a local centre. It is in fact a Neighbourhood centre in the Retail hierarchy and the fact that there is no food shop, Post Office or GP surgery is omitted from the local plan. Equally acknowledgement of the fact that there is a single lane surrounded by historic buildings with the creation of a safety hazard in the form of vehicles being forced to mount pavements has been lacking. There is also issues such as removal of wild life corridors and the special landscape area close to the M62 is also unacknowledged. That this is a special conservation area has not been given the importance that it receives in other areas.

Additional Evidence Link:

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Comment ID **Lpp699**

Site ref (if applicable): **LP0075**

Person ID: **1130444**

Name: **Miss Katie Hill**

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 don't believe the plan to be sound as it has not taken several matters into account with regards the completion of the green belt review. 1 - For the purposes of the green belt review it was put down as not being in a conservation area - it lies within Stainland conservation area as stated in the rest of the plan documentation. 2 - The whole site was said to be surrounded by development on three sides however this only applies to the smaller northern half of the site and the southern half is currently surrounded by green belt. Thus a large proportion of the site does not satisfy the requirement any development here would be surrounded on 3 sides by greenbelt. Therefore the southern half of the site should not be considered suitable for development to stop encroachment on greenbelt. The boundary should therefore run from the farmhouse building of Laithe Croft farm to the Boundary of Valley View.

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

Duty to Co-operate Reason:

Suggested Modifications:

When considering the site for development the site should be reduced to only be for the northern part of the site. The northern part of the site should then be looked at to see if it still complies to be considered as a part of the local plan in its own right

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074031>

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Comment ID **Lpp855**

Site ref (if applicable): **LP0075**

Person ID: **1183604**

Name: **Ms Susan Halliday**

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 plot of land, measuring 0.32 hectares, may fall below the site threshold of 0.25 hectares once mitigation measures of removing land in the Heritage Impact Assessment are carried out. The Heritage

Impact Assessment states that the southwest of site LP0075 should remain free from development. The extra parcel of adjacent Green Belt that has been removed for no reason is directly adjacent to this area of land which should not be developed. The parcel of land is also within the Conservation Area boundary and is important to the character of the Conservation Area. I also note that: Stainland has the only sites in Calderdale on Green Belt land that are either, within a Conservation Area boundary, or directly adjacent to one. Stainland was designated a Conservation Area 36 years ago but does not have a Conservation Area Character Appraisal. Policy HE1 of the Local Plan says 'Regard should be given to Conservation Area Character Appraisals where one exists' Within the Green Belt Review, Green Belt Parcel Survey reference GB068-00 Purpose 4 states 'No' for 'Is the land part of the setting of a historic place or settlement listed building or conservation area?' As the parcel has part of Stainland Conservation Area within it, this is clearly incorrect. The site is within the impact risk zone of a Site of Special Scientific Interest, which has not been included within the site's Sustainability Appraisal Report (unlike Site LP1470). There is no pavement across the road on the corner of Bowling Green School leading to the school and bus stops. I 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 housing 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; and there is poor service and facility provision. Many comments on these important issues were made on the 2017 Draft Local Plan but these have not been properly addressed within the site assessments. Roads/Pavements 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). 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 and the parish area. 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. On-street parking is important to residents, as the historic buildings do not provide off-street parking. 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. NPPF 2018 Glossary refers to Town Centres as follows: '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: Future developed Green Belt sites will create travel for most things, as they are poorly sustained in Stainland village Car usage will be high as cycling and walking are limited by steep topography and buses are infrequent. This in turn will create a greater impact on the single lane and pedestrian safety.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically congestion, road safety issues, on-street parking and pollution.
2. Infrastructure - Lack of existing amenities, services and facilities in the local area e.g. doctors and shops whilst accessibility is limited due to lack of public transport with topography acting as a constraint on active modes of travel.
3. Heritage - Heritage Impact Assessment undervalued contribution site makes to character of Stainland Conservation Area with northern part of site of 'medium sensitivity' and southern portion of 'high sensitivity' and no development should be allowed here.
4. Site Size - Developable area below 0.25ha threshold given Historic England comments and therefore the site should be filtered.
5. Housing Requirement Figure - The latest (2016) household projections show lower household growth for Calderdale and if used sites such as LP0075 would be excluded.
6. Green Belt- Green Belt Assessment is incorrect as for Parcel GB068-00 it states under Purpose 4 that the land is not part of the setting of a historic place or settlement, listed building or conservation area.

Council's Response:

1. The Council's Highways Development Management Section consider that site access is achievable from Back Bowling Green Lane, and there appears to be sufficient frontage to accommodate appropriate visibility splays. It is deemed that there is unlikely to be any unacceptable impact on the local or strategic road network.  
A Transport Statement will be required with any forthcoming planning application.
2. The site has very good access to a range of services and facilities, including being less than 400m from a bus stop with a service at least every 30 minutes.  
In terms of the provision of infrastructure, the Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.
3. A Heritage Impact Assessment (HIA) has been carried out in order to assess the impact of development on the Stainland Conservation Area. The Council considers the HIA adequately assesses the impact of development on the Conservation Area and suggests any mitigation measures that may be required.  
Further consultation with the Council's Conservation Team and the Corporate Lead of Planning regarding impact of development on the Conservation Area resulted in an amendment being made to the HIA. Please refer to HIA LP0075 for a detailed assessment. The report assessed the site as having part low, part medium impact.
4. The developable area of the site is 0.32 and is therefore above the site size threshold for allocation.

5. 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. The Plan will meet the housing need of the Borough for a period of 15 years. The Plan period is therefore 2018/19 - 2032/33. As the most up to date figures relating to the affordability factor were being used, these take into account any under supply over recent years.

The Council's response to the Inspector's Pre-Hearing Note 1, Question 5, elaborates on the reasoning behind the Council's decision to base the housing requirement on the Standard Method (App 1.5 to PHN 1).

6. The Green Belt Review Parcels do not directly relate to the individual sites that have been proposed for allocation in the Publication Draft Local Plan. Using the same methodology as the Green Belt Review, proposed development sites in the Local Plan that are located in the Green Belt were assessed against the Green Belt purposes in the NPPF using the boundaries of the site itself.

The site specific assessment records the site as forming part of a Conservation Area (purpose IV, Q1).

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Remove the site from the Local Plan in order to protect the Green belt and the Stainland Conservation Area.

2. Reduce the size of the site to exclude the area currently identified as being of 'Medium Sensitivity' in the Heritage Impact Assessment.

3. Delete the penultimate Site Specific Consideration and replace with:

"Development should reflect the linear form of this part of the village and be limited to the road frontage only"

"Development should be designed to give views from Back Bowling Green Road between any buildings of the surrounding countryside"

"The site boundary walls should be retained and repaired"

Council's Response:

1. A Heritage Impact Assessment (HIA) has been carried out in order to assess the impact of development on the Stainland Conservation Area. The Council considers the HIA adequately assesses the impact of development on the Conservation Area and suggests any mitigation measures that may be required. 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. 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.

2. Where adverse impacts have been identified, and subject to the nature of the asset and the potential

impact, consideration has been given to a range of mitigation measures with a view to removing or reducing the harm to the heritage asset. The HIA has assessed the impact on the significance of the Stainland Conservation Area with mitigation in place as minor. As such, it is not considered appropriate to reduce the developable area of the site.

3. The Council considers the HIA adequately assesses the impact of development on the Conservation Area and suggests any mitigation measures that may be required.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP0146 - New Housing Site - Elland

### Representations

Comment ID **APX1020**

Site ref (if applicable): **LP0146**

Person ID: **1182631** Name: **Mr Richard Payne** 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:

This area is green belt and an open space which has been used by the general public for many years. It is within Stainland conservation area close to St Andrews church, a listed building, and has limited access. Church lane is an ancient byway which has been affected by increase if heavy traffic from this site. This has resulted in fears for pedestrian safety. The wildlife area suffers from poor service poor service and facilities with full local schools. There is an infrequent bus service to the 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:

Comment ID **APX1075**

Site ref (if applicable): **LP0146**

Person ID: **358528** Name: **Mr David Weston** 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:

General comment regarding Stainland due to the historic nature of Stainland a large majority of the housing has no private parking facility. Therefore Stainland Road is one lane filled with parked cars. In the village the queues of stationary cars is becoming a safety issue & the pollution levels certainly require

assessing. This has not been taken into account when further housing is being considered. Safety hazard of vehicles mounting pavements have not been taken into account. This applies directly to LP0075/LP0146.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1077**

Site ref (if applicable): **LP0146**

Person ID: **1129718**

Name: **Mr Malcolm James**

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:

This site is not appropriate for development. It borders the Stainland Conservation Area and is close to the Grade II Listed St Andrews Church. There is no really practical access to the site. There is a single-track unsurfaced route, Church Lane, which passes the church and graveyard. The other potential is along West View which is effectively a single carriageway due to the number of parked vehicles. The housing is modern, but the properties rather close together and inadequate space given when they were built, to take vehicles off the road. The main road through Stainland has a very narrow section where frequently vehicles mount the pavement to pass each other. I feel this hazard has not been adequately considered. The response that the "cumulative traffic is being assessed by the Council using the strategic model" is not acceptable as a comment linked to the retention of this site in the Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1230**

Site ref (if applicable): **LP0146**

Person ID: **960161**

Name: **Miss Lucy Hawley**

Organisation: **Highstone Homes**

Agent ID: **1185594**

Name: **Mr Mark Johnson**

Organisation: **Managing Director Johnson**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Comments made in relation to LP1109 - 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>

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Comment ID **APX422**

Site ref (if applicable): **LP0146**

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:

Need to add requirement for a Heritage Impact Assessment on the Conservation Area, to the Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX667**

Site ref (if applicable): **LP0146**

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:

This site lies adjacent to Stainland Conservation Area and the development of this site could impact upon the setting of the Grade II Listed St Andrews Church to the south. The Heritage Impact Assessment considered that development would change the character of the adjacent field, and glimpsed views of the development may be possible through the tree belt but impact is minimal and limited due to severance by mature trees and adjacent layout of adjacent housing. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. The Heritage Impact Assessment put forward a number of measures to ensure that any development on this site minimised the potential impact upon the adjacent Conservation Area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0146 amend the fourth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

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Comment ID **APX907**

Site ref (if applicable): **LP0146**

Person ID: **954067**

Name: **Mrs Paula Charnock**

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 THIS APPLICATION TO BUILD THESE HOUSES Highways I have examined the plans and I know the site well. I wish to object strongly to the development any houses at this location, Stainland Road has single lane traffic which already suffers from gridlock on a daily basis, the access to West View and The Crescent from Stainland Road is on a blind bend and the extra volume of traffic would be a hazard to all people who walk and drive in and through the village. There would be a massive increase of vehicles in the village. The congestion on Stainland Road everyday is already beyond reasonable, to consider building more houses in the village would be irresponsible. Over the years there the bus service through Stainland has been reduced so people usually travel by car for most things Ecology Stainland is a village not a town and it would be a travesty to build in this small Village. I often see the wildlife (birds and Mammals) from The Furs and Eaves top wood in the proposed area and I am certain that this would be devastating to their lives and Habitats Business and Economy There are no shops in Stainland as they have closed over the years There is a Lack of amenities, services and facilities There are no Jobs in Stainland and no capacity in Schools for the new families Environmental Health The increase in Houses in Stainland would cause a massive increase in air pollution just by the excessive number of cars alone Brown Belt alternatives nearer to the town need to be looked at more closely and developed rather than out of town fields, wildlife areas and Green Belt land. Additional comments The Village already has Bradley View with 120 houses that where built around 1996, Buxstones Close with 16 new houses and Burwood Court with 32 homes(which I believe is termed a Brownfield Site and was a great use of an old mill) there have been other new builds throughout the village ie. Fall spring Green, Dene Royd Close, Portman Close, Towing Way ect. The Houses will obviously bring more children to the village and the schools will be unable to accommodate them, the people who buy these houses will not be locals and will have to travel to work, more than likely the children will be schooled out of the village so they will have to be transported to School which will mean yet more traffic. Also I have noticed that our Wildlife Corridors have been greatly reduced with no explanation in the Local Plan or its background documents. A large part of our Special Landscape Area has been removed close to the M62. Stainland Conservation Area is not being given proper recognition, unlike some of the other Conservation Areas. The Local Plan Infrastructure document shows us as still having a GP and a Community Centre. Please can this be investigated.

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 **APX962**

Site ref (if applicable): **LP0146**

Person ID: **1128025**

Name: **Mr Karl Lawson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I object to inaccurate portrayal of Stainland Village in the Local Plan.

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

Sound Reason:

I object to: Single lane (due to historic building) not having been taken into account. Safety Hazard of vehicles mounting the pavements Previous comments not been responded to. Removal of wildlife corridors. Conservation areas not been given the same importance in the other areas.

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

Duty to Co-operate Reason:

Previous relevant comments not responded to and I object to an inaccurate portrayal of stainland Village in the Local Plan.

Suggested Modifications:

Inaccurate portrayal of Stainland Village in the Local Plan, Stainland promoted as a local centre which it is not as is does as it does not have its own GP Surgery, Food Shops, or Post Office.

Additional Evidence Link:

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Comment ID **APX963**

Site ref (if applicable): **LP0146**

Person ID: **1183575**

Name: **Mr Stewart Lawson**

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:

There are serious issues here. Firstly, the failure to acknowledge that Stainland village consists of a single lane forcing vehicles to mount pavements is a serious health and safety hazard for pedestrians, including children going to and leaving Bowling Green School. Secondly, Stainland is promoted as a local centre when in fact it is a neighbourhood centre in the Retail Hierarchy since it does not possess a food shop, post office or GP surgery, in addition to which it has poor sustainable transport - all this is NOT shown in the local plan.

Additional Evidence Link:

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Comment ID **Lpp1160**

Site ref (if applicable): **LP0146**

Person ID: **960869**

Name: **Stonebridge Homes**

Organisation:

Agent ID: **691692**

Name: **Ms Lucie Jowett**

Organisation: **Senior Planner Barton Willmore**

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:

LP0146 - Land to the west of West View, Church Lane, Stainland, Elland 4.48 Site LP0146 scores more poorly than our Client's Site against the SA Objectives. In addition to this, it also performs more strongly against the five purposes of the Green Belt. 4.49 Site LP1019's allocation ahead of our Client's Site is therefore unsound. 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/5086522>

Comment ID **Lpp1286**

Site ref (if applicable): **LP0146**

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 for context of comments: We question the deliverability of this site on the basis of the access, which appears from the site plan and from google images, to be more of a track, and unsuitable for a residential development of 30 dwellings. Identified constraints (conservation area and flood storage area) cast further doubt. Furthermore, there is an application currently pending consideration (17/00408/FUL) for 'Change of use from agricultural land to mixed use of agricultural land with yard area, stable block (part used as utility block), stationing of caravans for residential occupation by Traveller family with associated works (hardstanding, fencing, walls, septic tank, alterations to access with entrance gates, electricity box and gas tank)- (part retrospective)'. The applicant is identified as the landowner on the

forms and as such the site cannot be considered available for residential use. The Housing Technical Paper suggests a delivery in year 14 (2031)

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>

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Comment ID **Lpp1340**

Site ref (if applicable): **LP0146**

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 for context of comments: We question the deliverability of this site on the basis of the access, which appears from the site plan and from google images, to be more of a track, and unsuitable for a residential development of 30 dwellings. Identified constraints (conservation area and flood storage area) cast further doubt. Furthermore, there is an application currently pending consideration (17/00408/FUL) for 'Change of use from agricultural land to mixed use of agricultural land with yard area, stable block (part used as utility block), stationing of caravans for residential occupation by Traveller family with associated works (hardstanding, fencing, walls, septic tank, alterations to access with entrance gates, electricity box and gas tank)-(part retrospective)'. The applicant is identified as the landowner on the forms and as such the site cannot be considered available for residential use. The Housing Technical Paper suggests a delivery in year 14 (2031)

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>

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Comment ID **Lpp397**

Site ref (if applicable): **LP0146**

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:

Site LP0146 Land to the West of West View, Church Lane, Stainland The site is occupied by a traveller family which is unauthorised and has been unresolved for a number of years. The site is adjacent to Stainland Conservation Area. We are unclear why this site was originally put forward in the Local Plan for development. The Council identified the site during an urban study. However, the original site consisted mainly of Green Belt land and the amended site is now all Green Belt land. The land includes an area of rural open space. The previous Site Assessment stated a Call for Sites submission had not been received from the owners, so we are unclear whether this is a valid proposal. Church Lane, which runs along the edge of the site, is an important ancient by-way, which should be taken into account. There are concerns about the amount of additional traffic from 31 dwellings having to travel through the estate of West View. We also ask the Inspector to take into account the objection in relation to Stainland village. Stainland & District Parish Council makes the following 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 housing 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; and there is poor service and facility provision. Many comments on these important issues were made on the 2017 Draft Local Plan but these have not been properly addressed within the site assessments. Roads/Pavements 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). The road is shown to be at 96% volume to capacity in 2014 in the eastward direction (source: WSP map - attached). 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 and the parish area. 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. On-street parking is important to residents, as the historic buildings do not provide off-street parking. The Parish Council believe it is important to protect adequate road capacity and parking for existing residents. Photos of the above are attached. 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. NPPF 2018 Glossary refers to Town Centres as follows: '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: Future developed Green Belt sites will create travel for most things, as they are poorly sustained in Stainland village Car usage will be high as cycling and walking are limited by steep topography and buses are infrequent. This in turn will create a greater impact on the single lane and pedestrian safety. We would be grateful if the Inspector would ensure that these important points are taken into account for any future decisions on developing Green Belt land around the village, either at this consultation or future reviews of the Local Plan. We hope that our comments have given the Inspector a clearer picture of our area. Further points Stainland has no GP surgery. 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 (many comments have

previously been made but not taken into account). Also, many comments on the poor services and facilities in the area have not been properly addressed within the current site assessments. There is 1 bus per hour to the GP surgery at West Vale (no service after 4.40pm). There is 1 bus per hour to a town centre within 15 minutes (Elland). The distance to the proposed new Elland rail station from Stainland and Holywell Green will be over 2km. Stainland is approximately 2 miles from Elland centre and importantly, along with Holywell Green, is separated from the urban area by Green Belt which retains the villages' status 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. Any development now and in the future would be on Green Belt land. Stainland has the only sites in Calderdale on Green Belt land that are either within a Conservation Area boundary or directly adjacent to one. Unlike many of Calderdale's Conservation Areas, Stainland has no Conservation Area 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'. An aim of the Parish Council is to maintain its villages' status and the historic importance of the area, in particular, Stainland Conservation 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: <http://calderdale-consult.objective.co.uk/file/5067557>

Comment ID **Lpp431**

Site ref (if applicable): **LP0146**

Person ID: **956203**

Name: **Ms Lesa Rhodes**

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 area should be retained as green belt land. Concerns about the additional traffic from 31 dwellings. The main road in Stainland is restricted to a single lane. The road is already shown to be at 96% volume to capacity. Cars often mount the pavement to be able to pass through creating a safety issue for pedestrians. There is a lack of pavements in several parts of Stainland leaving pedestrians, wheelchair users and pushchairs in a vulnerable position when walking through the village. Extra housing bringing extra cars will bring an even greater risk. Stainland is shown as having a GP in the village but this is no longer the case. There are also no food shops. The bus to access these services runs once an hour. Stainland conservation area does not seem to have been given the same importance as other areas.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp464**

Site ref (if applicable): **LP0146**

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 this site as it has been taken over and occupied by a family of travellers and has unresolved matters going back several years. The site runs along side of an ancient by-way, is also in Stainland Conservation area and is green belt land. The road through Stainland is at times a single track road and vehicles frequently mount what pavements there are in an effort to get from one end of the village to another. Stainland village suffers from a lack of on street parking and the historic heritage of the buildings do not provide off street parking. Residents both disabled and mothers with young children have to struggle to walk through the village due to poor pedestrian access and pavements. It is not unknown for pedestrians to be brushed by cars when walking through the village. The site LP0146 will generate extra traffic via West View which leads out onto the very busy nearly full to capacity road. It is clear that this site is not sound 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:

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Comment ID **Lpp579**

Site ref (if applicable): **LP0146**

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 because this site has been gradually built on without planning permission over several years - an issue which has still not been resolved. The plot is in green belt and next to the conservation area of Stainland. The land includes an area of rural open space and Church Lane at the edge of the site, which is an important ancient by-way, it's unclear if a submission was ever received from the owners, so this may not be a valid proposal. The amount of traffic generated by the proposed housing will cause real issues of access and safety through the West View estate. Stainland has taken large amounts of housing development over the past 10 years whilst losing facilities such as shops and the doctor's surgery. The single lane part of the B6112 was assessed at 96% volume to capacity in 2014 and would not cope with extra traffic generated by further development here or through traffic from near by areas.

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

Duty to Co-operate Reason:

Suggested Modifications:

Green belt land and the conservation area should be protected

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5071971>

Comment ID **Lpp680**

Site ref (if applicable): **LP0146**

Person ID: **953332**

Name: **Mr Lee Copley**

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:

Stainland village is small and generally linear, serviced by only one road that is poorly maintained with the current volumes of traffic. In parts the road becomes difficult for vehicles to negotiate due to the 'pinch point' formed as a result of historic buildings which retain the character of the local area. The narrowing of the road to a single track only causes safety issues for pedestrians as vehicles mount the pavement in order to pass each other. According to the WSP Stainland Road is at 96% capacity, therefore any increase in housing within the Stainland area only promotes the increase in vehicles and traffic flows. The outcome is more congestion, an increased risk to pedestrians and road users. The village does not have doctors or dentists and there is a severe lack of other retail establishments to serve the villagers, despite Stainland being promoted as a Local Centre. With the lack of amenities means that residents have to travel out of the village to be able to carry on with their day to day lives. The village simply does not have room for any more cars, on street parking is at a premium and the historic nature of the village does not provide off street parking. The village of Stainland is the only green belt site that lies inside a Conservation area in Calderdale which is being considered for building. No consideration has been given to the Conservation Area character as per Policy HE1 of the Local Plan which states regard should be given to a Conservation

Area Character Appraisal where one exists. Planning to build within a Conservation Area completely contradicts the reason for having land designated for protection and for this reason alone LP0075 should not be permitted for development whatsoever.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp691**

Site ref (if applicable): **LP0146**

Person ID: **1183575**

Name: **Mr Stewart Lawson**

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:

Describing the nature of the village inaccurately and ignoring pertinent health and safety issues relating to infrastructure needs to be re-examined. Similarly, you have a legal obligation to respond to previous comments which has not been fulfilled and similarly you have been remiss with regards to recognition of the fact that Stainland is in a conservation area in the same sense that other areas have been so recognised.

Additional Evidence Link:

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Comment ID **Lpp791**

Site ref (if applicable): **LP0146**

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 site abuts the boundary of Stainland Conservation Area and is adjacent to the historic Grade 11 listed building of St Andrew's Church. It is wholly on Green Belt land which provides the rural setting of the centre of the Conservation Area village and its church. As the linear village lies on a hilltop, this site can be seen from across the valley. It is also an important setting viewed from the footpath adjacent. The site is occupied by a traveller family which is unauthorised and has been unresolved for a number of years. We are unclear why this site was originally put forward in the Local Plan for development. The Council identified the site during an urban study. However, the original site consisted mainly of Green Belt land and the amended site is now all Green Belt land. The land includes an area of rural open space. The previous Site Assessment stated a Call for Sites submission had not been received from the owners, so we are unclear whether this is a valid proposal. With regard to the Open Space area, a long-standing resident says that tennis courts used to be on that piece of land, which were used by local people Church Lane, which runs along the edge of the site, is an important ancient by-way. This Public Right of Way should be taken into account and protected. This would comply with NPPF (2012) para 75 for the protection of Public Rights of Way. Please also see our comment submitted on Stainland village.

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

Duty to Co-operate Reason:

Suggested Modifications:

We believe the Inspector is best able to decide the appropriate way forward for this site, based on any comments made.

Additional Evidence Link:

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Comment ID **Lpp841**

Site ref (if applicable): **LP0146**

Person ID: **1183604**

Name: **Ms Susan Halliday**

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 has not been an appropriate and accurate assessment of Stainland village's suitability to provide housing on greenbelt land. The site is adjacent to Stainland conservation area. It is rural greenbelt land. Church Lane, which runs alongside the site, is an ancient by-way. Traffic from the site would need to travel through the nearby estate of West View; access is limited due to cars parked on the roads. Stainland's main road (B6122) is reduced to single lane at a pinch point in the centre of the village. Further congestion is caused due to other pinch points being created by the need for residents to park their cars along the main

road, as older buildings do not have driveways or garages. In a previous study this road was shown to be at 96% capacity. Throughout much of the village there is no continuous footpath which creates safety issues for pedestrians. This is exacerbated by vehicles mounting the pavements at pinch points. Stainland has no shops. The bus service is limited. Most residents rely on cars to access shops and other services such as GP surgery. The GP surgery in Stainland closed 10 years ago, however is still shown on the Infrastructure Development Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically congestion, road safety issues and on-street parking.  
Site Access - Site access is unsuitable for a site of this size, due to approach being a track.
2. Availability – Site should not be considered available for development.
3. Site Selection – Assessment of other sites in relation to Green Belt function and Sustainability Objectives means they should be allocated ahead of this site.
4. Heritage - The site borders Conservation Area and Grade II Listed Church and ancient byway.  
Recommendations in HIA should be 'required' in order to be effective.
5. Infrastructure - Lack of existing amenities, services and facilities in the local area e.g. doctors and shops, schools full and no jobs.  
Accessibility - Accessibility limited as Stainland not well served by public transport whilst topography is a constraint on active modes of travel. More than 2km from the proposed new railway station in Elland.
6. Landscape – Site visible from across the valley and adjacent footpath.
7. Open Space - Loss of open space.
8. Ecology - Impact on wildlife.

## 9. Air Quality - Impact of development on air pollution

### Council's Response:

1. In terms of highway considerations, the Highways Development Management Section has deemed that the site is developable from an access point of view with junction mitigation possibly being required depending on the results of the full Transport Assessment and operational assessment of the local road network. It has been noted that the Church Lane junction with Stainland Road is not suitable for intensification so measures would be needed to discourage its use so that traffic uses West View. In light of several comments on network constraints in the immediate area, particularly Church Lane and West View, the Transport Assessment will address any impacts on the immediate area and identify any necessary road layout changes.

2. A significant amount of work has been undertaken with regards to the availability of the Allocated Housing Sites, and where the landowners have informed the Council that the site is unavailable, it has not been allocated. The site is considered to be available.

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.

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.

4. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

5. The site is sustainable in terms of its proximity to local services and facilities, including being less than 400m from a bus stop and less than 15 minutes journey time to a town centre.

In terms of the provision of infrastructure, the Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

6. The site is not situated within a Special Landscape Area. However, chapter 20 of the Local Plan contains a Landscape Character policy which ensures that new development is designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated.

7. In terms of the loss of Open Space, the site is part of a larger area used for grazing which extends into the Green Belt and was rated as high quality and value in the Open Space Study. The surrounding Green Belt is also grassland. There is an adequate supply of other open space typologies of a similar size in the area. Despite its high quality and value rating the loss of this site would have little impact on open space in the

area.

8. The Conservation Section (Ecology) has noted that the site consists of semi-improved grassland and that there are unlikely to be any adverse ecological impacts of development.

9. The impact of road traffic emissions on the residential development itself would not be expected to be significant, and no breach of the air quality objectives for nitrogen dioxide and particulate matter is expected on site.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Amend fourth Site Specific Consideration to read:-  
"Implementation of the mitigation measures set out in the Heritage Impact Assessment".

Council's Response:

1. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP0978 - New Housing Site - Elland

### Representations

Comment ID **APX1052**

Site ref (if applicable): **LP0978**

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:

This policy could be strengthened by ensuring there is a consistency in identifying the CWHN locations, along with LWS. The site must be subject to a PEA and protected species surveys along with a thorough assessment of impacts to the LWS and proposals for mitigation (including sensitive landscape plan). Areas of grassland should be retained and managed in the long term through an Ecological Management Plan (EMP) to achieve net gain in biodiversity.

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 **APX27**

Site ref (if applicable): **LP0978**

Person ID: **1177913**      Name: **Mr Barry Crossland**      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 lived at Old Earth for 30 years and during that time hundreds of new houses have been built in the area. Motor traffic has increased and the environment has deteriorated. Noise levels are so bad that I rarely open my front windows. My wife was fit and healthy before moving into my property. Now she has a

persistent cough. Other environmental indicators are, frogs in my pond are 90 percent down, greenfinch no longer come into my garden, red admiral and peacock butterflies are absent this year. Additional housing will increase the environmental degradation. The local community cross the site in going to Cromwell Bottom. This walk is the most frequently used walk by my wife and myself. The site is the only area in which the local community can access the countryside without using a car. The site is also greenbelt and should be sacrosanct. Otherwise, the classification is meaningless. Climate change is disrupting food supplies and the UK imports over one third of its food. With such vulnerability all our land should be conserved. Adjacent to this site is brownfield land of the former brickworks. If housing is to be built brownfield sites should be used first.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX423**

Site ref (if applicable): **LP0978**

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:

Need to add Heritage Impact Assessment on Listed building to supplement Archaeological evaluation mentioned, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX668**

Site ref (if applicable): **LP0978**

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 barn fronting Appletree farm, opposite this site, is a Grade II Listed Building. The Heritage Impact Assessment considered that development would change the character of the adjacent fields, but impact is minimal and limited due to severance by Lower Edge Road. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. The Heritage Impact Assessment put forward a number of measures to ensure that any development on this site minimised the potential impact upon this Listed Building. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0978 amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

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Comment ID **APX743**

Site ref (if applicable): **LP0978**

Person ID: **1183287**

Name: **P & J Boyle & Son**

Organisation:

Agent ID: **1139605**

Name: **Mr Stephen Sadler**

Organisation: **Walker Morris Solicitors**

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: <http://calderdale-consult.objective.co.uk/file/5072867><http://calderdale-consult.objective.co.uk/file/5106544><http://calderdale-consult.objective.co.uk/file/5106542>[http://calderdale-consult.objective](http://calderdale-consult.objective.co.uk/file/5106543)

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Ecology – Preliminary Ecological Appraisal and Protected Species Report required. Full assessment of impacts on the Local Wildlife Site needed. Mitigation proposals and Ecological Management Plan required.
2. Heritage - Barn fronting Appletree farm is a Grade II Listed Building. Recommendations in HIA should be 'required' in order to be effective.
3. Site Selection – prioritise brownfield sites such as the adjacent site.
4. Air Quality - Impact of development on air pollution.
5. Accessibility– Provides walking access to Cromwell Bottom with development impacting on health and well-being.

Council's Response:

1. In terms of ecological impacts, West Yorkshire Ecology, when consulted previously commented that species rich semi-improved grassland (UK BAP Priority habitat) is present across most of site and recommended that the entire site be removed from the list of allocations. In response, the agent acting on behalf of the landowner submitted an Extended Phase 1 Habitat Survey. However, this was carried out in February, a suboptimal time of year at which it is not possible to identify all the grassland species present. The whole of the site is identified as part of the Wildlife Habitat Network and Strangsty Wood Local Wildlife Site and Cromwell Bottom Local Nature Reserve/Local Wildlife Site lie in close proximity. As such, the Council's Conservation Section (Ecology) has concerns about development of this site. These concerns are noted; however, there is a shortage of sites available to meet housing needs in Elland and this site has a good relationship to the existing built form of the settlement. Furthermore it is considered that there is scope to retain habitat within the site as part of development and also offset impact by creating new habitats on the Council owned land at Cromwell Bottom.
2. A Heritage Impact Assessment has been carried out in order to assess the impact of development on any heritage assets. There is a grade II listed barn associated with Appleyard Farm adjacent to south boundary

of the site. It is considered however that while development would change the character of the adjacent fields, the impact is minimal and limited due to severance by Lower Edge Road. In addition, an archaeological evaluation has been recommended in light of a site of a possible medieval settlement. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

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.

4. Environmental Health has not raised any concerns in terms of the impact of development on air pollution levels in the area. However, the Low Emissions Strategy (2017) EV03; Air Quality Action Plan (2018) EV03 and Air Quality Technical Paper (2018) EV04, contain strategies and actions plans which are working together to help reduce and manage emissions and improve air quality.

5. Chapter 12 of the Local Plan (Health and Well Being) and guidance contained within the NPPF highlight the role of the planning system in supporting health, social and cultural wellbeing and creating healthy, inclusive communities.

Where sites contain public footpaths, schemes will be expected to incorporate this in their layout, or if ultimately necessary, arrange for a suitable diversion.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## **Suggested Modifications**

1. Ecology - Undertake Preliminary Ecological Appraisal and Protected Species Report. Provision of mitigation proposals and Ecological Management Plan.

2. Heritage - Amend second Site Specific Consideration to read:-  
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. In terms of ecological impacts, West Yorkshire Ecology, when consulted previously commented that species rich semi-improved grassland (UK BAP Priority habitat) is present across most of site and recommended that the entire site be removed from the list of allocations. In response, the agent acting on behalf of the landowner submitted an Extended Phase 1 Habitat Survey. However, this was carried out in February, a suboptimal time of year at which it is not possible to identify all the grassland species present. The whole of the site is identified as part of the Wildlife Habitat Network and Strangsty Wood Local Wildlife Site and Cromwell Bottom Local Nature Reserve/Local Wildlife Site lie in close proximity. As such, the Council's Conservation Section (Ecology) has concerns about development of this site. These concerns are noted; however, there is a shortage of sites available to meet housing needs in Elland and this site has a good relationship to the existing built form of the settlement. Furthermore it is considered that there is scope to retain habitat within the site as part of development and also offset impact by creating

new habitats on the Council owned land at Cromwell Bottom.

2. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1030 - New Housing Site - Elland

### Representations

Comment ID **APX1050**

Site ref (if applicable): **LP1030**

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:

Although we encourage the planting of locally native species, we feel this policy could be strengthened by requesting a PEA and associated protected species surveys, along with sensitive landscape schemes (including SuDs) and lighting plans to protect the CWHN. This should include retention of BAP habitat on site and proposals for achieving a net gain in biodiversity

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 **APX1231**

Site ref (if applicable): **LP1030**

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:

Comments made in relation to LP1109 - 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>

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Comment ID **APX35**

Site ref (if applicable): **LP1030**

Person ID: **1178519**

Name: **Mrs Pamela Whiteley**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

South Parade is narrow and the road is in poor condition at present ,and will not tolerate the extra amount of traffic these additional houses will create.It will be unsafe for the large amount of elderly people who live in this area ,as already the current traffic is busy. No gritting is done in this area and when freezing or snowing the road is very dangerous. We do not want a through road either as this will become a "rat run"

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:

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Comment ID **APX38**

Site ref (if applicable): **LP1030**

Person ID: **1176662**

Name: **Miss Maureen Thornton**

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 road leading up this this site is not sturdy enough to take additional traffic.

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

Duty to Co-operate Reason:

South Parade is mostly a single lane road due to the curves in the road, the banking to the left (travelling towards Maple Fold) and the parking of cars on the roadside below Dene Close. The banking is already unsafe with soil and rubble constantly falling into the road, therefore any additional traffic would cause many problems for existing residents. As a Briar Close resident, I am at a loss to understand why we haven't received documentation relating to this issue. It would affect our lives during construction and also the habitat of wildlife would be under threat. Could access to the site not be from Blackley Road? This would alleviate extra traffic passing through South Parade which I consider to be a danger to lives. In winter, the road freezes over due to underground springs and we do not have access to grit. Eventually, the banking is going to give way and cause huge problems, as well as danger to life. This plan for housing should not go ahead.

Suggested Modifications:

South Parade is mostly a single lane road due to the curves in the road, the banking to the left (travelling towards Maple Fold) and the parking of cars on the roadside below Dene Close. The banking is already unsafe with soil and rubble constantly falling into the road, therefore any additional traffic would cause many problems for existing residents. As a Briar Close resident, I am at a loss to understand why we haven't received documentation relating to this issue. It would affect our lives during construction and also the habitat of wildlife would be under threat. Could access to the site not be from Blackley Road? This would alleviate extra traffic passing through South Parade which I consider to be a danger to lives. In winter, the road freezes over due to underground springs and we do not have access to grit. Eventually, the banking is going to give way and cause huge problems, as well as danger to life. This plan for housing should not go ahead.

Additional Evidence Link:

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Comment ID **APX424**

Site ref (if applicable): **LP1030**

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:

Need to add Heritage Impact Assessment on Listed buildings, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX669**

Site ref (if applicable): **LP1030**

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:

There are three Grade II Listed Buildings around Backley Baptist Church 280 metres to the south of this area. The Heritage Impact Assessment considered that the topography of the area means views of the site are limited from the listed buildings and any glimpsed views of development will be read in conjunction with the existing housing, unless design and scale are significantly different. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. The Heritage Impact Assessment put forward a number of measures to ensure that any development on this site minimised the potential impact upon the nearby Listed Buildings. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1030 amend the final Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **Lpp1161**

Site ref (if applicable): **LP1030**

Person ID: **960869**

Name: **Stonebridge Homes**

Organisation:

Agent ID: **691692**

Name: **Ms Lucie Jowett**

Organisation: **Senior Planner Barton  
Willmore**

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:

LP1030 - Land adjoining South Parade, Adj Maple Fold, Elland, HX5 0PH 4.50 Site LP1030 scores the same against the SA objectives as our Client's Site however performs more strongly against the Green Belt purposes. 4.51 LP1030 serves three of the Green Belt purposes, in comparison to our Client's Site which only serves one of the Green Belt purposes. Our Client's Site is therefore more sequentially preferable for removal from the Green Belt and the allocation of LP1030 is unsound. 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/5086522>

Comment ID **Lpp1287**

Site ref (if applicable): **LP1030**

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 for context of comments: There are access issues into this site, with third party land required to enable access from South Parade. The proposed developable area will separate the site from the settlement resulting in a small isolated development. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper suggests a deliver in year 8 (2025) and states that there is no housebuilder interest identified.

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>

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Comment ID **Lpp1342**

Site ref (if applicable): **LP1030**

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 for context of comments: There are access issues into this site, with third party land required to enable access from South Parade. The proposed developable area will separate the site from the settlement resulting in a small isolated development. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. The Housing Technical Paper suggests a deliver in year 8 (2025) and states that there is no housebuilder interest identified.

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>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Deliverability - third party land required to achieve access.
2. Detached Development - Developable area as shown will result in the site being separated from the

existing settlement.

3. Site Selection – The assessment of other sites in relation to Green Belt purposes means they should be allocated ahead of this site.

4. Ecology - Impact on wildlife and BAP habitat with a need for a Preliminary Ecological Appraisal and Protected Species Report and mitigation including sensitive landscaping and lighting schemes.

5. Heritage - There are three Grade II Listed Buildings around Blackley Baptist Church. Recommendations in HIA should be 'required' in order to be effective.

6. Local Road Network - Inadequate local road network, specifically road safety issues and on-street parking.

#### Council's Response:

1. The landowner has been in contact with the Council's Highways Team with regard to access arrangements. The Council is satisfied that a suitable access to the site could be agreed.

2. The site is adjacent to the existing urban area. While the Council's Conservation Section (Ecology) has recommended that an area amounting to 30% of the site is removed from the developable area and is planted with locally native trees and shrubs, the site is bordered on almost 2 sides by the existing urban area.

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.

4. During assessment of the site, the Council's Conservation Section (Ecology) has noted that there is deciduous woodland to the north of the site and the site falls within the Calderdale Wildlife Habitat Network. As such, it has been recommended that an area amounting to 30% of the site is removed from the developable area and planted with locally native trees and shrubs. With the ecological mitigation measures stated, it is considered that development of the site would be acceptable.

5. In terms of heritage considerations, a Heritage Impact Assessment has been carried out and has assessed the impact development would have on Blackley Baptist Church, Blackley Chapel House and Prospect View, which are 3, grade II listed buildings situated 250m south of site. It is concluded that the topography of the area means views of the site are limited from the listed buildings and any glimpsed views of development will be read in conjunction with the existing housing, unless design and scale are significantly different. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

6. The Council's Highways Team has assessed that with the appropriate mitigation, the impact on the local road network would be acceptable. Reference was made during the previous consultation to existing problems, such as speeding and road alignment constraints; new development would not be expected to address this although mitigation would be required if warranted by additional traffic. The Transport Assessment, to be submitted with any forthcoming application, will address any impacts on the immediate area and identify any road layout changes required.

## Duty to Co-operate

Main Issues:

Council's Response:

## Suggested Modifications

1. Allocate better performing sites. Remove this site from the Local Plan.
2. Amend the final Site Specific Consideration to read:-  
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"

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.
2. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.  
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.  
It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1407 - New Housing Site - Elland

### Representations

Comment ID **APX1016**

Site ref (if applicable): **LP1407**

Person ID: **1128267**

Name: **Powers**

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 is the ONLY new housing allocation in the settlement area properly known as Greetland (as distinct from West Vale, Elland and others) and so the Council needs to have demonstrated explicit, exceptional and extraordinary reasons for the sacrifice of a "most-sensitive" parcel of Green Belt, for the gain of only 16 new houses; less than 0.2% of Calderdale's new housing requirement. In this regard, a site of less than 0.44ha is not a site of the size which fits within a strategic housing plan, especially as the size of LP1407 has been dramatically reduced (twice) throughout the allocations process - from 2.62ha initially, then to 0.72ha, then to 0.44ha (less a 10m buffer all round). In the various versions of the Publication Draft, LP1407 has also been excluded and then re-included for no apparent reason. There would seem to be a 'retain at all costs' mentality for LP1407, which would again point towards there being exceptional and extraordinary reasons surrounding this parcel, but which remain a mystery. Therefore, the allocation is NOT sound because no exceptional and extraordinary circumstances have been demonstrated which point towards this sole greenfield site, in a rural location, on a sub-standard road being singularly remarkable over all other reasonable options locally. In fact, some 665 new houses on close-by and identical greenfield sites (which were allocated for housing in earlier drafts) were rejected solely in favour of the allocation of LP1407. This flawed logic is explicit in the Cabinet papers of 11th June, which discuss the publication of the Local Plan and the rationale for selecting one site over another. LP1407, a "most-sensitive" site, in a rural location, on a sub-standard road is a late addition to the Publication Draft; whereas LP0026 which is a co-located and indistinguishable "most-sensitive" site, in the same rural location - only 35 metres away from LP1407 - but most notably accessed directly from a safe and wide 'B' road is a late removal. The two rationales given are conflicting, making the plan unsound: LP0026: "the site is high sensitive Green Belt, and having regard to the Council's housing need, the Local Plan's spatial strategy, the supply of more suitable and available sites elsewhere and the need to protect the Green Belt as far as possible, this site has been filtered" LP1407: "Green Belt, but well related to the urban area; could support Elland Station if parkway option is progressed" There are other reasons by which the plan cannot be judged to be sound at this location. Firstly, Greetland (and West Vale), which are clear and distinct local settlements, do not appear in the Settlement Hierarchy analysis, yet they appear on and off throughout the various Local Plan documents, sometimes named, sometimes not. Every other local settlement appears in the analysis (Elland, Ripponden, Rishworth, Holywell Green, Stainland, Barkisland, Elland Upper Edge, Elland Lower Edge), allowing sound judgements and allocations to be made, but Greetland and West Vale are not found in the settlement hierarchy and this does not provide a basis for sound and sustainable allocations to be made, as there is no recognition and analysis of neighbourhood and rural centre provision locally. The formal establishment of Greetland, Norland & West Vale Neighbourhood Forum emphasises that this is a

discrete area, disconnected from Elland, with the valleys standing as natural boundaries separating very distinct communities: Greetland is physically, culturally, geographically and logistically distinct. To allocate a medium-sized development at LP1407, without proper settlement analysis is not sound. There are three possible access routes to the site (two from the north, one of which is an unmade lane in private ownership and one of which is overly narrow with an oblique/blind exit; and one from the south, which is a near single track lane with no pavements). All of these approaches to LP1407 are sub-standard in terms of width, lack of passing places, acute angles of approach and visibility at junctions, contrary to Highways policies. The sustainability of these routes has been more than adequately scrutinised in recent years, with a significant evidence base already available (two Planning Inspectors). Their rulings - all for six or fewer houses - consistently refer to: "safety of pedestrians and drivers" "traffic calming" "passing places" "significant inconvenience" "pedestrian or highway safety issues" "narrowness and poor condition of the lane" "By the applicants own admission, "the access road should be limited (to the south) and that no additional traffic should use the northern side of the access onto Rochdale Road as the junction is not adequate" "The Local Plan site assessment report fails to explain how the additional traffic will be routed in one direction (south) only, especially as both churches, the school, community centre, playing fields, pub, club, takeaway and neighbourhood shop (none of which appear in a settlement analysis) all lie to the north. In fact, the site assessment fails to understand the local geography as it refers to the site being "at the junction of Scar Bottom Lane and Saddleworth Road" "which it isn't and that the "junction with Saddleworth Road could be readily upgraded without the need for third party land" "which it can't - the surrounding land is in third party ownership, as evidenced by site submissions which were filtered out. These comments all point towards the LP1407 site not being a sound, sustainable and reasonable option for meeting the identified housing requirements. Scrutiny of the Infrastructure Delivery Plan fails to identify any significant and compelling improvements in the Greetland area which would underpin the LP1407 allocation, these being limited solely to "upgrades to signal operation and localised traffic management" "all more than 1 mile away. The location of LP1407 has been determined officially as being "small groups of dwellings which are predominantly of a traditional vernacular style to be found in rural areas" "Inquiry into the RDCUDP, 2005). It has to be queried whether the allocation of 16 houses into this setting can meet and exceed "good design" requirements on a small paddock, while retaining the rural character. In conclusion, the Local Plan Publication Draft is NOT sound as no very special circumstances have been identified for LP1407 being the sole housing allocation in Greetland.

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

Duty to Co-operate Reason:

Suggested Modifications:

Exclude this site of only 16 houses from the Local Plan and/or bring forward other more reasonable options locally, which already exist within the (filtered) portfolio of site submissions.

Additional Evidence Link:

Comment ID **APX1017**

Site ref (if applicable): **lp1407**

Person ID: **1130127**

Name: **Mrs Victoria Travis**

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 development of LP1407 is inappropriate as the width of Scar Bottom Lane is only wide enough for one car in place, in others two cars can squeeze past and as a result the dry stone wall is constantly being knocked down. Our drive has been damaged and the adjacent wall to our drive has been knocked down, due to Scar bottom Lane being not able to cope with the current volume of traffic. An extra 32 cars would further exacerbate the issue There is no pavement on Scar Bottom Lane which makes it very dangerous for pedestrians this would be greatly exacerbated by the development of 16 houses. The upper portion of Scar Bottom Lane which is proposed to be improved, is lined by houses and woodland which consist of trees with preservation orders on them. The land is of a very steep topography. Destroying more woodland, is the reason I have been told the upper portion of the original LP1407 has been removed from the Local Plan. As a result this development does not make sense. Also the loss of habitation as a result of this improvement can't be justified. The site acts as a flood plain, in the Boxing Day floods water was gushing down the lane development of this site would increases the risk of flooding for Scar Bottom Lane and puts other houses lower down the valley at an increased risk, due to the increased surface run off. LP1407 has woodland adjacent to the start the woodland is less than 10 meter from the bottom of the field. Deer and other wildlife use this path as access to the woodland just above LP1407 development of this site would stop t The local air quality would be affected by the development of this site. Brown field sites in West Vale must be developed first, especially as they are closer to many local amenities. The Photos illustrate the access issues for Site LP1407 Photo WP2018124 15 55 33 shows damage to the wall at the junction of Scar Bottom lane and Brian Royd Lan Photo WP20180124 15 51 28 shows damage to our drive as it is used as a passing place as there is not enough room for two cars to pass and Scar Bottom Lane Photo WP20180314 10 25 12 and WP20180314 10 23 35 shows damage to the wall next to our house and drive way, as the wall was knocked down by a passing bus as again there is not enough room for the car and the bus to pass.

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/5084391><http://calderdale-consult.objective.co.uk/file/5084390><http://calderdale-consult.objective.co.uk/file/5084389><http://calderdale-consult.objective.co.uk/file/5084388>

Comment ID **APX378**

Site ref (if applicable): **LP1407**

Person ID: **1182340**

Name: **Mr Ian Haydock**

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:

Brian Royd Lane has no footpaths at this point and is difficult to pass by buses etc. More traffic will add to West Vale problems.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX390**

Site ref (if applicable): **LP1407**

Person ID: **959777**

Name: **Ms Aileen Barnard**

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 this development to be harmful to the local community, 16 houses on this small site could mean an extra 32 cars travelling on Brian Royd Lane and Scar Bottom Lane which are very narrow and without pavements, the exit at the top of the road is poor. When the bus goes through I often have to reverse as it is not wide enough to pass. Cars would probably end up parked on the road causing more difficulties. The field has up until very recently been used for grazing and is a valuable wildlife habitat. A lot of people walk and cycle up the road, it would not be safe to add more traffic than there currently is, especially as without pavements it can be hazardous especially on the bend on Brian Royd Lane when 2 cars are passing each other. It would not be so bad if only up to 4 houses were allowed following down from the already present development on that side of the road

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

Duty to Co-operate Reason:

Suggested Modifications:

The plan would be reasonable if only up to 4 houses were built on the site

Additional Evidence Link:

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Comment ID **APX444**

Site ref (if applicable): **LP1407**

Person ID: **1182421**

Name: **Mr Glyn Jones**

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 a resident of Brian Royd Lane for over 16 years I was astonished to learn of this draft proposal. Scar Bottom Lane and Brian Royd Lane are narrow country roads with long sections with no pavements which are already a challenge and potential danger to pedestrians. there are sections of the road where it is difficult for vehicles to pass even with the currently limited traffic flow. The roads simply aren't suitable for the extra traffic which would result from a development of additional housing. A development would spoil the existing green belt and would inevitably create pressure for further development of adjoining greenbelt. There is an abundance of local wildlife including deer, foxes, rabbits other small animals and birds which would come under threat from the development and the inevitable significant increase in people and more importantly their pets.. Furthermore the site simply isn't suitable let alone big enough for the sort of development proposed. There are far better options locally and closer to West Vale including brown field sites

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX493**

Site ref (if applicable): **LP1407**

Person ID: **1139517**

Name: **Ms Chloe Jean**

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 don't consider this plan to be sound. We are residents on Brian Royd Lane where already the traffic flow is high and the road is not wide enough to accommodate the traffic using the road at the moment without considering the extra cars that these houses would bring. The road is unsafe at the moment for pedestrians due to lack of pavement and how narrow it is in places. The thought of an extra potentially 32 cars will make an already problematic situation an horrific one. I believe the proposal to be a danger to local pedestrians, bikers etc. This is an area of beautiful, green belt countryside with mature woodland that would be destroyed. This is area where wildlife is thriving and will be put under threat. I really don't see the proposed area being big enough for 16 houses.

Additional Evidence Link:

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Comment ID **APX495**

Site ref (if applicable): **LP1407**

Person ID: **1130387**

Name: **Pauline Atkinson**

Organisation:

Agent ID: **1130383**

Name: **mrs pauline atkinson**

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Development of this site is inappropriate for housing, as the country Lane is only wide enough for one car in places, there is no pavement and the Dry stone wall is regularly knocked down as it can't cope with the current volume of traffic. This would be further exacerbated with an extra 32 cars from 16 houses. Brian Royd Lane would most probably be used as a car park facility as the site is not big enough for the proposed number of houses and the volume of cars this would create. The bus which uses this Lane causes a large amount of disruption and damage to the lane as cars are forced to pull into resident driveways to allow the bus to pass. An extra 32 cars from residents, plus deliveries to the properties will put an additional strain to an already busy Lane. The proposed improvement to Scar Bottom Lane especially at the entrance from Rochdale Road which is lined by houses and woodland therefore it would be impossible to widen and improve the access. The Junction of Scar Bottom Lane and Rochdale Road is a blind spot and dangerous junction as it is, and further traffic would make this very dangerous. The location of this site is sandwiched to the left and above the by woodland, development of this site would have a large impact on the diversity of the local wildlife. The site is a valuable flood plane, In the Boxing day floods of 2016 water was gushing down the lane and the drains were blocked. Developing this site will increase the risk of flooding to the residents of Scar Bottom Lane and lower down the valley in the rest of Greetland. When there has been heavy rain the surface stones of Scar bottom Lane are washed down onto the junction of Brian Royd Lane, which illustrates the volume of water and the poor quality of the road surface.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX498**

Site ref (if applicable): **LP1407**

Person ID: **1182504**

Name: **Mrs Keli Lodge**

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 consider the plan to be completely flawed, the access to the site is a small narrow lane lined by beautiful dry stone walling but nearly impossible for 2 large cars to pass each other and with no footpaths already a hazard to pedestrians. To even consider adding the additional traffic from another 4 houses would make it impossible let alone 16! Also the construction work and impact of building and having 16 houses in an area that is renowned for its wildlife when there are suitable brownfield sites less than a mile away needs to be strongly considered there are reasons for having green belt land

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX501**

Site ref (if applicable): **LP1407**

Person ID: **1182510**

Name: **Mrs Elizabeth Bate**

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:

For such a small piece of land 16 houses is unacceptable. That would mean an increase of at least 32 cars and if cars parked on Bryan Royd Lane the road would be made very dangerous. Scar Bottom Lane is unable to cope at present due to the narrow turns and no passing places more housing would just make things even worse than they already are. The maintenance of the road up to Rochdale Road is -un adopted

status and is in dire need of maintenance and has been for the 15 years I have lived on this lane. Scar bottom Lane is also an unfinished building site with building materials and pre fab units in a derelict state, wire fencing blown over and generally total disregard for people living on the lane. Access out onto Rochdale Road is a one track lane with a blind corner out onto the main road. Access out onto Bryan Royd lane is a no left turn according to road signs but this is ignored by drivers again major issues accessing Rochdale road. Access onto Saddleworth Road is very narrow with no passing places. If a bus is traveling up the road a lot of reversing has to be done so that cars can pass but only if stationary, whilst the bus passes through. Schools are already full to capacity in the area and traffic at West Vale increases daily. No thought for the future has been considered and total disregard for the local residents.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX514**

Site ref (if applicable): **LP1407**

Person ID: **1182557**

Name: **Captain Steve Bennett**

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 detailed on this website the proposed site is in a critical drainage area and on Green Belt land. There is a genuine threat of increased flooding onto Saddleworth road due to the increased runoff and reduced ground saturation created by 16 new houses. Just a short distance away is a huge brownfield site of disused warehouses in West Vale, so the loss of grazing land and green space for the local deer, owls, foxes and pheasants must be accounted for. Those pertinent issues aside, the current road infrastructure is also very poor and is probably the leading issue regarding the soundness of this venture. Scar Bottom Lane is an unadopted, single-track, pot-hole ridden road with no passing spaces. It can barely cope with the current amount of local traffic and needs to be repaired regularly by local residents filling pot holes. Access at the top of the road is already dangerous as southbound traffic sometimes need to reverse back onto the main Rochdale road to allow northbound traffic to exit it. This development would almost certainly require council adoption of Scar Bottom Lane, resurfacing with drainage incorporated and a detailed plan involving access and parking requirements to ensure that the single track lanes of Brian Royd and Scar Bottom Lane are never closed due parked cars and transiting Buses. Especially during periods of snow when cars are generally left on the main roads due to unadopted roads not being gritted. Scar Bottom Lane provides the sole access route to houses to the north west of the proposed development so it would be imperative that this route is always open for emergency access for wide bodied Fire-engines and Ambulances during the building and after completion of the project. Due to the countryside location of the development, sixteen houses will most likely lead to parking requirements for 32 cars plus space for visitors and delivery vehicles.

As the plan must be adapted to allow sufficient parking without increasing flood risk and further destruction of Green Belt land, it is currently unsound in the view of this local resident.

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 **APX573**

Site ref (if applicable): **LP1407**

Person ID: **958426**

Name: **Ms Rowena Burton**

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:

Comments on proposed building on land LP1407 off Scar Bottom Lane 2018 This parcel of land has only very recently been removed from the Local Plan, along with all house building in Greetland, as building has been designated elsewhere in Calderdale. There is no reason to reinstate it. This greenfield site is still designated as Green Belt in the RCUD. Historically, (a Calderdale Planning Inspector said, "Development on this site would significantly reduce the openness of this part of the Green belt and give it a more built-up feel" and very recently (Jan.2018 on a site very nearby), developers have not been permitted to build on Green Belt land. It is a field, not a garden. There are no exceptional circumstances to occasion a change of use. Highways England have said, "This site is not served by adopted roads and" .. The Scar Bottom/Rochdale Road junction is aligned at an acute and steep gradient with sub-standard visibility and its improvement" would require land take." Although this current plan mentions an upgrade, including paths and street lights, it doesn't mention the fact that the land at this junction is liable to subsidence and is likely to need major work to make the road safe. It would not be possible to make this section of the road anything other than single track, which would exacerbate the existing access problems for emergency vehicles and refuse collection vehicles. All the trees in this area have TPOs and some would have to be removed to improve highway access. An area of beauty and visual amenity would be destroyed and urban sprawl would be permitted. Even 16 houses would have an impact on schools and GP practices - they are over-subscribed. Flooding is still an issue; houses immediately above the proposed site have flooded since the major floods of 2015. It is a Wildlife Habitat Network site. Enhancing woodlands nearby won't help the existing wildlife that use the site. Apart from abundant bird-life, deer, bats and foxes are seen here regularly. Amphibians (including great-crested newts) have been seen on adjacent land.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX713**

Site ref (if applicable): **LP1407**

Person ID: **1121012**

Name: **Mr James Sinclair**

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 parcel of land has only very recently been removed from the Local Plan, along with all house building in Greetland, as building has been designated elsewhere in Calderdale. There is no reason to reinstate it. This greenfield site is still designated as Green Belt in the RCUD. Historically, (a Calderdale Planning Inspector said, "Development on this site would significantly reduce the openness of this part of the Green belt and give it a more built-up feel" and very recently (Jan.2018 on a site very nearby), developers have not been permitted to build on Green Belt land. There are no exceptional circumstances to occasion a change of use. Highways England have said, "This site is not served by adopted roads and its improvement would require land take." Although this current plan mentions an upgrade, including paths and street lights, it does not note that the land at this junction is liable to subsidence and is likely to need major work to make the road safe. Scar Bottom Lane is an unadopted, single-track, pot-hole ridden road with no passing spaces. It can barely cope with the current amount of local traffic and needs to be repaired regularly by local residents filling pot holes. Access at the top of the road is already dangerous as southbound traffic sometimes need to reverse back onto Rochdale Road to allow northbound traffic to exit it. The proposed improvement to Scar Bottom Lane at the entrance from Rochdale Road, which is lined by houses on one side and a steeply falling bank into woodland on the other, would be both difficult and prohibitively expensive to widen and improve the access. It would probably still not be possible to make this section of the road anything other than single track. The increased traffic, if using Scar Bottom lane, would increase the risk of a major accident at the junction with Rochdale Road, and cause increased disruption to existing residents with driveways on Scar Bottom Lane. All the trees in this area have TPOs and some would have to be removed to improve highway access. As a consequence, this development would almost certainly require council adoption of Scar Bottom Lane, resurfacing with drainage incorporated and a detailed plan involving access and parking requirements to ensure that the single track lanes of Brian Royd and Scar Bottom Lane are never closed due to parked cars and transiting Buses. There are no footpaths on Scar Bottom Lane at all and a limited discontinuous footpath on Brian Royd Lane. The danger to pedestrians and children playing would be greatly exacerbated by the addition of 16 dwellings at the junction of Scar Bottom Lane and Brian Royd Lane. The bus which uses Bryan Royd Lane causes significant disruption and forces cars to pull into resident driveways to allow passage. Scar Bottom Lane provides the sole access route to houses to the north west of the proposed development so it would be imperative that this route is always open for emergency access for wide bodied Fire-engines and Ambulances during the building and after completion of the project. Due to the countryside location of the development, sixteen houses will most likely lead to parking requirements for 32 cars plus space for

visitors and delivery vehicles. In summary, this site has major access issues that will be disruptive to existing residents to resolve and would potentially result in this site being uneconomic to develop, provided Calderdale Council apply the necessary conditions for local infrastructure upgrades to any planning application. An area of beauty and visual amenity would be destroyed and urban sprawl would be permitted. The development would be highly visible from both Brian Royd Lane and Saddleworth Road, as a projecting finger of urban development in the Green Belt. Even 16 houses would have an impact on schools and GP practices - they are currently over-subscribed. The travel times quoted in the submission are totally unrealistic during the rush hour, as indicated in previous submissions. As detailed on this website the proposed site is in a critical drainage area and on Green Belt land. There is a genuine threat of increased flooding onto Saddleworth road due to the increased runoff and reduced ground saturation created by 16 new houses. Houses immediately above the proposed site have flooded since the major floods of 2015. On a regular basis following during moderate to heavy rain, the surface stones of Scar Bottom Lane are washed down onto the junction of Brian Royd Lane. This is a consequence of poor drain maintenance and badly aligned kerbing when Calderdale Council undertook footpath work in preparation for the Tour de France. Since that time, Scar Bottom Lane has become a spillway for surface water from Rochdale Road, causing substantial and increasing damage to the surface and subsoil of the lane. It is a Wildlife Habitat Network site. Enhancing woodlands nearby won't help the existing wildlife that use the site. Apart from abundant bird-life, deer, bats and foxes are seen here regularly. Amphibians (including great-crested newts) have been seen on adjacent land. Significant brown field sites exist in West Vale, where development would be more relevant and with closer (and better) links to Public Transport. In summary, this site is totally unsuitable for development of even the small number of dwellings that would be contributed to the overall plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

Remove site LP1407 entirely.

Additional Evidence Link:

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Comment ID **APX814**

Site ref (if applicable): **LP1407**

Person ID: **1130127**

Name: **Mrs Victoria Travis**

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 development of LP1407 is inappropriate as the width of Scar Bottom Lane is only wide enough for one car in place, in others two cars can just squeeze past and as a result the dry stone wall is constantly being knocked down. Our drive has been damaged and the adjacent wall to our drive has been knocked down, due to Scar bottom Lane being not able to cope with the current volume of traffic. An extra 32 cars would

further exacerbate the issue There is no pavement on Scar Bottom Lane which makes it very dangerous for pedestrians this would be greatly exacerbated by the development of 16 houses. The upper portion of Scar Bottom Lane, up to the junction with Rochdale Road which is proposed to be improved, is lined by houses and woodland which consist of trees with preservation orders on them. The land is of a very steep topography. Destroying more woodland, is the reason I have been told the upper portion of the original LP1407 has been removed from the Local Plan. As a result this development does not make sense. Also the loss of habitation as a result of this improvement can't be justified. The site acts as a flood plain, in the Boxing Day floods water was gushing down the lane development of this site would increase the risk of flooding for Scar Bottom Lane and puts other houses lower down the valley at an increased risk, due to the increased surface run off. LP1407 has woodland adjacent to the start the woodland is less than 10 meter from the bottom of the field. Deer and other wildlife use this path as access to the woodland just above LP1407 development of this site would stop this. The local air quality would be affected by the development of this site. Brown field sites in West Vale must be developed first, especially as they are closer to many local amenities.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX896**

Site ref (if applicable): **LP1407**

Person ID: **1126037**

Name: **Mr Graham Maslen**

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 site is designated Green belt and the Draft Local Plan does not include evidence to demonstrate that there are exceptional circumstances that require this part of the Green Belt to be developed for housing. Both Brian Royd Lane and Scar Bottom Lane are unsuitable for further local traffic. The upper part of Scar Bottom Lane is an unadopted single carriageway track with many potholes and a very uneven surface. It is completely unsuitable to handle the additional traffic which would result if this area were developed for housing. It undermines one of the fundamental principles of the Green Belt policy to limit the spread of built-up areas into surrounding countryside.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX914**

Site ref (if applicable): **LP1407**

Person ID: **1183553**

Name: **Mr James Travis**

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 area of land has already been removed from the Local Plan (2018), with no material change to the specific risks / issues highlighted previously with development of this land. This greenfield site is designated as Green Belt in the RCUD. Historically, (a Calderdale Planning Inspector said, "Development on this site would significantly reduce the openness of this part of the Green belt and give it a more built-up feel" More recently (Jan.2018) developers have not been permitted to build on Green Belt land. There are no exceptional circumstances to warrant a change of use. Highways England have highlighted that this site is not served by an adopted road. Scar Bottom/Brain Royd/Cat Lane junction is at an acute and steep gradient with sub-standard visibility and its improvement" would require land take. This plan is silent that the land is liable to subsidence and is likely to need major work to make the road safe. Scar Bottom Lane is an un-adopted, single-track, pot-hole ridden road with no passing spaces. Scar Bottom Lane cannot cope with the current amount of local traffic and needs to be repaired regularly by local residents filling pot holes. Access at the top of the road is already dangerous "" note damage to the proposed boundary wall in 2017 which has had to be repaired due to danger to pedestrian safety. The proposed improvement to Scar Bottom Lane at the entrance from Rochdale Road, which is lined by houses on one side and a steeply falling bank into woodland on the other, would be both difficult and prohibitively expensive to widen and improve the access. Risk exists to make this section of the road anything other than single track. The increased traffic, if using Scar Bottom lane, would increase the risk of a major accident at the junction with Rochdale Road, and cause increased disruption to existing residents with driveways on Scar Bottom Lane. Issue that the trees in this area have TPOs and some would have to be removed to improve highway access. Issue that the area and access road has a history of flooding "" note Boxing Day floods. As detailed on this website the proposed site is in a critical drainage area and on Green Belt land. There is a genuine threat of increased flooding onto Saddleworth road due to the increased runoff and reduced ground saturation created by 16 new houses. Houses immediately above the proposed site have flooded since the major floods of 2015. Issue that a Bat survey is not part of follow up works required "" this area has a significant bat population Issue that subsurface hydrology / culverts is not included. Issue that no footpaths on Scar Bottom Lane at all and a limited discontinuous footpath on Brian Royd Lane. Risk elevated / danger to pedestrians and children playing would be greatly exacerbated by the addition of 16 dwellings at the junction of Scar Bottom Lane and Brian Royd Lane. Issue increased / property damage due to buses / heavy vehicles that causes significant disruption and forces cars to pull into resident driveways to allow passage. Issue requiring resolution in that Scar Bottom Lane provides the sole access route to houses to the north west of the proposed development so it would be imperative that this route is always open for emergency access for wide bodied Fire-engines and Ambulances during the building and after completion of the project. Due to the countryside location of the development, sixteen houses will most likely lead to parking requirements for 32 cars plus space for visitors and delivery vehicles. This An area of

beauty and visual amenity would be destroyed and urban sprawl would be permitted. The development would be highly visible from both Brian Royd Lane and Saddleworth Road, as a projecting finger of urban development in the Green Belt. 16 houses would have an impact on schools and GP practices - they are currently over-subscribed. The travel times in the submission are totally impractical during the rush hour, as specified in former submissions. On a regular basis following during moderate to heavy rain, the surface stones of Scar Bottom Lane are washed down onto the junction of Brian Royd Lane. This is a consequence of poor drainage maintenance and badly aligned kerbing when Calderdale Council undertook footpath work in preparation for the Tour de France. Since that time, Scar Bottom Lane has become a spillway for surface water from Rochdale Road, causing substantial and increasing damage to the surface and substrate of the lane. Risk to habitat - It is a Wildlife Habitat Network site. Enhancing woodlands nearby won't help the existing wildlife that use the site. Apart from abundant bird-life, deer, bats and foxes are seen here regularly. Amphibians (including great-crested newts) have been seen on adjacent land. Better alternatives - Significant brown field sites exist in West Vale, where development would be more relevant and with closer (and better) links to Public Transport. In summary, this site is wholly unbecoming for development of even the small number of dwellings that would be contributed to the overall plan. This site has key access issues that will be disruptive to existing residents to resolve and would potentially result in this site being uneconomic to develop, provided Calderdale Council apply the necessary conditions for local infrastructure upgrades to any planning application.

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/5074029>

Comment ID **APX968**

Site ref (if applicable): **LP1407**

Person ID: **1183600**

Name: **Mr Simon Matthews**

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 were given to understand that this site had been removed from the Local Plan as the requirement for Calderdale development could be met elsewhere in the authority; there seem to be no reasons to justify its reinstatement - there are no exceptional circumstances to justify the building on Green Belt land, and an application to build on a small adjacent site was only recently refused on such grounds as being in conflict with national policy. Loss of Green Belt land is unnecessary as more suitable sites for housing close to local amenities could be met by the correct development of brown field sites already identified in West Vale; being closer to a greater range of public transport and local health practice may not necessitate the likely introduction of over 30 cars into this area already struggling to cope with the volume of traffic, particularly near to the over-subscribed school. The loss of this field for building a high concentration of

new houses would also impact on several species of the local fauna in an area of significant wildlife habitat, as well as disrupt the visual aesthetics and natural beauty of the area. The area proposed for development is also subject to considerable drainage problems which have led to damage to properties immediately above the site, and visual evidence in the ground below the field; the infrastructure already cannot cope during periods of storms and increased run-off, and building a high density of new houses on this land can only exacerbate the problem. Development on this site would also inevitably lead to an increased use of Scar Bottom Lane by cars and larger vehicles. The top section of the road is a narrow, steep, pot-holed track, subject to subsidence and unadopted, and any improvements to this would require extensive work at extremely high cost, and the removal of healthy woodland. Even the bottom part of the road, which does have tarmac, is very narrow with poor lines of sight - even two cars passing requires slow speeds and care, and accidents occur, particularly when the small local bus is met travelling around the corners; in addition, there are no footpaths at all on the roads below the proposed site, so causing danger to pedestrians and dog-walkers, as well as the horses which regularly use this road. The prospect of increased traffic, including heavy wagons during any construction, obviously raises both cost and safety implications which do not seem to have been fully addressed.

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

Duty to Co-operate Reason:

Suggested Modifications:

Remove this site from the Local Plan and redevelop appropriate local brown-field sites to provide the required housing.

Additional Evidence Link:

Comment ID **Lpp1162**

Site ref (if applicable): **LP1407**

Person ID: **960869**

Name: **Stonebridge Homes**

Organisation:

Agent ID: **691692**

Name: **Ms Lucie Jowett**

Organisation: **Senior Planner Barton Willmore**

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:

LP1407 - Land Off, Scar Bottom Lane, Greetland, Elland, HX4 8PQ 4.52 Site LP1407 scores more poorly against the SA Objectives than our Client's Site. In addition to this, it performs more strongly against the purposes of the Green Belt, serving three of the five purposes. 4.53 Given this, the allocation of LP1407 ahead of our Client's Site is unsound. 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/5086522>

Comment ID **Lpp178**

Site ref (if applicable): **LP1407**

Person ID: **955593**

Name: **Mr Lee Pidgeon**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Before this site is developed the following studies should be carried out. 1 - Transport study. This land is attached to very small rural roads. It would require significant investment in local roads to support the volume of road traffic required by 16 houses. 2 - Ecological study. The land is currently a viable habitat for a multitude of local wildlife which include foxes, birds and newts. My understanding is this land has been put forward for development under the assumption it is a garden, however if the land was to be viewed in person it is clear that this land is not used as developed garden it is simply a wild garden that support the local wildlife. 3 - Sustainability study. Even if the land was to be developed the land is only really large enough to sustain two to four houses not the sixteen suggested.

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

Sound Reason:

Before this site is developed the following studies should be carried out. 1 - Transport study. This land is attached to very small rural roads. It would require significant investment in local roads to support the volume of road traffic required by 16 houses. 2 - Ecological study. The land is currently a viable habitat for a multitude of local wildlife which include foxes, birds and newts. My understanding is this land has been put forward for development under the assumption it is a garden, however if the land was to be viewed in person it is clear that this land is not used as developed garden it is simply a wild garden that support the local wildlife. 3 - Sustainability study. Even if the land was to be developed the land is only really large enough to sustain two to four houses not the sixteen suggested. I do not consider this plan justified as there are other build up areas that should be used first. Wildlife habitats should be preserved at all costs.

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

Duty to Co-operate Reason:

Suggested Modifications:

Before this site is developed the following studies should be carried out. 1 - Transport study. This land is attached to very small rural roads. It would require significant investment in local roads to support the volume of road traffic required by 16 houses. 2 - Ecological study. The land is currently a viable habitat for a multitude of local wildlife which include foxes, birds and newts. My understanding is this land has been put forward for development under the assumption it is a garden, however if the land was to be viewed in person it is clear that this land is not used as developed garden it is simply a wild garden that support the

local wildlife. 3 - Sustainability study. Even if the land was to be developed the land is only really large enough to sustain two to four houses not the sixteen suggested.

Additional Evidence Link:

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Comment ID **Lpp941**

Site ref (if applicable): **LP1407**

Person ID: **1128267**

Name: **Powers**

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 is the ONLY new housing allocation in the settlement area properly known as Greetland (as distinct from West Vale, Elland and others) and so the Council needs to have demonstrated explicit, exceptional and extraordinary reasons for the sacrifice of a 'most-sensitive' parcel of Green Belt, for the gain of only 16 new houses; less than 0.2% of Calderdale's new housing requirement. In this regard, a site of less than 0.44ha is not a site of the size which fits within a strategic housing plan, especially as the size of LP1407 has been dramatically reduced (twice) throughout the allocations process - from 2.62ha initially, then to 0.72ha, then to 0.44ha (less a 10m buffer all round). In the various versions of the Publication Draft LP1407 has also been excluded and then re-included for no apparent reason. There would seem to be a 'retain at all costs' mentality for LP1407, which would again point towards there being exceptional and extraordinary reasons surrounding this parcel, but which remain a mystery. Therefore, the allocation is NOT sound because no exceptional and extraordinary circumstances have been demonstrated which point towards this sole greenfield site, in a rural location, on a sub-standard road being singularly remarkable over all other reasonable options locally. In fact, some 665 new houses on close-by and identical greenfield sites (which were allocated for housing in earlier drafts) were rejected solely in favour of the allocation of LP1407. This flawed logic is explicit in the Cabinet papers of 11th June, which discuss the publication of the Local Plan and the rationale for selecting one site over another. LP1407, a 'most-sensitive' site, in a rural location, on a sub-standard road is a late addition to the Publication Draft; whereas LP0026 which is a co-located and indistinguishable 'most-sensitive' site, in the same rural location - only 35 metres away from LP1407 - but most notably accessed directly from a safe and wide 'B' road is a late removal. The two rationales given are conflicting, making the plan unsound: LP0026: 'the site is high sensitive Green Belt, and having regard to the Council's housing need, the Local Plan's spatial strategy, the supply of more suitable and available sites elsewhere and the need to protect the Green Belt as far as possible, this site has been filtered' LP1407: 'Green Belt, but well related to the urban area; could support Elland Station if parkway option is progressed' There are other reasons by which the plan cannot be judged to be sound at this location. Firstly, Greetland (and West Vale), which are clear and distinct local settlements, do not appear in the Settlement Hierarchy analysis, yet they appear on and off throughout the various Local Plan documents, sometimes named, sometimes not. Every other local settlement appears in the analysis (Elland, Ripponden, Rishworth, Holywell Green, Stainland, Barkisland, Elland Upper Edge, Elland Lower Edge), allowing sound judgements and allocations to be made, but Greetland and West Vale are not found in the settlement hierarchy and this does not provide a basis for sound and sustainable allocations to be made, as there is no recognition and analysis of neighbourhood and rural centre provision locally. The

formal establishment of Greetland, Norland & West Vale Neighbourhood Forum emphasises that this is a discrete area, disconnected from Elland, with the valleys standing as natural boundaries separating very distinct communities: Greetland is physically, culturally, geographically and logistically distinct. To allocate a medium-sized development at LP1407, without proper settlement analysis is not sound. There are three possible access routes to the site (two from the north, one of which is an unmade lane in private ownership and one of which is overly narrow with an oblique/blind exit; and one from the south, which is a near single track lane with no pavements). All of these approaches to LP1407 are sub-standard in terms of width, lack of passing places, acute angles of approach and visibility at junctions, contrary to Highways policies. The sustainability of these routes has been more than adequately scrutinised in recent years, with a significant evidence base already available (two Planning Inspectors). Their rulings - all for six or fewer houses - consistently refer to: 'safety of pedestrians and drivers', 'traffic calming', 'passing places', 'significant inconvenience', 'pedestrian or highway safety issues', 'narrowness and poor condition of the lane'. By the applicants own admission, 'the access road should be limited (to the south) and that no additional traffic should use the northern side of the access onto Rochdale Road as the junction is not adequate'. The Local Plan site assessment report fails to explain how the additional traffic will be routed in one direction (south) only, especially as both churches, the school, community centre, playing fields, pub, club, takeaway and neighbourhood shop (none of which appear in a settlement analysis) all lie to the north. In fact, the site assessment fails to understand the local geography as it refers to the site being 'at the junction of Scar Bottom Lane and Saddleworth Road' which it isn't and that the 'junction with Saddleworth Road could be readily upgraded without the need for third party land' which it can't - the surrounding land is in third party ownership, as evidenced by site submissions which were filtered out. These comments all point towards the LP1407 site not being a sound, sustainable and reasonable option for meeting the identified housing requirements. Scrutiny of the Infrastructure Delivery Plan fails to identify any significant and compelling improvements in the Greetland area which would underpin the LP1407 allocation, these being limited solely to 'upgrades to signal operation and localised traffic management', all more than 1 mile away. The location of LP1407 has been determined officially as being 'small groups of dwellings which are predominantly of a traditional vernacular style to be found in rural areas' (Inquiry into the RDCUDP, 2005). It has to be queried whether the allocation of 16 houses into this setting can meet and exceed 'good design' requirements on a small paddock, while retaining the rural character. In conclusion, the Local Plan Publication Draft is not sound as no very special circumstances have been identified for LP1407 being the sole housing allocation in Greetland.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

## Test of Soundness

### Main Issues:

1. Site Selection – The assessment of other sites in relation to Green Belt purposes and Sustainability Appraisal Objectives means they should be allocated ahead of this site. Prioritise brownfield sites such as those in West Vale.
2. Local Road Network - substandard local road network including road width, lack of passing places, pedestrian safety, acute angles and visibility at junctions and the need for third party land.
3. Design - not clear how new development will fit in with existing vernacular style/rural character.
4. Green Belt - Loss of Green Belt. Lack of exceptional circumstances.
5. Settlement Hierarchy - Greetland is not included in the settlement hierarchy and there is therefore no underlying analysis of this settlement including its sustainability.
6. Ecology – impact on wildlife including bats and loss of protected trees.
7. Site Capacity – site can realistically only accommodate two to four houses.
8. Flooding - Building on greenfield sites will increase surface water flooding.
9. Air Quality - Impact of development on air pollution.
10. Infrastructure - Pressure on existing schools and doctors.
11. Landscape – Development will be intrusive in landscape.
12. Deliverability – various requirements to make site developable will impact on its viability.
13. Accessibility - Journey times are significantly underestimated.

### 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. 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.
2. The Highways Development Management Section has determined that any impact on the local road network would be made acceptable with the appropriate mitigation and that any potential access issues are resolvable.  
The Site Assessment Report states that the Scar Bottom Lane and Rochdale Road junction is aligned at an acute angle and steep gradient with substandard visibility. Its improvement to an appropriate standard would therefore require land take. However, the junction with Saddleworth Road could be readily upgraded without the need for third party land. A Transport Assessment in any forthcoming planning application would need to assess the impact of traffic on the local road network.

3. The Built Environment chapter of the Local Plan and guidance established in the NPPF, set out a clear and positive strategy to ensure high quality design principles are incorporated into all new developments.
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.  
The proposed changes to the Calderdale Green Belt are clearly 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.  
It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.
5. The Council has not used the settlement hierarchy as the basis for the distribution of development.
6. While the Conservation Section (Ecology) has raised concerns regarding the allocation of the entire site due to the potential impact of development on local wildlife including around ponds, with the necessary mitigation measures, it is considered that development within the amended site boundary could be made acceptable. There are no protected trees in the amended site boundary.
7. The indicative capacity stated in the site report is considered to be justified and deliverable.
8. The site is located 100% within Flood Zone 1. However, given the greenfield status of the site and flooding history, a Flood Risk Assessment would be required in order to assess any risk of flooding and propose mitigation measures to reduce such risks. Several comments have been received concerning the site including reference to waterlogging following periods of heavy rain on Scar Bottom Lane and that the land in this area has contributed to flooding during the winter flood of 2015. The Flooding and Drainage Section has however concluded that the site is suitable for development after the necessary evaluation of the existing drainage network and the provision of SuDS.
9. The Council's Environmental Health Team has raised no objection to the development on the grounds of air quality.
10. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.
11. The site is not situated within a Special Landscape Area. However, chapter 20 of the Local Plan contains a Landscape Character policy which ensures that new development is designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated.
12. The Council has assessed the deliverability and viability of all sites put forward within the Local Plan. All sites are considered to be available, deliverable and viable.
13. Accessibility modelling has been undertaken by West Yorkshire Combined Authority which takes into account the most recent integrated transport networks and public transport timetables. The methodology

used for assessing accessibility is within the appendices of the Site Assessment Methodology document.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Allocate better performing sites. Remove this allocation from the Local Plan.
2. Before allocation undertake transport, ecological and sustainability studies.
3. Restrict any development to maximum of 4 houses.

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. 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.
2. The various reports that have been identified during the site assessment process will be conducted at full application stage.
3. The indicative capacity stated in the site report is considered to be justified and deliverable.

## Document Section: LP1657 - New Housing Site - Elland

### Representations

Comment ID **APX426**

Site ref (if applicable): **LP1657**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed buildings, to Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

### Main Issues and Council Response

#### **Legal Compliance**

Main Issues:

Council's Response:

#### **Test of Soundness**

Main Issues:

1. Heritage – Requirement for a Heritage Impact Assessment on the nearby listed buildings needs to be added to the 'Reports Required' section in order to comply with the NPPF.

Council's Response:

1. The Conservation Section (Heritage) has commented that Elland New Hall, a grade I listed building, is located approximately 200m to the east of the site. Its listing description refers to it as "... one of the most important vernacular buildings of West Yorkshire." The principal frontage of the Hall faces south-east away from the site and across open fields to the south. The setting of the listed building is already harmed to its north side due to housing development close to its boundary. The site in question is separated from the asset by existing housing, and provided appropriate scale and heights are incorporated, any further development on the site is unlikely to cause any significant further harm to the setting of the listed building. In terms of mitigation, any development on the site should be of an appropriate scale and height to avoid further harm to the setting of the grade 1 listed Elland New Hall. In light of the above, the Council considers it has adequately assessed the impact of development on nearby heritage assets.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Add 'Heritage Impact Assessment' to the 'Reports Required' section.

Council's Response:

1. The Conservation Section (Heritage) has commented that Elland New Hall, a grade I listed building, is located approximately 200m to the east of the site. Its listing description refers to it as "... one of the most important vernacular buildings of West Yorkshire." The principal frontage of the Hall faces south-east away from the site and across open fields to the south. The setting of the listed building is already harmed to its north side due to housing development close to its boundary. The site in question is separated from the asset by existing housing, and provided appropriate scale and heights are incorporated, any further development on the site is unlikely to cause any significant further harm to the setting of the listed building. In terms of mitigation, any development on the site should be of an appropriate scale and height to avoid further harm to the setting of the grade 1 listed Elland New Hall. In light of the above, the Council considers it has adequately assessed the impact of development on nearby heritage assets.

## Document Section: LP1501 - New Housing Site - Hebden Bridge

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### Representations

Comment ID **APX143**

Site ref (if applicable): **LP1501**

Person ID: **956114**

Name: **Ms Jude Wadley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

the site is within the greenbelt area the site is a know flood risk

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

Sound Reason:

the site has been put forward without any prior investigations to its suitability

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

Duty to Co-operate Reason:

the local town council and its elected representatives do not support development on greenfield sites

Suggested Modifications:

none of the planned reports to be undertaken mention the known flood risk

Additional Evidence Link:

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Comment ID **APX24**

Site ref (if applicable): **LP1501**

Person ID: **855422**

Name: **Mr Phil Kelly**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Primary consideration of greenfield hillside areas should be subject to full consideration of compliance with the requirements for flood prevention in the Upper Calder Valley - which indicates that there should be no further large scale housing development on hillside areas.

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

Sound Reason:

See comments above.

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

Duty to Co-operate Reason:

There has been significant public opposition to CMBC proposals to agree housing developments on greenfield areas prior to use of all brown field sites as a first priority and obvious first step.

Suggested Modifications:

This proposal should be abandoned as unsuitable with respect to protection of important greenfield hillside areas as part of flood prevention measures in the upper Calder Valley

Additional Evidence Link:

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Comment ID **APX384**

Site ref (if applicable): **LP1501**

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?: **Yes**

Sound Reason:

Support for the proposals for the following site only if development was for social housing schemes as an addition to the existing 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:

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Comment ID **APX437**

Site ref (if applicable): **LP1501**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed buildings, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX490**

Site ref (if applicable): **LP1501**

Person ID: **962563**

Name: **Ms Jilly Chadwick**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This proposal is counter to local greenbelt policies, previous decisions and strong democratic opposition.

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

Sound Reason:

This directly exacerbates rather than countering flood risks; likewise hazardous access and traffic problems have been ignored.

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

Duty to Co-operate Reason:

Unsuitability of site and range of attendant problems already identified need to be examined before any further decision change

Suggested Modifications:

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Green Belt - Loss of Green Belt.
2. Flooding - Increased risk of flooding. Loss of greenfield impact on land drainage.
3. Local Road Network - Inadequate local road network, specifically road safety issues.
4. Housing mix - Site should be used for social housing.
5. Site Selection – Prioritise brownfield sites.

Council's Response:

1. 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. The proposed changes to the Calderdale Green Belt are clearly 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. It is considered that the exceptional circumstances have been demonstrated to justify the proposed changes to the Calderdale Green Belt boundary.
2. The site is considered developable in terms of flood risk as the site is within Flood Zone 1 and it is suggested that any development be permitted subject to consultation with the Local Planning Authority. The Council's Flooding and Drainage Section has suggested that SuDS should be provided through green and blue infrastructure if the site is developed.
3. The Transport Assessment with any submission would need to address the impact of this traffic and identify mitigating measures or improvements. The Highways Development Management Team have however assessed that with mitigation, the impact on the local road network would be acceptable. Reference was made during the consultation process to existing highway problems such as on-street parking, a development of this size however would not be expected to address such issues.
4. Any forthcoming application would be expected to adhere to the Council's housing policies, including affordable housing, housing mix and housing for independent living.
5. 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. 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.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1503 - New Housing Site - Hebden Bridge

### Representations

Comment ID

Site ref (if applicable): **LP1503**

Person ID: **855422**      Name: **Mr Phil Kelly**      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:

Unless there is full consideration of the provision of car parking within the area and/or provision of car parking on an alternative area. There is a significant risk of exacerbation of the existing on road car parking hazard on Heptonstall Road - which is already an increasing hazard to both road users and pedestrians.

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

Duty to Co-operate Reason:

Suggested Modifications:

See previous comments re the need to be realistic about the use of cars by residents and provision of adequate car parking capacity either within the area - or elsewhere - without creating an increased issue and hazard on Heptonstall Road - which already requires preventative measures.

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP1503**

Person ID: **1182441**      Name: **Miss Liz Warrington**      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 land is adjacent to Heptonstall Rd, where parking is already a problem. It is a narrow road and the vast

majority of residents of houses on this road have nowhere else to park their vehicles apart from on the street, as do people living in nearby properties as well as visitors, delivery drivers and tradespeople. It only takes one badly parked car (people seem to be fond of double parking, parking across pavements and parking on bends obstructing the view of oncoming traffic) to cause inconvenience at the least as well as a potentially dangerous situation. Any further housing is going to push the infrastructure from an already difficult situation to breaking point unless each dwelling has a dedicated parking space, which given the site and access does not seem workable. I read that this proposed development will aim at encouraging residents and owners to be "car free" and therefore will have no or limited provision for parking. It's a nice idea but this is ridiculous, most people have a car, a lot of households have more than one. That is to be expected, you certainly can't stipulate that somebody can only use public transport when selling or letting a property. Even if they don't, they will have visitors, need a plumber to come round, have a fridge freezer delivered. Unless a property has allowance for these daily needs the problem will be pushed elsewhere and residents living nearby (or not even that nearby as Heptonstall Rd serves hundreds of people living along it, up to Heptonstall, Slack, Colden and beyond and any saturation of the existing capacity for parking or restrictions imposed will push the problem further up the hill. As well as buses, tractors and other large vehicles that use the road to serve the existing residents and businesses) will suffer and Heptonstall Rd will become impassable. I know this site had previously had housing on it, but that was decades ago when car use and ownership was not as prevalent. Also, it's a tiny parcel of land - 27 dwellings???

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

Duty to Co-operate Reason:

Please see my above comments.

Suggested Modifications:

Adequate and realistic provision of parking for residents of proposed dwellings.

Additional Evidence Link:

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Comment ID **APX619**

Site ref (if applicable): **LP1503**

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:

This undeveloped site lies within the Hebden Bridge Conservation Area and the terrace opposite and immediately to the east of this site are Grade II Listed Buildings. The Heritage Impact Assessment considered that development of the site could significantly encroach into the important landscape setting of the conservation area, adversely impacting on the gateway into the conservation area and semi-rural transitional character of this part of the conservation area. Important long-reaching open views from the adjacent hillsides into and out of valley, across the townscape, forming its characteristic landscape setting

could also be affected. It could also harm the setting of a number of listed buildings. As a result it recommended that the site should be deleted as an allocation. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause.

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

Duty to Co-operate Reason:

Suggested Modifications:

Policy SD7, Hebden Bridge - Delete Site LP1503

Additional Evidence Link:

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Comment ID **APX680**

Site ref (if applicable): **LP1503**

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:

This undeveloped site lies within the Hebden Bridge Conservation Area and the terrace opposite and immediately to the east of this site are Grade II Listed Buildings. The Heritage Impact Assessment considered that development of the site could significantly encroach into the important landscape setting of the conservation area. It could adversely impact on the gateway into the conservation area and semi-rural transitional character of this part of the conservation area. Important long-reaching open views from the adjacent hillsides into and out of valley, across the townscape, forming its characteristic landscape setting could be affected. It could also affect the setting of a number of listed buildings. As a result it recommended that the site should be deleted as an allocation. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Site LP1503 should be deleted

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

Duty to Co-operate Reason:

Suggested Modifications:

Delete Site LP1503

Additional Evidence Link:

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## **Main Issues and Council Response**

## Legal Compliance

Main Issues:

Council's Response:

## Test of Soundness

Main Issues:

1. Heritage - Impact on Hebden Bridge Conservation Area and nearby listed buildings.
2. Local Road Network - Inadequate local road network, specifically parking issues, road safety (Heptonstall Road), congestion and narrow approach roads.  
Site Access - Site access is unsuitable.
3. Deliverability - Capacity too large for a site of this size.

Council's Response:

1. Historic England have concerns over the allocation of this site due to the proximity of Heritage Assets to the site. The Council's Conservation Section (Heritage) has undertaken a Historic Impact Assessment which identifies any potential harm created by developing the site and suggests appropriate mitigation. Consideration will need to be given to the recommendations provided within the HIA at planning application stage.
2. Highways Development Management has assessed that any impacts caused by the development of the site on the local road network would be acceptable with the necessary mitigation. Highways Development Management state that there is access on to the site from Heptonstall Road, however there is no right turn from Bridges Lane to Heptonstall Road. Earthworks will be required to address the difference in ground levels and an assessment of the Bridge Lanes / Heptonstall Road junction will be needed.
3. The indicative capacity stated in the site report is considered to be justified and deliverable.

## Duty to Co-operate

Main Issues:

Council's Response:

## Suggested Modifications

1. Delete site (heritage).
2. Adequate and realistic provision of parking for residents of proposed dwellings.

Council's Response:

1. Historic England have concerns over the allocation of this site due to the proximity of Heritage Assets to the site. The Council's Conservation Section (Heritage) has undertaken a Historic Impact Assessment which identifies any potential harm created by developing the site and suggests appropriate mitigation.

Consideration will need to be given to the recommendations provided within the HIA at planning application stage.

2. The Local Plan includes a policy relating to the provision of car and bicycle parking on residential developments. Schemes are required to adhere to the policy.

## Document Section: Policy SD7 Allocated Housing Sites - Mytholmroyd

### Representations

Comment ID **APX777**

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?: **No**

Legal Compliance Reason:

See attached representations

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

Sound Reason:

Councils are required to produce a local plan which is "sound" Paragraph 182 of the old NPPF provides: "The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" namely that it is: Positively prepared the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development; Justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; Effective the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and Consistent with national policy the plan should enable the delivery of sustainable development in accordance with the policies in the Framework." The new NPPF at paragraph 35 provides: "Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (a) Positively prepared providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; (b) Justified an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; (c) Effective deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and (d) Consistent with national policy enabling the delivery of sustainable development in accordance with the policies in this Framework." The Planning Advisory Service has also published "Soundness Self-Assessment Checklist" (March 2014). This guidance enables the preparation of a robust Local Plan which is positively prepared, justified, effective and consistent with National Policy. The Soundness checklist advises that in terms of being "justified" the plan should be based on a robust and credible evidence base involving: Research/fact finding: the choices made in the plan are backed up by facts; Evidence of participation of the local community and others having a stake in the area. In terms of the plan being the most appropriate strategy when considered against reasonable alternatives, the Soundness Checklist advises that these alternatives should be realistic and subject to sustainability appraisal. The plan should show how the policies and proposals help to ensure that the

social, environmental and resource use objective of sustainability will be achieved. We do not consider that the plan is sound for the reasons set out in the attached representation.

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

Duty to Co-operate Reason:

See attached representation

Suggested Modifications:

Site LP0196 should be re-included as a housing allocation for the reasons set out within the attached representation.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073672>

## **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: LP0011 - New Housing Site - Mytholmroyd

### Representations

Comment ID **APX1071**

Site ref (if applicable): **LP0011**

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 are encouraged by the inclusion of buffers for green belt, but feel this can go further to ensure no impacts or fragmentation occur. Full PEA and protected species surveys should be conducted to advise a sensitive landscape scheme (including SuDs) which retains high value habitats and protects adjacent watercourse, along with opportunities for net gain in biodiversity. CEMP should be implemented on site along with a sensitive lighting scheme.

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 **APX1266**

Site ref (if applicable): **LP0011**

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. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5240165><http://calderdale-consult.objective.co.uk/file/5233421>

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Comment ID **APX438**

Site ref (if applicable): **LP0011**

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:

Need to add requirement for a Heritage Impact Assessment on close Listed building, to Reports Required section, to comply with the NPPF. (This is separate to the archaeological desk-based assessment & field evaluation mentioned - note the correct paragraph in the NPPF to cite is para. 189, not 128.)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX681**

Site ref (if applicable): **LP0011**

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:

Stansfield Hall, opposite this site, is a Grade II Listed Building. The Heritage Impact Assessment considered that development would impact the wider rural setting and change the character of the site by adding built form to the streetscene. It also felt that there was potential for large-scale development along the road frontage to dominate views to the detriment of the streetscene and southern boundary of the listed building. The extent of the Indicative Developable Area reflects the recommendations of the Heritage Impact Assessment. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0011 amend the sixth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX969**

Site ref (if applicable): **LP0011**

Person ID: **1115212**

Name: **Mr Jonathan 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:

Infrastructure requirements have not been effectively assessed. This adds significant traffic load to one of the busiest roads in Calderdale. A road which regularly floods and has a creaking infrastructure. Traffic at peak times is unbearable and utility services regularly fail. The road above the site regularly floods, water then pours down to the properties below which in turn are damaged. The proposal will only exacerbate the issue.

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

Duty to Co-operate Reason:

Suggested Modifications:

This proposal should be removed from the plan

Additional Evidence Link:

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Comment ID **Lpp111**

Site ref (if applicable): **LP0011**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where improved road infrastructure is able to be built

Additional Evidence Link:

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Comment ID **Lpp931**

Site ref (if applicable): **LP0011**

Person ID: **1122094**

Name: **Mr Robert Moska**

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:

Infrastructure, Flooding, Wildlife, Pollution, Increased traffic near school. 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:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically congestion and flooding problems.
2. Infrastructure - Pressure on existing utilities. No scope to improve infrastructure for roads (topography), schools and GPs.
3. Flooding - Increased risk of flooding.
4. Heritage - Impact on Grade II Listed Stansfield Hall. Recommendations in HIA should be 'required' in order to be effective.
5. Ecology - Impact on wildlife.
6. Air Quality - Impact of development on air pollution.
7. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

1. The Highways Development Management Team has assessed that with the necessary mitigation, the impact of development on the local road network would be acceptable.
2. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan, including a section on utility infrastructure provision.
3. The majority of the site is within Flood Zone 1, however, parts of it are at risk from surface water flooding. A Flood Risk Assessment is therefore required. Several land drainage issues have been reported in the past in the close vicinity of the site. With the necessary mitigation, development of the site is

considered to be acceptable.

4. The site is opposite Stansfield Hall, a Grade II Listed Building, and adjacent to Rochdale Canal which is a locally designated heritage asset. A Heritage Impact Assessment has been undertaken to assess the potential impacts on these assets. The Council's Conservation (Heritage) Section have concluded that without mitigation, there could be moderate impacts. Development would impact the wider rural setting of Stansfield Hall; proposals should consider how the design and layout will address the street frontage along Burnley Road. Development will also impact the rural setting of the canal and important views east and west along the canal within the open countryside; therefore the area to the south of the site should remain free from development. This ties in with the provision of a stand-off for ecological reasons.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

5. The site lies within the Wildlife Habitat Network, and is adjacent to the Rochdale Canal Local Wildlife Site with Habitats and Species of Principal Importance, including lowland mixed deciduous woodland and otters and Daubenton's bats. The Canal and River Calder form an important wildlife corridor for mammals, birds and wetland plants. It is recommended that a stand-off of at least 10m is provided from the canal and screening should be provided to avoid increased light levels over the water. The existing trees to the north east should also be retained, and removed from the indicative developable area. Species rich native hedgerows should be planted on all boundaries. A full Ecological Assessment is also required.

6. An Air Quality Assessment and Transport Plan would be required. The impact of road traffic emissions on the residential development itself would not be expected to be significant, and no breach of the air quality objectives for nitrogen dioxide and particulate matter is expected on site.

7. All the necessary constraints, reports required and site specific considerations relating to flooding and drainage have been included in the Appendix. Specifically, the constraints table includes potential for increased surface water run off and references the historic land drainage issues.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Full Preliminary Ecological Appraisal and protected species surveys should be conducted.
2. Construction Environmental Management Plan should be implemented on site along with a sensitive lighting scheme.
3. This proposal should be removed from the plan.
4. Implementation of the mitigation measures set out in the Heritage Impact Assessment.
5. Reallocate the housing to an area where improved road infrastructure is able to be built

6. Add 'Potential fluvial flood risk' to list of constraints in Appendix 1.

Council's Response:

1. The site lies within the Wildlife Habitat Network, and is adjacent to the Rochdale Canal Local Wildlife Site with Habitats and Species of Principal Importance, including lowland mixed deciduous woodland and otters and Daubenton's bats. The Canal and River Calder form an important wildlife corridor for mammals, birds and wetland plants. It is recommended that a stand-off of at least 10m is provided from the canal and screening should be provided to avoid increased light levels over the water. The existing trees to the north east should also be retained, and removed from the indicative developable area. Species rich native hedgerows should be planted on all boundaries. A full Ecological Assessment is also required.

2. The Council's Environmental Health Section has been consulted and has not highlighted a requirement for a lighting scheme. However, an Ecological Assessment is required which may identify the need for mitigation measures such as the implementation of a sensitive lighting scheme.

3. 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.

4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

5. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.

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.

6. Several past drainage issues have been reported in the surrounding areas and suitable actions were being placed to resolve the issues. The Council agrees with the comments being made by members of the public because of previous issues of surface water flooding due to drainage blockage in an area of Tenterfields Road Junction and John Nayler Lane, however, improvement work during 2009/10 has reduced the surface water flooding impacts in the area. The site is suitable for the development as this is located in the flood zone 1 and if the site is developed in a sustainable way, however the land of the site is Green Belt with sloping nature and flood risk to the site due to its location adjacent to a canal, development is acceptable with mitigation.

A Flood Risk Assessment and Hydrological Assessment for surface water would be required.

It is considered that no modifications are necessary.

## Document Section: LP0938 - New Housing Site - Ripponden

### Representations

Comment ID **APX1014**

Site ref (if applicable): **LP0938**

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:

opportunity should be taken to enhance the quality of and public engagement with the river ecosystem / green infrastructure.

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

Duty to Co-operate Reason:

Suggested Modifications:

ensure no built development adjacent to the waterway. Require enhancement of the river ecosystem as a planning condition. Consult with Calder Rivers Trust regarding the development, consider requirement of public access to the river as a part of the development to increase engagement with the river.

Additional Evidence Link:

Comment ID **APX1048**

Site ref (if applicable): **LP0938**

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 appreciates the mention of South Pennines SPA/SAC/SSSI in this allocation policy along with the request for a HRA and mitigation zones. However we feel this could be strengthened by requesting a PEA and associated protected species surveys prior to approval. This could be further supported through the

request for sensitive landscape schemes (including SuDs) and lighting plans to minimise the impact upon the CWHN and ensure no fragmentation occurs and a net gain in biodiversity is achieved.

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>

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Comment ID **APX451**

Site ref (if applicable): **LP0938**

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:

Need to add Heritage Impact Assessment on close by designated heritage assets, to Reports Required section, to comply with NPPF (para.189).

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX685**

Site ref (if applicable): **LP0938**

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 Old Building of Rishworth School, opposite this site, is a Grade II Listed Building. The Heritage Impact Assessment considered that Development could affect the wider setting of the listed building and important views of it as the dominant building in the landscape. The extent of the Indicative Developable Area reflects the recommendations of the Heritage Impact Assessment. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0938 amend the final Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **Lpp1057**

Site ref (if applicable): **LP0938**

Person ID: **1131626**

Name: **Ms Catherine Martin**

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:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Ecology - Impact on ecology.
2. Heritage - Impact on Grade II Listed Old Building of Rishworth School. Recommendations in HIA should be 'required' in order to be effective.
3. Infrastructure - Pressure on existing amenities, services and facilities in the local area, e.g. schools, roads, doctors.
4. Open Space - Loss of open space.

Council's Response:

1. West Yorkshire Ecology and the Yorkshire Wildlife Trust have recommended mitigation including removal of the Habitat of Principal Importance (lowland mixed deciduous woodland) from the developable area. The site should also be planted with locally native trees. The site is also within 2km of the South Pennine Moors SPA/SAC/SSSI, therefore a Habitat Regulations Assessment is likely to be required.
2. Historic England has identified that the site is in proximity to a listed building. A Heritage Impact Assessment (HIA) has been undertaken and has considered that development could affect the wider setting of the listed building and important views of it as the dominant building in the landscape. It has therefore recommended retention of the mature trees along Oldham Road, as well as the existing stone boundary wall. Design and layout should be in line with recommendations in the HIA to reduce impact on the significance of the Listed school building. The listed milestone should also be retained. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
3. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan, including sections on healthcare provision, education facilities and utilities.
4. Development of the site would result in no loss of designated Open Space.

## Duty to Co-operate

Main Issues:

Council's Response:

### Suggested Modifications

1. Request a Preliminary Ecological Appraisal and associated protected species surveys prior to approval. Lighting plans to minimise the impact upon the CWHN.
2. Ensure no built development adjacent to the waterway. Require enhancement of the river ecosystem as a planning condition.
3. Consult with Calder Rivers Trust regarding the development.
4. Consider requirement of public access to the river as a part of the development to increase engagement with the river.
5. Implementation of the mitigation measures set out in the Heritage Impact Assessment.

Council's Response:

1. A full ecological assessment has been carried out as part of the assessment of the site. West Yorkshire Ecology, the Council's Conservation Officer and Yorkshire Wildlife Trust have made various comments and suggested necessary mitigation measures.  
As the site is situated within 2.5km of the South Pennine Moors, an Ecological Assessment would be required. This is in accordance with policy GN3 (Natural Environment) of the Local Plan.
2. West Yorkshire Ecology and the Yorkshire Wildlife Trust have recommended mitigation including removal of the Habitat of Principal Importance (lowland mixed deciduous woodland) from the developable area.
3. As Calder Rivers Trust are not a statutory consultee, the Trust will not be consulted as a matter of course. There is however a facility on the Council's website whereby interested bodies can be notified of any planning applications that may be submitted relating to an area of land.
4. Policies within chapter 20 of the Local Plan - Green Infrastructure and Natural Environment provide a framework to ensure that an improved, accessible and healthy environment is available for the benefit of present and future communities. Specifically, Policy GN2 focuses on promoting the use of Green Infrastructure to make cycling and walking more attractive and the connection of the infrastructure with nearby communities.
5. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1023 - New Housing Site - Ripponden

### Representations

Comment ID **APX1072**

Site ref (if applicable): **LP1023**

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:

Natural England licence will be required for any identified roost on site. This will require full suite of nocturnal bat surveys, and full mitigation strategy appropriate for submission for a NE licence prior to determination of the planning application. Sensitive landscape schemes (including SuDs) should go some way to enhance the area for roosting and foraging bats, resulting in a net gain in biodiversity. Sensitive lighting schemes are also required to protect bats along with buffers and CEMP to protect adjacent watercourse

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 **APX1267**

Site ref (if applicable): **LP1023**

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. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

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Comment ID **APX452**

Site ref (if applicable): **LP1023**

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:

Need to add requirement for Heritage Impact Assessment on close designated assets, to Reports Required section, to comply with NPPF (para.189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX686**

Site ref (if applicable): **LP1023**

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:

This site adjoins the boundary of the Mill Bank and Cotton Stones Conservation Area. Denton House and 1 " 7 Halifax Road, to the east of this site, are Grade II Listed Buildings. The Heritage Impact Assessment considered that Development could affect the setting of the Listed Buildings and important views to and from them. The extent of the Indicative Developable Area reflects the recommendations of the Heritage Impact Assessment. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1023 amend the final Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

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Comment ID **Lpp943**

Site ref (if applicable): **LP1023**

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?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

ensure no built development adjacent to the waterway. Require enhancement of the river ecosystem as a

planning condition. Consult with Calder Rivers Trust regarding the development, consider requirement of public access to the river as a part of the development to increase engagement with the river.

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Ecology - Impact on ecology.
2. Heritage - Impact on Conservation Areas and listed buildings Denton House and 1 - 7 Halifax Road. Recommendations in HIA should be 'required' in order to be effective.
3. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

1. The site is adjacent to Lumb Clough, a UK BAP Priority Habitat and West Yorkshire Ecology have recommended a 10m buffer adjacent to this which should be planted with locally native woodland. There are also Brown long eared and common pipistrelle bats on the site. A Bat Survey will therefore be required. Measures to minimise light pollution and disturbance to the watercourse and woodland should be implemented.  
The ecological constraints have been adequately reflected in the summary of constraints table.
2. Historic England have identified the proximity to the site to Grade II Listed Buildings and Mill Bank and Cottonstones Conservation Area. The Council's Conservation (Heritage) Section have undertaken an Historic Impact Assessment to assess the potential impacts on these heritage assets. Part of the site has been removed from the developable area to mitigate impact on Denton Bridge Cottage. In addition, existing mature trees should be retained and enhanced, and development to the east of the site should be set back from the ridgeline and the development should not be visible from the listed buildings or in key views of them from Halifax Road. The stone retaining walls should also be retained and repaired.  
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
3. The Council considers that the flooding constraints on the site have been adequately reflected in the Appendix and site summary.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Natural England licence will be required for any identified roost on site.
2. Sensitive landscape schemes (including SuDS) should go some way to enhance the area for roosting and foraging bats, resulting in a net gain in biodiversity.
3. Sensitive lighting schemes are also required to protect bats along with buffers and Construction Environmental Management Plan to protect adjacent watercourse.
4. Implementation of the mitigation measures set out in the Heritage Impact Assessment
5. Ensure no built development adjacent to the waterway.
6. Require enhancement of the river ecosystem as a planning condition.
7. Consult with Calder Rivers Trust regarding the development, consider requirement of public access to the river as a part of the development to increase engagement with the river.
8. Add 'Risk of reservoir flooding' and 'Potential fluvial flood risk' to list of constraints in Appendix 1.

Council's Response:

1. Comment noted.
2. A site specific consideration highlights the need to consider surface water flood risk in the design and layout of the scheme. The Council's Landscaping Policy - BT3 ensures that landscaping schemes enhance local biodiversity where practicable.
3. The requested bat survey will identify any such issues and suggest any mitigation measures that may be required. There have also been various mitigation measures suggested concerning ecological constraints, including a 10m buffer zone adjacent to the watercourse and measures to minimise light pollution.
4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
5. The developable area has been reduced to allow for a 10m buffer adjacent to the waterway. This is on the advice of West Yorkshire Ecology.
6. Policies contained within the Green Infrastructure and Natural Environment Chapter along with BT3 - Landscaping (Built Environment) focus on the management of Calderdale's natural environment. Specifically, policy GN3 relates to the Borough's canal and river corridors.
7. As Calder Rivers Trust are not a statutory consultee, the Trust will not be consulted as a matter of course.

There is however a facility on the Council's website whereby interested bodies can be notified of any planning applications that may be submitted relating to an area of land.

Policy GN2 ensures that development contributes positively to achieving a joined up green infrastructure network.

8. The Environment Agency and the Council's Drainage Team have had the opportunity to make comment on the application and suggest constraints where they see it appropriate. In this instance, the surface water flood risks associated with Lumb Clough, and the necessary reports / site specific considerations have been highlighted.

## Document Section: LP1027 - New Housing Site - Ripponden

### Representations

Comment ID **APX1083**

Site ref (if applicable): **LP1027**

Person ID: **1183591**

Name: **Mrs Janine Branscombe**

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:

See Attachment

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/5079577>

Comment ID **APX295**

Site ref (if applicable): **LP1027**

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:

Asset Details: 4ZP Route 400kv two circuit route from Padiham substation in Burnley to 4ZZ122 Tower in Calderdale. (see attachment) The proposed sites are crossed by a National Grid high voltage electricity transmission overhead line. 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. The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. To comply with statutory safety clearances the live electricity conductors of National Grid's overhead power lines are designed to be a minimum height above ground. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

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>

Comment ID **APX528**

Site ref (if applicable): **LP1027**

Person ID: **1182596**

Name: **Miss Yvette Laithwaite**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Green Belt land must not be used. The Green Belt is the heritage and beauty of Calderdale and it must be persevered for future generations. Once gone, it's gone forever and will never be the same again. Green Belt is sacrosanct, that was the whole purpose of the Greenbelt laws. Barkisland is a small rural village and cannot cope with any more development.

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

Sound Reason:

Overhead power lines. Greenbelt.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX741**

Site ref (if applicable): **LP1027**

Person ID: **1183277**

Name: **Suzanne Patterson**

Organisation:

Agent ID: **1062345**

Name: **Mr Nick Willock**

Organisation: **Robert Halstead Chartered Surveyors & Town Planners**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Representation by Robert Halstead Chartered Surveyors & Town Planners on behalf of Mrs S. Patterson of Stonelea, Barkisland Site LP1027 "" Land north of Stonelea, Barkisland, HX4 0HD Background Robert Halstead Chartered Surveyors & Town Planners have been appointed to represent a local resident Mrs Suzanne Patterson in objecting to the allocation of LP1027 for housing. Although the Council have invited representations on the soundness, legal compliance, and compliance with the Duty to Co-operate at this stage, we must point out that the Town & Country Planning (Local Planning) Regulations 2012 (as amended) state at Regulation 18 (1) that "A Local Authority must" (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain." As such, the Regulations do not limit bodies or persons from making representations on any aspect of the Local Plan at this, or any other, consultation stage. The principal reason for highlighting this procedural matter is because local residents who have previously objected to this allocation feel a strong sense of procedural unfairness and injustice in this case. This is because local residents (including our client) had indeed objected to the proposed allocation through the earlier Draft Local Plan consultation in November 2015. However, upon the allocation being filtered out at the August 2017 Draft Plan stage, they had quite naturally assumed the Council was no longer proposing to allocate the land in question and as such, felt it unnecessary to submit objections at that particular consultation stage. Local residents were subsequently shocked to find that the allocation has now been re-introduced into the Publication Draft and therefore in accordance with Regulation 18 above, our client's objections are not limited solely to the issues the Council has invited comment upon. Nevertheless, we will attempt to tailor our comments to matters of soundness as far as possible, and indeed we consider the proposed allocation is in fact 'unsound' for the reasons set out below. Planning history and its relevance to the proposed housing allocation As the Council will be aware, a number of planning applications for housing on this site have been refused and dismissed at appeal (seven refused applications and two appeals dismissed). All recent cases post-date the publication of the 2012 NPPF and should therefore be significant material planning considerations in the Council's assessment of the suitability of this land for housing. All recent applications have been severely constrained in their layouts by two other factors: proximity to overhead power lines, and proximity to residential properties on Stonelea (i.e. maintaining suitable space about building standards, maintain privacy, light etc). The appeal decision connected with 12/01283 application for 6 detached properties was dismissed. Key reasons were as follows: The proposals would undermine policies designed to focus development on previously developed land. "The site contributes positively to the rural character of the village in its present form. The proposals would be materially harmful in this regard." para 8) Contravention of UDP space about building standards and

therefore "significantly harmful to the living conditions of neighbouring properties on Stonelea with regard to outlook, privacy and daylight." (para 22) The next planning application (LPA ref: 14/00265) was refused on grounds 1 & 2 above, together with an additional reason citing insufficient clearance distances to the overhead powerlines. With regard to the overhead powerline issue, the delegated officer's report noted that both horizontal and vertical minimum distances apply with regard to the proximity of proposed new dwellings to the power lines, because of the potential for the cables to blow in the wind. As such, the proposed two storey properties were ruled out on the basis of their height and close proximity to cables. This prompted the last recorded planning application (LPA ref: 14/01107), which proposed 4 no. single storey properties and although overcoming the overhead powerline issue, was refused by the Council on the grounds of 1 & 2 above. At that time, officers commented on the requirement for rear facing dormer windows to be obscurely glazed to prevent close overlooking of private garden areas on Stonelea, demonstrating a somewhat contrived form of development as a result of the unusually severe site constraints. The 14/01107 case was appealed again and the Inspector provided a number of relevant comments within her decision as follows: "The development site occupies a prominent position on the northern edge of the village from Scammonden Road." (para 6) The 4 bungalows would be substantially larger than existing nearby housing. They would appear to run across the hill in an almost unbroken line (para 7). The dwelling closest to Scammonden Road would be significantly further forward of the building line than the Stonelea properties (para 8). In conclusion, the Inspector again refused the proposals on the basis that "the four proposed properties would be overly prominent and would significantly harm the wider agricultural landscape and rural character of the village and its setting. This would be contrary to policy BE2 of the UDP which accords with the Framework and promotes high quality design that relates to the local context" National planning policy remains unchanged with regard to the policies and material considerations upon which the last three planning applications were refused, and as such, the Local Plan is considered to be unsound in that it is inconsistent with the national policies cited within the most recent appeal decision in 2014. It is also noted that the context of the 2014 appeal decision was one of a lack of a five year housing supply (the Inspector still deciding to dismiss the appeal on the NPPF paragraph 14 test - i.e the harm with regard to the character and appearance of the locality was judged to clearly and demonstrably outweigh the benefits). The key point to be made here is that once the Local Plan is adopted and the Council has a five year supply, there are even fewer material planning reasons in favour of developing this site for housing. It is also clear from recent decisions that it is not simply the layout or design of the proposed dwellings which has resulted in planning applications being refused and dismissed at appeal: the clear thrust of these decisions is that the development of this land "" whether two storey or single storey "" has repeatedly been rejected on the basis of significant harm to the wider agricultural landscape and rural character of the village and its setting. Effective use of land / harm to landscape character & village setting The Council's Local Plan assessment of LP1027 identifies the site as 'greenfield' and gives it a 'red' traffic light score. In line with the recent Council and Inspector's decisions to refuse permission on the basis that housing proposals would undermine policies designed to focus development on previously developed land, we question why, with this 'red' traffic light score, the Council are still proposing to allocate the land for housing? We would suggest that in line with these recent NPPF compliant decisions, the Local Plan strategy in this regard is unsound as it is contrary to the NPPF which states at paragraph 117: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." Paragraph 118 goes on to state that Planning policies "should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs." The proposed allocation of this greenfield site would not promote an effective use of land while "safeguarding and improving the environment" and would not "make as much use as possible of previously-developed." As such, and in the light of the Inspector's comments regarding the potential harm to this greenfield site in the wider landscape and village setting, the proposed allocation is contrary

to national planning policy and is therefore unsound in our view. The Council's LP1027 site assessment report states that there would be "no significant harm to landscape" It is unclear upon what evidence this judgement has been based, however it directly contradicts the Council's and Planning Inspectorate's NPPF compliant decisions, and undermines the Council's conclusions that the site is in fact suitable for a housing allocation. Inefficient use of land A further significant issue with LP1027 is that the allocation of this site would result in a wholly inefficient use of land, contrary to NPPF policy. The severe constraints of the site have been assessed and subsequently refined by the applicants through the submission and rejection of various planning applications, culminating in the 2014 (14/01107) case whereby development was constrained to a single 10m deep strip of land running parallel to the overhead power lines. This strip was defined by the overhead powerline positions, and the need to safeguard the residential amenities of properties on Stonelea. Furthermore, the development was limited to single storey as a result of the vertical proximity to overhead line 'blowout' distances (see delegated officer's report) The Inspector in this most recent appeal case also called for a setback from Scammonden Road in order to protect building lines (9m) and criticised the almost "unbroken" line of houses along this strip of land. As can be seen on the attached sketch, this results in a development footprint of approximately 10 x 90m (0.09 ha), which would presumably not be permitted to be built without resolving the "unbroken line" issue and would be restricted to single storey dwellings. Notwithstanding the need to overcome the significant harm to landscape / village setting identified in previous planning application and appeal decisions, it is therefore likely that only a very small portion of the site could be developed perhaps resulting in fewer than the four bungalows most recently dismissed at appeal (being single storey, a larger development footprint would of course be required for each property). As such, the Council are proposing to allocate a 0.54 ha site for housing which may only be capable of accommodating a few bungalows. Assuming three or four properties at most could be achieved, this would result in a housing density for the site of between 5 and 7 dwellings per hectare. This is between 13 - 19% of the 36 dwellings per hectare the Council has stated as its target on this particular site (i.e. at least 80% less than the target density). As a result, the allocation of LP1027 would be significantly contrary to NPPF policies on achieving appropriate densities with a view to making efficient use of land in the interests of sustainable development (paragraphs 122 and 123). Finally, it is worth considering that the actual developable area is likely to be below the Council's 0.25ha threshold for filtering out sites automatically. Inconsistencies with the Council's previous Site Assessment Report Of grave concern to our client and local residents is that the Council filtered this site out at the previous Draft Local Plan consultation stage, concluding on the overall assessment summary: "The site slopes north to south towards the residential area which has been one of the reasons why numerous planning applications have been refused on site. Other reasons include: development of this site would be detrimental to the amenity and privacy of existing residents (sic) and the (sic) would be a significant harm on the character of the landscape as it is designated as a Special Landscape Area. Although the site scores well against the scoring criteria due to the numerous occasions the site has been refused planning permission the site has been filtered out and will not be allocated in the Local Plan." This is precisely the point we are making: there appears to be no realistic prospect of development on this site gaining planning permission in the event it is allocated, and the site is consequently not deliverable as a housing site. As detailed above, the clear thrust of the previous application / appeal decisions is that the development of this land whether two storey or single storey has repeatedly been rejected on the basis of significant harm to the wider agricultural landscape and rural character of the village and its setting. It is therefore a matter of principle rather than detail that is preventing any form of planning permission for housing coming forward on this site. It has already been tried and tested with no prospect of success: the site is undevelopable. Conclusion In conclusion, there are numerous site constraints identified through previous decisions to refuse planning permission, together with the prospective landscape / village setting harm, and the severely inefficient use of land that would result. We would therefore argue that allocating LP1027 would be unsound in that it would be contrary to previous NPPF compliant appeal decisions and current national policy, and would not be a representative and appropriate strategy based on reasonable alternative sites that are less constrained and can be developed efficiently and to normal densities. There appear to be no valid reasons why the Council

are now proposing to diverge from their conclusions at the previous consultation stage that the site is unsuitable for development and should be filtered out. We therefore request that LP1027 is rejected as a housing allocation within the Council's Publication Draft Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

Remove the proposed housing allocation from the plan

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072817>

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Comment ID **APX944**

Site ref (if applicable): **LP1027**

Person ID: **960475**

Name: **Mr David Moffat**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Because this particular site has been added at the very last minute so no one would notice.

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

Sound Reason:

If the plan includes unsuitable sites such as this, which have been added at the last minute, how can the plan be considered to be sound.

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

Duty to Co-operate Reason:

This particular site has been added at the very last minute so that nobody would notice.

Suggested Modifications:

This site should be removed from the plan as it is inappropriate for development particularly given the Overhead Power lines & the sheer number of times it has been turned down for development. The site should never have been included in this plan & it is disturbing that it has been added at such a late stage.

Additional Evidence Link:

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Comment ID **Lpp1164**

Site ref (if applicable): **LP1027**

Person ID: **960242**

Name: **Suzanne Patterson**

Organisation:

Agent ID: **1062345**

Name: **Mr Nick Willock**

Organisation: **Robert Halstead Chartered**

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

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/5089892><http://calderdale-consult.objective.co.uk/file/5089906>

Comment ID **Lpp366**

Site ref (if applicable): **LP1027**

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

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 comment is in specific regards to site number LP1027. Seven refused applications and two appeals dismissed between 2004 and 2014. The 2012 application (12/01283) for 6 detached properties was dismissed on appeal, as was the next application in 2014 (14/00265). In both cases the reasons for dismissal were due to the undermining of policies designed to focus on development of previously developed land, and that the sites contributes positively to the rural character of the village in its present form and the proposals would be materially harmful. This latter application also cited insufficient clearance distances to the overhead power lines. the last application in, again in 2014 (14/001107) for 4 single storey properties was refused by the council on the same grounds as the previous two but not the power lines. This also went to appeal, and dismissed and the Inspector for the third time stated that the 4 properties would be overly prominent and significantly harm the wider agricultural landscape and rural character of the village and its setting. In filtering out the site in the second version the draft plan, the council agreed with these findings, acknowledging that development of the site would be 'detrimental to the amenity and privacy of existing residents and there would be significant harm on the character of the landscape as it is designated a Special Landscape Area.' '''; due to the numerous occasions the site has been refused planning permission the site has been filtered and not included within the local plan.' The core reasons supported the filtering of this site have not changed and will not change the existing houses will still exist,

the power lines will still exist, the rural character and the village setting will not change - unless this site is allowed to go forward. For these reasons I believe the councils decision to return the site to the plan is unjust and irrational - there is no objective reasoning to explain this about face.

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

Duty to Co-operate Reason:

I have addressed this point fully in a separate response to this consultation elsewhere.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp619**

Site ref (if applicable): **LP1027**

Person ID: **1183429**

Name: **Miss Suzanne Patterson**

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 Stonelea and my house directly adjoins the site. Myself along with other local residents objected to the proposed allocation through the earlier Draft Local Plan consultation in November 2015. However, upon the allocation being filtered out at the August 2017 Draft Plan stage, we had quite naturally assumed the Council was no longer proposing to allocate the land in question and as such, felt it unnecessary to submit objections at that particular consultation stage. We were subsequently shocked to find that the allocation has now been re-introduced into the Publication Draft. I consider the proposed allocation is 'unsound' for the reasons set out below. A number of planning applications for housing on this site have been refused and dismissed at appeal (seven refused applications and two appeals dismissed). National planning policy remains unchanged with regard to the policies and material considerations upon which the last three planning applications were refused, and as such, the Local Plan is considered to be unsound in that it is inconsistent with the national policies cited within the most recent appeal decision in 2014. It is also clear from recent decisions that it is not simply the layout or design of the proposed dwellings in proximity to the overhead powerlines and nearby houses which has resulted in planning applications being refused and dismissed at appeal: the clear thrust of these decisions is that the development of this land "“ whether two storey or single storey "“ has repeatedly been rejected on the basis of significant harm the wider agricultural landscape and rural character of the village and its setting. The Council's Local Plan assessment of LP1027 identifies the site as 'greenfield' and gives it a 'red' traffic light score. In line with the recent Council and Inspector's decisions to refuse permission on the basis that housing proposals would undermine policies designed to focus development on previously developed land, we question why, with this 'red' traffic light score, the Council are still proposing to allocate the land for housing? We would suggest that in line with these recent NPPF compliant decisions, the Local Plan strategy in this regard is unsound as it is contrary to the NPPF which states at paragraph 117. The Council's LP1027 site assessment report states that there would be 'no significant harm to landscape'. It is unclear upon

what evidence this judgement has been based, however it directly contradicts the Council's and Planning Inspectorate's NPPF compliant decisions and undermines the Council's conclusions that the site is in fact suitable for a housing allocation. A further significant issue with LP1027 is that the allocation of this site would result in a wholly inefficient use of land, contrary to NPPF policy. The severe constraints of the site have been assessed and subsequently refined by the applicants through the submission and rejection of various planning applications, culminating in the 2014 (14/01107) case whereby development was constrained to a single 10m deep strip of land running parallel to the overhead power lines.

Notwithstanding the need to overcome the significant harm to landscape / village setting identified in previous planning application and appeal decisions, the Council are proposing to allocate a 0.54 ha site for housing which may only be capable of accommodating a few bungalows. Assuming three or four properties at most could be achieved, this would result in a housing density for the site of between 5 and 7 dwellings per hectare. As a result, the allocation of LP1027 would be significantly contrary to NPPF policies on achieving appropriate densities with a view to making efficient use of land in the interests of sustainable development (paragraphs 122 and 123). It is also worth considering that the actual developable area is likely to be below the Council's 0.25ha threshold for filtering out sites automatically. Of grave concern to myself and local residents is that the site has been re-included in the Plan when the reasons why the Council filtered this site out at the previous Draft Local Plan consultation stage are so detrimental, concluding on the overall assessment summary: 'The site slopes north to south towards the residential area which has been one of the reasons why numerous planning applications have been refused on site. Other reasons include: development of this site would be detrimental to the amenity and privacy of existing residents (sic) and the (sic) would be a significant harm on the character of the landscape as it is designated as a Special Landscape Area. Although the site scores well against the scoring criteria due to the numerous occasions the site has been refused planning permission the site has been filtered out and will not be allocated in the Local Plan.' As detailed above, the clear thrust of the previous application / appeal decisions is that the development of this land "whether two storey or single storey" has repeatedly been rejected on the basis of significant harm to the wider agricultural landscape and rural character of the village and its setting. It is therefore a matter of principle rather than detail that is preventing any form of planning permission for housing coming forward on this site. It has already been tried and tested with no prospect of success: the site is undevelopable. There also appear to be inconsistencies in the assessment of this site compared with the nearby LP1024. The latter has been rejected due to OHP constraints 'significantly reducing the developable area' yet no assessment has been made of by how much. The site has also been rejected on the basis of harm to the setting of the listed school, however the proximity and levels of inter-visibility between LP1027 and the school compared with LP1024 is exactly the same, so surely the same harm would occur? The findings of the two site assessments therefore appear to be inconsistent. In conclusion, there are numerous site constraints identified through previous decisions to refuse planning permission, together with the prospective landscape / village setting harm, and the severely inefficient use of land that would result. We would therefore argue that allocating LP1027 would be unsound in that it would be contrary to previous NPPF compliant appeal decisions and current national policy, and would not represent an appropriate strategy based on reasonable alternative sites that are less constrained and can be developed efficiently and to normal densities. There appear to be no valid reasons why the Council are now proposing to diverge from their conclusions at the previous consultation stage that the site is unsuitable for development and should be filtered out. I therefore request that LP1027 is rejected as a housing allocation within the Council's Publication Draft Local Plan.

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

Duty to Co-operate Reason:

#### Suggested Modifications:

The site LP1027 should be rejected as a housing allocation within the Council's Publication Draft Local Plan.

#### Additional Evidence Link:

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Comment ID **Lpp690**

Site ref (if applicable): **LP1027**

Person ID: **1183429**

Name: **Miss Suzanne Patterson**

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 Stonelea and my house directly adjoins the site. Myself along with other local residents objected to the proposed allocation through the earlier Draft Local Plan consultation in November 2015. However, upon the allocation being filtered out at the August 2017 Draft Plan stage, we had quite naturally assumed the Council was no longer proposing to allocate the land in question and as such, felt it unnecessary to submit objections at that particular consultation stage. We were subsequently shocked to find that the allocation has now been re-introduced into the Publication Draft. I consider the proposed allocation is 'unsound' for the reasons set out below. A number of planning applications for housing on this site have been refused and dismissed at appeal (seven refused applications and two appeals dismissed). National planning policy remains unchanged with regard to the policies and material considerations upon which the last three planning applications were refused, and as such, the Local Plan is considered to be unsound in that it is inconsistent with the national policies cited within the most recent appeal decision in 2014. It is also clear from recent decisions that it is not simply the layout or design of the proposed dwellings in proximity to the overhead powerlines and nearby houses which has resulted in planning applications being refused and dismissed at appeal: the clear thrust of these decisions is that the development of this land "whether two storey or single storey" has repeatedly been rejected on the basis of significant harm the wider agricultural landscape and rural character of the village and its setting. The Council's Local Plan assessment of LP1027 identifies the site as 'greenfield' and gives it a 'red' traffic light score. In line with the recent Council and Inspector's decisions to refuse permission on the basis that housing proposals would undermine policies designed to focus development on previously developed land, we question why, with this 'red' traffic light score, the Council are still proposing to allocate the land for housing? We would suggest that in line with these recent NPPF compliant decisions, the Local Plan strategy in this regard is unsound as it is contrary to the NPPF which states at paragraph 117. The Council's LP1027 site assessment report states that there would be 'no significant harm to landscape'. It is unclear upon what evidence this judgement has been based, however it directly contradicts the Council's and Planning Inspectorate's NPPF compliant decisions and undermines the Council's conclusions that the site is in fact suitable for a housing allocation. A further significant issue with LP1027 is that the allocation of this site would result in a wholly inefficient use of land, contrary to NPPF policy. The severe constraints of the site have been assessed and subsequently refined by the applicants through the submission and rejection of various planning applications, culminating in the 2014 (14/01107) case whereby development was constrained to a single 10m deep strip of land running parallel to the overhead power lines.

Notwithstanding the need to overcome the significant harm to landscape / village setting identified in previous planning application and appeal decisions, the Council are proposing to allocate a 0.54 ha site for housing which may only be capable of accommodating a few bungalows. Assuming three or four properties at most could be achieved, this would result in a housing density for the site of between 5 and 7 dwellings per hectare. As a result, the allocation of LP1027 would be significantly contrary to NPPF policies on achieving appropriate densities with a view to making efficient use of land in the interests of sustainable development (paragraphs 122 and 123). It is also worth considering that the actual developable area is likely to be below the Council's 0.25ha threshold for filtering out sites automatically. Of grave concern to myself and local residents is that the reasons why the Council filtered this site out at the previous Draft Local Plan consultation stage still remain. The Council's concluding in the overall assessment summary when filtered out: 'The site slopes north to south towards the residential area which has been one of the reasons why numerous planning applications have been refused on site. Other reasons include: development of this site would be detrimental to the amenity and privacy of existing residents (sic) and the (sic) would be a significant harm on the character of the landscape as it is designated as a Special Landscape Area. Although the site scores well against the scoring criteria due to the numerous occasions the site has been refused planning permission the site has been filtered out and will not be allocated in the Local Plan.' As detailed above, the clear thrust of the previous application / appeal decisions is that the development of this land "whether two storey or single storey" has repeatedly been rejected on the basis of significant harm to the wider agricultural landscape and rural character of the village and its setting. It is therefore a matter of principle rather than detail that is preventing any form of planning permission for housing coming forward on this site. It has already been tried and tested with no prospect of success: the site is undevelopable. There also appear to be inconsistencies in the assessment of this site compared with the nearby LP1024. The latter has been rejected due to OHP constraints 'significantly reducing the developable area' yet no assessment has been made of by how much. The site has also been rejected on the basis of harm to the setting of the listed school, however the proximity and levels of inter-visibility between LP1027 and the school compared with LP1024 is exactly the same, so surely the same harm would occur? The findings of the two site assessments therefore appear to be inconsistent. In conclusion, there are numerous site constraints identified through previous decisions to refuse planning permission, together with the prospective landscape / village setting harm, and the severely inefficient use of land that would result. We would therefore argue that allocating LP1027 would be unsound in that it would be contrary to previous NPPF compliant appeal decisions and current national policy, and would not be a representative and appropriate strategy based on reasonable alternative sites that are less constrained and can be developed efficiently and to normal densities. There appear to be no valid reasons why the Council are now proposing to diverge from their conclusions at the previous consultation stage that the site is unsuitable for development and should be filtered out. I therefore request that LP1027 is rejected as a housing allocation within the Council's Publication Draft Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1027 should be rejected as a housing allocation site within the Council's Publication Draft Local Plan.

Additional Evidence Link:

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## **Main Issues and Council Response**

## Legal Compliance

### Main Issues:

1. Consultation - Inadequate opportunity to comment due to site previously being filtered.

### Council's Response:

1. Sites that have been previously filtered at earlier stages of the site assessment process have been subject to full site assessment and stakeholder consultation. Following this, a full round of public consultation took place on these sites at the Local Plan Publication Draft stage in accordance with the Council's adopted Local Development Scheme and Statement of Community involvement.

## Test of Soundness

### Main Issues:

1. Planning history - Refused applications for residential development (dismissed at appeal). Unlikely design can overcome reasons for previous refusals. Site is not deliverable.
2. Residential Amenity - Loss of privacy and amenity for existing dwellings.
3. Landscape - Impact on character and setting of village.
4. Loss of greenfield / agricultural land.  
Site Selection - Prioritise brownfield sites such as sites LP1602 and LP1025.
5. Site selection - More appropriate, less constrained sites available elsewhere that should be prioritised.
6. Green Belt - Loss of Green Belt.

### Council's Response:

1. In 2015, an outline application for four dwellings was refused (and dismissed at appeal) due to the dwellings being overly prominent and the harm on the wider agricultural landscape and rural character of the village and its setting. In the past, the use of greenfield land has also been a reason for refusal, when the Council could demonstrate it had a five year supply of housing land.  
All sites assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1). As such, the site is considered to be developable. Any forthcoming application will be assessed against the current development plan and updated NPPF, using the Council's most recent 5 year housing supply position.
2. Policy BT2 - Privacy, Daylighting and Amenity Space of the Built Environment Chapter ensures that development proposals do not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents or other occupants and provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.
3. The site is not situated within a Special Landscape Area. However, chapter 20 of the Local Plan contains a Landscape Character policy which ensures that new development is designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated.
4. 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. 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.

6. 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.

The proposed changes to the Calderdale Green Belt are clearly 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.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Remove the proposed housing allocation from the plan.

Council's Response:

1. No change required - The sites allocation is considered consistent with the Council's site allocation methodology and positioning in the trajectory as set out in the Housing Technical Paper.

## Document Section: LP0044 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX26**

Site ref (if applicable): **LP0044**

Person ID: **1177818** Name: **Mrs Sharron Smith** 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 plan is completely unprepared for the infrastructure of the local enviroment. The roads are already over capacitated, not to mention the local services.

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

Duty to Co-operate Reason:

Suggested Modifications:

How are these houses going to gain access? How are the local services going to cope with more demand? How is this going to effect the current propeties on Lowlaitthes? Has concideration been given to the owners of the properties over looking the land? Devaluing their properties Will the crime rate will increase?

Additional Evidence Link:

Comment ID **APX530**

Site ref (if applicable): **LP0044**

Person ID: **1129071** Name: **Li** 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:

Traffic disaster: The roads capacities (and the conjunctions they lead to) are already at their limits. It's insane to add another 112 dwellings in this area. Services like GPs and schools can't cope either. Green

fields scarcity: These are the only few green blocks that are still visible from the valley bottom (e.g. town center). If eliminated, Sowerby Bridge will become just another soulless town lost its identity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing plan to area with acceptable/realistic traffic/service capacities Preserve the limited green blocks

Additional Evidence Link:

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Comment ID **APX779**

Site ref (if applicable): **LP0044**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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:

Flooding - I do not believe that there is a robust enough policy to deal with the the removal of an important water catchment area. There is no enforcement to prevent surface water run off from increasing with the removal of this natural soak away -as such I believe that without these policies in place before the plan is accepted companies will do the minimum required and we will be left with increased flooding across the main road as well as further downstream of this river. Traffic - While work is begin proposed to make the junction of Sowerby New Road and the A58 more manageable it is yet to be fully accepted and allocated. Adding this number of houses to the area with a very narrow and difficult ingress and egress is unpractical. This is a major cycle route and adding this extra traffic will make it even more dangerous. Without a stronger cycling and pedestrian policy there will be more accidents. The lack of sustainable transport and plans to improve the road do not bode well for the up to 250 plus extra vehicles (not including the cumulative aspect of all the vehicles if all the sites in the area come off).

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

Duty to Co-operate Reason:

Suggested Modifications:

An anti flooding plan and scheme or policy to enforce a high level of flood and water investigation. Infrastructure plan to improve the ingress and egress on to Sowerby New Road, prevention of parking to make it 1 lane (as it is for most of the time now).

Additional Evidence Link:

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Comment ID **APX857**

Site ref (if applicable): **LP0044**

Person ID: **1139338**

Name: **Ms Naomi Powell**

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 housing proposals for Sowerby Bridge now total 350 dwellings, almost 80% of which are on greenfield or unspecified sites. Proposal site LP0044 is the largest of these sites and attracted significant objections in the initial consultation due to substantive implications for local infrastructure such as highways, schools and health services. Highways - the current traffic congestion on Sowerby New Road and through Sowerby Bridge (Wharf Street etc) is increasingly challenging at any time of day. This is compounded by diverted motorway traffic during the winter months as the M62 motorway is frequently closed between junctions 22 and 24. The opening of a 'bypass' (Hollas Lane) has done little to mitigate this situation. The addition of 350 properties potentially adds around 700 vehicles to the immediate area, further compounded by proposals in Ripponden (70 properties), residents of which use the A58 to access local services, train station and Halifax town centre. This also threatens pedestrian safety, especially with a number of primary/secondary schools in the area. Proposals to introduce a one-way system at the bottom of Sowerby New Road will not resolve serious access issues further up the road towards Sowerby, which is usually reduced to a single lane due to parking, and creates access issues for emergency services. Environment - the site is a greenfield site within green belt. It contains a number of established trees with Tree Preservation Orders. The proposed removal of these trees creates a risk for existing properties due to soil erosion; this is already an issue for properties on Low Laithes. This area is a wildlife corridor which provides a habitat for protected species, which is reflected in the current RCUDP which states the land is both green belt and a wildlife corridor. Air pollution is an issue in the town with a number of recent initiatives to address this and recent rejection of a planning application for the building of an incinerator.

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

Duty to Co-operate Reason:

Suggested Modifications:

I believe this proposal should be removed from the plan as the substantive issues cannot be mitigated.

Additional Evidence Link:

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Comment ID **APX978**

Site ref (if applicable): **Lp0044**

Person ID: **1130472**

Name: **Mr Paul Mooney**

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:

Traffic: The traffic joining sowerby new road leading into sowerby bridge is already horrific and dangerous with a chicane and speed bumps with a school and mainly single carriage way due to parked cars all down one side. Adding an extra few hundred more vehicles to this already massive problem is insane. Air pollution: Air pollution on and around wharf street is already failing air quality objectives set nationally. Adding an extra few hundred more vehicles and a longer period of time to this already failing system is insane. Infrastructure: In this area schools and doctors, are over subscribed already. Greenbelt This site is green field site within a green belt area, there are many trees on this site with preservation orders on them.this area is also a wildlife corridor which provides habitat for protected species which is reflected in the RCUDP which states that the land is green belt and a WILDLIFE corridor. Parking The entrance to this proposed site is coming off low laithes existing road in the report it states pathways on both sides with enough room for two way traffic.parking on low laithes already is at maximum capacity with cars having to park on both sides on footpaths leaving only the road to walk in. I've measured the road where the entrance is proposed and if we have cars parked outside these houses on the road like we would have to that would leave a 5ft gap of carriage way not big enough for a large vehicle never mind fire service with average fire engine being 9ft wide. Flooding These fields act as a soak away for water adding this amount of houses is only going to add to the flood problems further down the line.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate this housing plan to an area with a realistic and acceptable traffic plan and service capacity

Additional Evidence Link:

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Comment ID **Lpp108**

Site ref (if applicable): **LP0044**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where new road infrastructure can be developed

Additional Evidence Link:

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Comment ID **Lpp243**

Site ref (if applicable): **LP0044**

Person ID: **1129071**

Name: **Li**

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:

Traffic disaster: The roads capacities (and the conjunctions they lead to) are already at their limits. It's insane to add another 112 dwellings around this area. Services like GPs and schools can't cope either.  
Green fields scarcity: These are the only few green blocks that are still visible from the valley bottom (e.g. town center). If eliminated, Sowerby Bridge will become just another soulless town lost its identity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing plan to area with acceptable/realistic traffic/service capacities Preserve the limited green blocks

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

## Main Issues:

1. Infrastructure - Pressure on existing amenities, services and facilities, such as schools and health services.
2. Local Road Network - Inadequate local road network, specifically congestion, road safety and on-street parking issues. Lack of sustainable transport plan. Improvements made difficult due to topography.
3. Green Belt - Loss of Green Belt.
4. Loss of greenfield / open space.
5. Trees - Loss of protected trees and risks of soil erosion.
6. Ecology - Impact on wildlife.
7. Air Quality - Impact of development on air pollution.
8. Flooding - Impact of development on drainage of area.

## Council's Response:

1. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.
2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'  
To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.  
Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.  
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.
3. In terms of 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. 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.  
The proposed changes to the Calderdale Green Belt are clearly 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.
4. 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 site is currently designated as Green Belt but also performs the function of a natural/semi-natural open space. An assessment of open space in the area shows that there are sufficient alternative natural/semi-natural areas within the catchment of this site to meet the adopted standards. However if the site is designated for housing, open space would be required as part of any development since there are deficiencies in other typologies.

5. Policy BT3 - Landscaping establishes that landscaping schemes should include details of the retention of existing trees which contribute to the character and amenity of the area.

Site LP0044 contains no protected trees.

6. There are unlikely to be significant adverse impacts on ecology, however, the planting of hedgerows and retention of trees will help maintain Wildlife Habitat Network linkages. A 10m buffer from boundary trees has also been suggested as a mitigation measure, however, given the topography in this part of the site, it is considered unlikely that this area would be developed.

7. The site is in close proximity to the Sowerby Bridge AQMA. The Council's Environmental Health Section have commented that although the road traffic emissions arising from the development of the site would not be expected to be significant, and not breach of the air quality objectives for nitrogen dioxide and particulate matter is expected on site, regard should be had to the West Yorkshire Low Emission Strategy.

8. The sites lies within Flood Zone 1, however, part of the site is at risk from surface water flooding; and given the size of the site and the potential to increase surface water run off, a Flood Risk Assessment is required. A drainage issue has been reported in the past, however, the Council's Flooding & Drainage Section consider that the site can be developed, subject to mitigation.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. This proposal should be removed from the plan as the substantive issues cannot be mitigated.
2. Relocate this housing plan to an area with a realistic and acceptable traffic plan and service capacity. Infrastructure plan to improve the ingress and egress on to Sowerby New Road, prevention of parking to make it 1 lane (as it is for most of the time now).
3. An anti flooding plan and scheme or policy should be included to enforce a high level of flood and water investigation.
4. Preserve the limited green blocks.

Council's Response:

1. The site's allocation is considered consistent with the Council's site allocation methodology and positioning in the trajectory as set out in the Housing Technical Paper.

2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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 terms of this site a Transport Assessment and Travel Plan including site access design with appropriate mitigation will be required. Further, an assessment would be needed of the Foundry St/Bridge St/West St junction and the centre of Sowerby Bridge.

3. The sites lies within Flood Zone 1, however, part of the site is at risk from surface water flooding; and given the size of the site and the potential to increase surface water run off, a Flood Risk Assessment is required. A drainage issue has been reported in the past, however, the Council's Flooding & Drainage Section consider that the site can be developed, subject to mitigation.

4. The site is currently designated as Green Belt, but also performs the function of a natural/semi-natural open space. An assessment of open space in the area shows that there are sufficient alternative natural/semi-natural areas within the catchment of this site to meet the adopted standards. However if the site is designated for housing, open space would be required as part of any development since there are deficiencies in other typologies.

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.

## Document Section: LP0435 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX1242**

Site ref (if applicable): **LP0435**

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 Proposed new housing within 150m of permitted waste site EAWML 65545 (Calder Valley Skip Hire Ltd). We have historically received a number of reports from the local residents regarding this site including noise, litter, fires, and volume of waste on site. The operator is currently in talks with the Council for planning permission for a Small Waste Incineration Plant at this location which has received a strong reaction from the local community, Councillors and Members of Parliament. Again, there are likely to be ongoing concerns from local residents even after regulation in line with best available techniques. We advise the implications of this are considered as part of the allocations process and the site specific assessment for this site.

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 **APX453**

Site ref (if applicable): **LP0435**

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:

Need to add Heritage Impact Assessment on close by designated heritage assets, to Reports Required section, to comply with NPPF (para. 189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX687**

Site ref (if applicable): **LP0435**

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:

There are a number of Listed Buildings on the northern side of Haugh End Lane including Haugh End House which is a Grade II\* Building. National policy guidance makes it clear that Grade II\* Listed Buildings are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. The Heritage Impact Assessment considered that development on the site that was originally proposed for development would substantially affect the setting of the Listed Buildings and important remaining views to them through the open fields to the south. It felt that the southern part of the site was slightly less significant as development would sit between existing housing to the west and east. Whilst open views from Rochdale Road would be lost, glimpsed views through development could be achieved and more open views across the remaining site could be maintained from the footpath running through the site. The extent of this proposed allocation reflects the recommendation of the Heritage Impact Assessment. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0435 amend the final Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX780**

Site ref (if applicable): **LP0435**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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 do not feel that strong enough emphasis has been placed on the protection of the Grade 2\* listed buildings around this area.

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

Duty to Co-operate Reason:

Suggested Modifications:

stronger protection of the few Heritage sites in the area need to be established.

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

#### Main Issues:

1. Environmental Health - Proximity to waste site EAWML 65545. Noise, litter, fires, and volume of waste on site.
2. Heritage - Impact on grade II\* listed buildings (Haugh End House). Recommendations in HIA should be 'required' in order to be effective.

#### Council's Response:

1. Environmental Health note that this site is close to the Sowerby Bridge Air Quality Management Area and also the effects of road traffic noise will need consideration in any design and layout. The impact of road traffic emissions on the residential development itself would not be expected to be significant, and no breach of the air quality objectives for nitrogen dioxide and particulate matter is expected on site. However, the West Yorkshire Low Emission Strategy should be considered. Road traffic noise has also been highlighted as a concern. Any development should be accompanied by a Noise Impact Assessment. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of waste site EAWML 65545.
2. The site is in close proximity to a number of Listed Buildings, both Grade II and Grade II\*. A Heritage Impact Assessment (HIA) has been undertaken to assess potential impacts of development on these assets. The Council's Conservation (Heritage) Section consider that development will substantially affect the setting of the listed buildings and important remaining views to them through the open fields to the south. It was therefore recommended that the site is not taken forward as an allocation, or limited development could be appropriate subject to layout, scale and density to reflect existing residential development along Rochdale Road. Therefore, the boundary has been reduced considerably in size to mitigate against adverse impacts on the setting of the listed buildings. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

#### Duty to Co-operate

#### Main Issues:

#### Council's Response:

#### Suggested Modifications

1. Stronger protection of the few Heritage sites in the area need to be established.
2. Amend the final Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment".

#### Council's Response:

1. The assessment and subsequent protection of both designated and non-designated heritage assets is considered to be sufficient. The developable area has been reduced in light of comments from the Council's Conservation Section.
2. The mitigation measures identified within the HIAs are recommendations to be considered by applicants

and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP0438 - New Housing Site - Sowerby Bridge

### Representations

Comment ID

Site ref (if applicable): **LP0438**

Person ID: **1170852** Name: **Ms Laura Powell** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

The plan is probably legally compliant but as the owner and occupier of 32 The Newlands I wish to voice some personal concerns. If the development goes ahead, I would have to live overlooking a building site for the duration, and the associated noise, dust and extra traffic. I have lived at number 32 for 30 years and bought the property some time ago to enjoy the views over the fields and valley, and appreciate the quietness from being at the corner of the estate. The view from the house and the back garden will be altered and tainted, It will change the character of the outlook of the house. I'm not sure I would wish to continue living there under these circumstances, but am also concerned that the development could devalue my property.

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

Site ref (if applicable): **LP0438**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets in proximity, to Reports Required section, to comply with the NPPF (para.189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX688**

Site ref (if applicable): **LP0438**

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 development of this site could impact upon the setting of the numerous Listed Buildings around Field House to the south of this area of which the principal building is Grade II\*. National policy guidance makes it clear that Grade II\* Listed Buildings are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. The Heritage Impact Assessment considered that if the mature tree belt is lost from the southern boundary of the site then development would impact upon the historic garden which forms the wider setting of Field House through the visible urbanisation of its rural setting. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Moreover, there are several of the recommended mitigation measures set out in the Heritage Impact Assessment which also need to be included in the Site Specific Considerations if the potential harm to the historic environment is to be reduced to the level identified. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0438:- (a) Amend the penultimate Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"(b) Add the following Site Specific Consideration:- "The mature tree belt to the south of the site shall be retained and enhanced to screen the new development from the nearby Listed Buildings"

Additional Evidence Link:

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Comment ID **APX781**

Site ref (if applicable): **LP0438**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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:

Access: The accessibility to this site is through an ecological important area - the trees here house bats and there is no possibility of gaining suitable entrance without damage to these trees. Heritage: The detail in place to preserve the outlook and surrounding of the grade 2\* listed building adjacent to the site is none existent. Flooding - I do not believe that there is a robust enough policy to deal with the the removal of an important water catchment area. There is no enforcement to prevent surface water run off from increasing with the removal of this natural soak away -as such I believe that without these policies in place before the plan is accepted companies will do the minimum required and we will be left with flooded areas.

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

Duty to Co-operate Reason:

Suggested Modifications:

With the combined site amounts there needs to be a plan to increase the medical services in Sowerby as the current ones in use in Sowerby Bridge are already overflowing. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have. A better assessment of the ability to get on to the site needs to be conducted that does not involve bringing down mature trees that house important flora and fauna.

Additional Evidence Link:

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Comment ID **Lpp110**

Site ref (if applicable): **LP0438**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where improved road infrastructure can be built

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Site access - Impact of access on ecology, trees and bats.
2. Heritage - Impact on Listed Buildings (grade II\*) around Field House to the south of this area. Recommendations in HIA should be 'required' in order to be effective.
3. Flooding - Loss of water catchment area and impact on runoff.
4. Infrastructure - Pressure on existing amenities, services and facilities in the local area, e.g. health services, schools.
5. Character - Impact on character of existing dwellings.
6. Local Road Network - Inadequate local road network, improvements not possible due to geographical constraints.

## Council's Response:

1. The site is adjacent to deciduous woodland (UK BAP Priority habitat). The site is also partly within the Wildlife Habitat Network. The Council's Conservation (Ecology) officer considers that development of the site is unlikely to cause adverse ecological impacts, subject to mitigation.  
The suggested mitigation measures include the provision of a 10m buffer around the trees to be planted with native shrubs. Further, the WHN has been removed from the developable area and native species-rich hedgerows are to be planted on the SE and SW boundaries.
2. The site is in close proximity to a number of Listed Buildings at Field House, which range from Grade II and Grade II\*. A Heritage Impact Assessment has been undertaken to assess the impact of development of the site on these assets. The impact is considered to be minor subject to appropriate mitigation, including retention of the mature tree belt to the south and setting back the building line and limited scale and density of development.  
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.  
It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
3. The site lies within Flood Zone 1, and there is no surface water flood risk. The Council's Flooding and Drainage Section note that there have been drainage issues in the past, but consider the site suitable for development after necessary action for the surface water/drainage assessment has been undertaken. Due to the site's greenfield status, and resulting potential to increase run-off, the Council's Drainage Team has recommended green and blue infrastructure on site, such as SuDS and green roofs to reduce the infiltration rate of precipitation as well as provide storage for storm water run-off.
4. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.
5. Policy BT1 - High Quality, Inclusive Design of the Built Environment chapter ensures that the design style in new development respects and enhances the character and appearance of existing buildings and surroundings.
6. Highways Development Management considers the site accessible if the access is through the existing 'The Newlands' cul de sac. Concerns have been raised regarding traffic impact given constraints such as the narrow lengths of Dean Lane and Butterworth Lane, but this is not considered to be significant given the small increase in traffic that would be generated by this site.  
A Transport Statement is required with any forthcoming submission.

## Duty to Co-operate

Main Issues:

Council's Response:

## Suggested Modifications

1. A plan is needed to increase the medical services in Sowerby as the current ones in use in Sowerby

Bridge are already overflowing.

2. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have.

3. A better assessment of the ability to get on to the site needs to be conducted that does not involve bringing down mature trees that house important flora and fauna.

4. Amend the penultimate Site Specific Consideration to read:-  
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”

5. Add the following Site Specific Consideration:-  
“The mature tree belt to the south of the site shall be retained and enhanced to screen the new development from the nearby Listed Buildings”

6. Reallocate the housing to an area where improved road infrastructure can be built.

#### Council's Response:

1. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure, including health care provision that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.

2. The site is in close proximity to a number of Listed Buildings at Field House, which range from Grade II and Grade II\*. A Heritage Impact Assessment has been undertaken to assess the impact of development of the site on these assets. The impact is considered to be minor subject to appropriate mitigation, including retention of the mature tree belt to the south and setting back the building line and limited scale and density of development.

The stated mitigation measures and reference in site specific considerations are deemed to be sufficient to allow for adequate levels of protection.

3. Policy BT3 - Landscaping establishes that landscaping schemes should include details of the retention of existing trees which contribute to the character and amenity of the area. While specific access arrangements are yet to be finalised, Highways Development Management consider the site accessible if the access is through the existing ‘The Newlands’ cul de sac.

4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to ‘require’ the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

5. A Heritage Impact Assessment has been undertaken to assess the impact of development of the site on these assets. The impact is considered to be minor subject to appropriate mitigation, including retention of the mature tree belt to the south and setting back the building line and limited scale and density of development.

6. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale

Local Plan. The IDP is a living document, updated on at least a yearly basis.

The transport evidence provides the basis for the Infrastructure Delivery Plan and the interventions identified to support development across Calderdale.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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.

## Document Section: LP1356 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX455**

Site ref (if applicable): **LP1356**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets in proximity, to Reports Requires section, to comply with NPPF (para. 189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX531**

Site ref (if applicable): **LP1356**

Person ID: **1129071**

Name: **Li**

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:

Traffic disaster: The roads capacities (and the conjunctions they lead to) are already at their limits. It's insane to add another 10 dwellings around this area. Services like GPs and schools can't cope either. Green fields scarcity: These are the only few green blocks that are still visible from the valley bottom (e.g. town

center). If eliminated, Sowerby Bridge will become just another soulless town lost its identity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing plan to area with acceptable/realistic traffic/service capacities Preserve the limited green blocks

Additional Evidence Link:

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Comment ID **APX689**

Site ref (if applicable): **LP1356**

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 Cemetery Chapel to the west of this site is a Grade II Listed Building. The Heritage Impact Assessment considered that development of the site which was originally allocated would substantially affect the setting of the listed building and Cemetery and important views through the cemetery across the site incorporating the wider landscape beyond. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. The extent of this proposed allocation reflects the recommendation of the Heritage Impact Assessment. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, not only is there no mention of the recommendations of the Heritage Impact Assessment but there is no requirement for developers to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1356 the following additional Site Specific Consideration:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **Lpp107**

Site ref (if applicable): **LP1356**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where the road infrastructure is physically able to be enhanced.

Additional Evidence Link:

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Comment ID **Lpp1217**

Site ref (if applicable): **LP1356**

Person ID: **1130484**

Name: **Councillor Dot 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:

Access is a problem, the road is narrow, and unsuited to an increase in traffic. I agree with Historic England's concerns about the potential impact of a new development in the area. I am very concerned about the loss of green space and a sports field and this needs to be taken into consideration.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp241**

Site ref (if applicable): **LP1356**

Person ID: **1129071**

Name: **Li**

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:

Traffic disaster: The roads capacities (and the conjunctions they lead to) are already at their limits. It's insane to add another 10 dwellings around this area. Services like GPs and schools can't cope either. Green fields scarcity: These are the only few green blocks that are still visible from the valley bottom (e.g. town center). If eliminated, Sowerby Bridge will become just another soulless town lost its identity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing plan to area with acceptable/realistic traffic/service capacities Preserve the limited green blocks

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - Impact on grade II listed building Cemetery Chapel. Recommendations in HIA should be 'required' in order to be effective.
2. Local Road Network - Inadequate local road network, specifically capacity. Improvements not possible

due to geographical constraints. Site access - Access is too narrow and unsuitable for a site of this size.

3. Infrastructure - Pressure on existing amenities, services and facilities in the local area, e.g. schools and doctors.

4. Loss of greenfield.

5. Open Space - Loss of open space and sports field.

#### Council's Response:

1. Historic England and the Council's Conservation (Heritage) Section consider that development may cause harm to the Cemetery Chapel and Sowerby Bridge Cemetery, which are Grade II Listed and Locally Designated Historic Park and Garden respectively. A Heritage Impact Assessment has been undertaken which has concluded that development of the site could have a major/moderate impact on the listed assets but these could be mitigated against, for example through consideration of scale, design and retention of existing trees, as well as locating development on the eastern side of the site.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

2. The Council's Highways Development Management Section consider Cemetery Lane to be unsuitable as an access for a site of this size given its width and footway on only one side. The capacity of the site has therefore been reduced in light of these comments. In terms of the impact on the local road network, it is considered that the impact is acceptable with a Transport Assessment and necessary mitigation measures.

3. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure (including health care and education facilities) that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.

4. 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 site is a lapsed playing pitch. Calderdale's Playing Pitch Strategy recommends that the Playing Pitch Strategy Steering Group considers the value and appropriateness of disused/lapsed sites above for providing additional rugby union and/or rugby league capacity. Sport England's playing field policy exception E1 only allows for development of lapsed or disused playing fields if a PPS shows a clear excess in the quantity of playing pitch provision at present and in the future across all playing pitch sports types and sizes. To be released for development replacement pitch facilities of equivalent or better quantity or quality would need to be provided.

#### **Duty to Co-operate**

Main Issues:

Council's Response:

## Suggested Modifications

1. Additional Site Specific Consideration: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"
2. Relocate the housing plan to area with acceptable/realistic traffic/service capacities
3. Preserve the limited greenfield land.

### Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'  
To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.  
Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.  
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. A Transport Assessment will be required.
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.

## Document Section: LP1391 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX232**

Site ref (if applicable): **LP1391**

Person ID: **1181917**

Name: **Mr Malcolm Street**

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 do not consider this plan to be sound for the following reasons: Salisbury Street is a narrow road where residents and others currently park on both sides leaving just enough space for a single vehicle to drive through, The upper part narrows down to a single track road with no pavements. In this situation there is no space for cars to pass. At the top of Salisbury Street is an access gate to the school and parents and young children use this when going to and from school. In addition the school has created a car park, accessed from this gate where parents may go to drop off their children; this reduces congestion on Sowerby New Road. The cobbles on the road are starting to show signs of subsidence, probably caused by the increased amount of traffic so far. Adding to this a potential of 40 or so extra cars per day will only make matters worse. There is a footpath from the top of Salisbury Street running up to Upper Bentley Royd. While this is not designated as a public right of way, it has been in daily use for many years; although I am not sure for how long, I have lived here for 28 years and know it to be true over that time. The bottom of Salisbury Street opens out onto Sowerby New Road at a point where there is a slight bend. Cars park on the downhill side, causing a narrowing of the road, and many people drive in excess of 30mph here (20mph limit). Exit from the road is difficult at the best of times. The building of 20 houses could result in 40+ extra cars using Salisbury Street as most households nowadays have 2 cars; indeed of the 5 houses on the lower part, 4 of them have 2 cars each. Surface water run off: as the upper part of Salisbury Street has no mains drainage, when it rains all the water, bringing debris with it flows to the two drains on the lower part and these become blocked easily, as do the ones on Sowerby New Road. An increase in the hard surface around the proposed houses would an increase in water, even if the road access was to be made from Upper Bentley Royd.

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

Duty to Co-operate Reason:

Suggested Modifications:

An alternative access could be made from Upper Bentley Royd, just past the junction with Springfield. This would relieve many of the problems of using Salisbury Street.

Additional Evidence Link:

Comment ID **APX37**

Site ref (if applicable): **lp1391**

Person ID: **1178531** Name: **Mrs Wendy Wright** 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 is not sound because the access road to the proposed site is totally unfit to accommodate the traffic twenty new houses would generate. the road is too narrow for cars to pass each other, the exit into Sowerby new road is unsafe due to restricted vision. the road doesn't have a footpath for the majority of it's length making it dangerous for the school children and parents that us it as access to three schools. the extra traffic of potentiality up to 40 additional cars would be detrimental to the lives of the residents.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX373**

Site ref (if applicable): **LP1391**

Person ID: **1182296** Name: **Mrs Jennifer Crossland** 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:

Salisbury Street is a narrow, steeply rising street used for access to the current houses and to access the primary and infant school, nursery and children's centre and car park, it is also used for dropping off and collecting children. Sowerby New road school and childrens centre opens directly onto the upper part of Salisbury street, there is no footpath and no room for vehicles and pedestrians (this includes small children and people with small children in prams/pushchairs) to pass safely on the upper half of the street. This school entrance is also used by "crocodiles " of children going out on various activities throughout the week As the proposal is for 20 houses on this site this means there could be an extra 40 cars a day plus service vehicles using this street some maybe using the road 3 or 4 or more times a day. Any increase in

traffic on this narrow road will put children and other pedestrians at greater risk of both injury and increased vehicle emissions Salisbury street continues on into a footpath which is used by schoolchildren going to and from the local schools, including pupils from Ryburn High School and Sacred Heart Primary, and as a link for bus passengers to and from Sowerby New road and the bus stop at the top of Quarry hill. It is a key link in the area between communities in the Sowerby and Sowerby New Road areas, being the most direct route. I have lived here for 33 years and in that time this footpath has been and continues to be used extensively without any hindrance. The lower part of Salisbury St is cobbled and is now very uneven due to subsidence caused by run off water from the hillside and damage from vehicles, There is a large drain runs down this road and this has collapsed twice releasing sewage onto the street. This lower part of the street is restricted in width by residents and visitors parked cars, Often parked on both sides of the street due to limited space and the number of cars. This leaves just enough room for a vehicle to get through. Any increase in traffic up Salisbury street would mean an increase in traffic having to reverse out onto Sowerby New Road as there is often insufficient space for two vehicles to pass. Also At the junction with Sowerby New Road the line of site is restricted, this being due to it being situated on a bend in New Road with the school wall above the junction, and parked cars, which also reduce the width of the main road at the lower side of the junction. Exiting Salisbury Street can be difficult at the best of times due to the Number of cars going up and down Sowerby New Road along with the restricted view of the road Salisbury street is also unsuitable for large heavy vehicles such as service vehicles

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX749**

Site ref (if applicable): **lp1391**

Person ID: **1183295**

Name: **Mr Marcus Wright**

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 majority of Salisbury street has no footpath and is a single track road making it impossible for vehicles to pass each other, it is totally unsuitable to handle the increase in traffic 20 new houses would bring. Salisbury street already has a heavy volume of traffic from residents, school staff, parents and service vehicles the addition of potentially 40 plus cars would make the road extremely dangerous to the residents and the many pedestrians especially school children who use the road to access three different schools. I strongly object to this proposed construction as it would adversely affect the lives of the residents already living on the street bringing them extra danger, congestion and pollution. The field, which has problems with flooding, should be left as one of the few remaining green spaces in 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:

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Comment ID **Lpp106**

Site ref (if applicable): **LP1391**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where improved road infrastructure can be provided.

Additional Evidence Link:

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Comment ID **Lpp1209**

Site ref (if applicable): **LP1391**

Person ID: **1130484**

Name: **Councillor Dot 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:

Lack of access to this site is a huge problem: the proposed access via Salisbury Street is completely unsuitable. Visibility at the junction with New Road is poor; the road is heavily used by the school for

access; children use the road on a daily basis, and much of the road has no footpath, and is single track only, with no room for expansion. I am very concerned for the safety of current residents, and school children if potentially another 40 vehicles are using this tiny road on a daily basis. The site is adjacent to the school, and the impact of building on here is likely to be considerable. The cobbles on Salisbury Street are showing signs of subsidence, and I understand the main sewer which runs under road has a history of collapsing. The road is entirely unsuited for the amount of additional traffic that will be created by the site. The majority of the children at the school come from areas which are very built up. The green oasis provided by the field next door is invaluable from an environmental and health point of view. The field is steeply sloped, and highly prone to water-logging. I understand there is a natural spring somewhere under the field which could potentially cause difficulties. From the plan, it would appear that some of the proposed site is land that I understand belongs to the school. Their plans for this site should be taken into account. The school has limited outdoor space, and this site, although under-used at present, provides a potentially vital outside space for children as the school increases in size. The footpath on Salisbury Street is heavily used by pupils from New Road, Sacred Heart and Ryburn Schools, and I am very concerned for their safety should the volume of traffic on the road increase. Given previous comments on this site have all been negative, I am astonished that the site capacity has been increased.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp242**

Site ref (if applicable): **LP1391**

Person ID: **1129071**

Name: **Li**

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:

Traffic disaster: The roads capacities (and the conjunctions they lead to) are already at their limits. It's insane to add another 112 dwellings around this area. Services like GPs and schools can't cope either.  
Green fields scarcity: These are the only few green blocks that are still visible from the valley bottom (e.g. town center). If eliminated, Sowerby Bridge will become just another soulless town lost it identity.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing plan to area with acceptable/realistic traffic/service capacities Preserve the limited

green blocks

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Local Road Network - Inadequate local road network, specifically congestion, road safety, on-street parking issues and network (including footpath) capacity. Poor quality of existing cobbles. Improvements not possible due to geographical constraints.
2. Air Quality - Impact of development on air pollution.
3. Flooding - Increased risk of flooding. Pressure on existing drainage network. Natural spring on site.
4. Infrastructure - Pressure on existing amenities, services and facilities in the local area, e.g. utilities, schools and doctors.
5. Open Space - Impact of loss of open space on health and wellbeing.
6. Ecology - Impact on ecology.

Council's Response:

1. The Council's Highways Development Management Section consider that access via Fore Lane/Upper Bentley Royd is not appropriate given the narrowing on that bend, and historic problems with speed/rat running. Access via Salisbury Street is achievable; it is narrow but there is intervisibility and it is not next to a junction.
2. The Council's Environmental Health section has confirmed that no breach of the air quality objectives for nitrogen dioxide and particulate matter is expected on site.
3. The site lies within Flood Zone 1 and is not at risk from surface water flooding, however development could increase surface water run-off. Concerns have been raised regarding drainage, however, the Council's Flooding & Drainage Section consider that the site is developable, and mitigation could secure the area from flooding.
4. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure (including health care and education facilities) that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at

least a yearly basis.

5. The site is currently designated as a primary housing site but also performs the function of a natural/semi-natural open space. An assessment of open space in the area shows that there are sufficient alternative natural/semi-natural areas within the catchment of this site to meet the adopted standards.

6. The Council's Conservation (Ecology) Section consider that there is unlikely to be a significant adverse ecological impact, although the existing trees should be retained, and boundaries should be planted with species rich native hedgerows.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. An alternative access could be made from Upper Bentley Royd, just past the junction with Springfield. This would relieve many of the problems of using Salisbury Street.
2. Reallocate the housing to an area where improved road infrastructure can be provided.
3. Preserve the limited greenfield land.

Council's Response:

1. The Council's Highways Development Management Section consider that access via Fore Lane/Upper Bentley Royd is not appropriate given the narrowing on that bend, and historic problems with speed/rat running. Access via Salisbury Street is achievable; it is narrow but there is intervisibility and it is not next to a junction.

No modification required.

2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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. A Transport statement will be required.

No modification required.

3. The site is currently designated as a primary housing site but also performs the function of a natural/semi-natural open space. An assessment of open space in the area shows that there are sufficient alternative natural/semi-natural areas within the catchment of this site to meet the adopted standards.

No modification required.

## Document Section: LP1398 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX1244**

Site ref (if applicable): **LP1398**

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. Proposed new housing within 500m of permitted waste site EAWML 65545 (Calder Valley Skip Hire Ltd). We have historically received a number of reports from the local residents regarding this site including noise, litter, fires, and volume of waste on site. The operator is currently in talks with the Council for planning permission for a Small Waste Incineration Plant at this location which has received a strong reaction from the local community, Councillors and Members of Parliament. Again, there are likely to be ongoing concerns from local residents even after regulation in line with best available techniques. We advise the implications of this are considered as part of the allocations process and the site specific assessment for this site.

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 **APX456**

Site ref (if applicable): **LP1398**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets in proximity, to Reports Required section, to comply with NPPF (para. 189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX690**

Site ref (if applicable): **LP1398**

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:

Brockwell House and Brockwell Cottage, 120 metres to the north-east of this site, and Bullace Trees Cottage and the Mill Chimney, immediately to the south, are Grade II Listed Buildings. The Heritage Impact Assessment considered that if the mature tree belt is lost from the western boundary of the adjacent site (LP1412) then development will substantially impact upon the setting of Brockwell House through the visible urbanisation of its remaining rural setting. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1398 amend the tenth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX734**

Site ref (if applicable): **LP1398**

Person ID: **1183265**

Name: **Mr David Rawson**

Organisation:

Agent ID: **1182031**

Name: **Alison Dumville**

Organisation: **Robert Halstead Chartered Surveyors & Town Planners**

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 consider the plan to be sound for the following reasons: Positively prepared: The residential capacity of 87 dwellings on the site would make a significant contribution to the Council's overall housing target for the borough. Justified: The site is considered suitable for the following reasons: Location within an existing urban area (Sowerby Bridge) Good access to local amenities including shops, schools and other local facilities Good access to local public transport networks Effective: The site is in single ownership and the owner is willing to release the land for development in the near future meaning the site can be delivered within the 5-year period. Consistent with national policy: The site is sustainable in accordance with national policy for the following reasons: The site is within Flood Zone 1 The release of this site would allow for the preservation of areas of Green Belt Site access is achievable. Any impact from developing the site on Ecology, Listed Buildings and air quality can be suitably mitigated

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX782**

Site ref (if applicable): **LP1398**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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:

Flooding - I do not believe that there is a robust enough policy to deal with the the removal of an important water catchment area. There is no enforcement to prevent surface water run off from increasing with the removal of this natural soak away -as such I believe that without these policies in place before the plan is accepted companies will do the minimum required and we will be left with increased flooding across the main road as well as further downstream of this river. Access to this site is either via a single lane adopted road or on tot a single lane cul de sac. either off these will bring up to 150 cars on to the already crowd exits from Sowerby and onto 1 road (Sowerby St). Having already lost the community green spaces to developers this will take the last remaining community green space in the town.

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

Duty to Co-operate Reason:

Suggested Modifications:

Stronger policies need to be included to provide communities with replacement community spaces if these developments are taking all the current options. Just because a community is rural doesn't mean they have green space as the fields etc are privately owned and are in use. A requirement for a strong transport policy is needed before allowing this site to be included.

Additional Evidence Link:

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Comment ID **Lpp104**

Site ref (if applicable): **LP1398**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing quota to an area where better road infrastructure can be constructed.

Additional Evidence Link:

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Comment ID **Lpp105**

Site ref (if applicable): **LP1398**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Relocate the housing allocation to an area where better road infrastructure can be constructed.

Additional Evidence Link:

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Comment ID **Lpp1408**

Site ref (if applicable): **LP1398**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP1398 - Land on the West Side of Brockwell Lane, Triangle, Sowerby Bridge, HX6 3PQ Access not achievable from south from Rochdale Road due visibility and existing access arrangements whereby 2 accesses are in close proximity. Access is also un achievable from Brockwell Gate which isan un adopted road. Access would need to come from LP1412 therefore ransomed. Further to this, accessing both sites off Lower Brockwell Lane is also not suitable or achievable. Site is also far too steep to

viably develop. Site can therefore not be accessed or developed. See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Environmental Health - Proximity to waste site EAWML 65545. History of noise, litter, fires, and volume of waste on site.
2. Flooding - Loss of water catchment area and increased runoff. Impact on drainage in area, particularly on main road and downstream.
3. Open Space - Loss of open space (last in the town).
4. Heritage - Impact on Brockwell House, Brockwell Cottage, Bullace Trees Cottage and the Mill Chimney (Grade II Listed Buildings). Recommendations in HIA should be 'required' in order to be effective.
5. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors.
6. Local Road Network - Inadequate local road network. Improvements not possible due to geographical constraints. Site access - Access not achievable due to visibility, location of existing junctions, requirement for third party land and topography.
7. Viability - Impact on viability of site topography.

Council's Response:

1. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of waste site EAWML 65545.
2. The site lies within Flood Zone 1, and is not at risk from surface water flooding. Concerns have been raised regarding the impact of development on absorbing rainwater, however, the Council's Flooding &

Drainage Section consider the site suitable. In addition, surface water may reduce through mitigation.

3. The site was identified and assessed in the Open Space Study as a natural and semi natural urban green space, and being of high quality and high value. There are no other natural/semi natural sites within the 400m and 600m catchment area although there may be green belt sites with the same function. The loss of open space should be mitigated by enhancing existing areas of natural open space or providing new facilities. The impact of development on the footpaths should be assessed. The impact of development on the open character of the area and its visual amenity should be assessed.

4. The site is in close proximity to Brockwell House and Brockwell Cottage which are both Grade II Listed buildings. A Heritage Impact Assessment has been undertaken to assess the potential impacts of development on these assets. It considered that the fields to the south, east and southwest provide the remaining rural setting to these assets, but concluded that with mitigation, impacts will be minor. The mature tree belt to the east and north should be retained and enhanced. The stone boundary wall along the southern boundary should be retained and repaired. Impact on the listed building to the south is considered minimal due to severance by the A58. However, design and layout should have regard to the retention of the trees along Lower Brockwell Lane.

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

5. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure (including health care and education facilities) that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.

6. The Council's Highways Development Management Section consider that site access is achievable, although third party land will be required to widen Brockwell Gate and improve its junction with Lower Brockwell Lane. Highways access onto Lower Brockwell Lane is not appropriate.

7. The Council's Viability Study considers the site to be viable.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Policies need to be included to provide communities with replacement community spaces if these developments are taking all the current options.

2. A requirement for a strong transport policy is needed before allowing this site to be included.

3. Amend the tenth Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

4. Relocate the housing quota to an area where better road infrastructure can be constructed.

Council's Response:

1. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.

No modification required.

2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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.

No modification required.

3. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

No modification required.

4. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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. A Transport assessment will be required.

No modification required.

## Document Section: LP1412 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX1243**

Site ref (if applicable): **LP1412**

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. Proposed new housing within 500m of permitted waste site EAWML 65545 (Calder Valley Skip Hire Ltd). We have historically received a number of reports from the local residents regarding this site including noise, litter, fires, and volume of waste on site. The operator is currently in talks with the Council for planning permission for a Small Waste Incineration Plant at this location which has received a strong reaction from the local community, Councillors and Members of Parliament. Again, there are likely to be ongoing concerns from local residents even after regulation in line with best available techniques. We advise the implications of this are considered as part of the allocations process and the site specific assessment for this site.

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 **APX457**

Site ref (if applicable): **LP1412**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets in proximity, to Reports Required section, to comply with the NPPF (para. 189).

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

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Comment ID **APX691**

Site ref (if applicable): **LP1412**

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:

Brockwell House and Brockwell Cottage, 50 metres to the north of this site, and Bullace Trees Cottage immediately to the south, are Grade II Listed Buildings. The Heritage Impact Assessment considered that if the mature tree belt is lost from the western boundary of the site then development will substantially impact upon the setting of Brockwell House through the visible urbanisation of its remaining rural setting. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1412 amend the penultimate Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX783**

Site ref (if applicable): **LP1412**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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:

Flooding - I do not believe that there is a robust enough policy to deal with the the removal of an important water catchment area. There is no enforcement to prevent surface water run off from increasing with the removal of this natural soak away -as such I believe that without these policies in place before the plan is accepted companies will do the minimum required and we will be left with increased flooding across the main road as well as further downstream of this river. Access to this site is via a single lane which is already busy and has poor access to the A58 in either direction. I do not feel that strong enough emphasis has been placed on the protection of the Grade 2 listed buildings around this area.

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

Duty to Co-operate Reason:

Suggested Modifications:

A requirement for a strong transport policy is needed before allowing this site to be included. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have.

Additional Evidence Link:

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Comment ID **Lpp1409**

Site ref (if applicable): **LP1412**

Person ID: **1185995**

Name: **Persimmon Homes (West Yorkshire)**

Organisation:

Agent ID: **1185997**

Name: **Mr Adam Jackson**

Organisation: **Senior Planner Lichfields**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Undevelopable Allocations In addition to the significant shortfall in delivery which we anticipate will occur at the Garden Suburb sites, our analysis has highlighted a number of other proposed allocations which we believe are not developable. LP1412 - Land North of, Lower Brockwell Lane, Sowerby Bridge, HX6 3PB Access not achievable from south from Rochdale Road due visibility and existing access arrangements whereby 2 accesses are in close proximity. Access is also unachievable from Brockwell Gate which is an unadopted road. Access would need to come from LP1412 therefore ransomed. Further to this, accessing both sites off Lower Brockwell Lane is also not suitable or achievable. Site is also far too steep to viably develop. Site can therefore not be accessed or developed. See attachment for context of comment.

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5106413>

Comment ID **Lpp522**

Site ref (if applicable): **LP1412**

Person ID: **1181766**

Name: **Mr Robert Calvin**

Organisation:

Agent ID: **948372**

Name: **Mr Adrian Rose**

Organisation: **Consultant Rose Consulting**

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

Legal Compliance Reason:

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

Sound Reason:

Both nationally and locally, there is an urgent need for new housing and particularly in this part of Calderdale. This site would help to meet this need in a sustainable location close to shops, schools, bus services and health facilities, without harm to the amenity of the 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/5073021><http://calderdale-consult.objective.co.uk/file/5074088><http://calderdale-consult.objective.co.uk/file/5074089>[http://calderdale-](http://calderdale-consult.objective.co.uk/file/5074089)

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Environmental Health - Proximity to waste site EAWML 65545. History of noise, litter, fires, and volume of waste on site.
2. Flooding - Loss of water catchment area and increased runoff. Impact on drainage in area, particularly on main road and downstream.
3. Heritage - Impact on Brockwell House, Brockwell Cottage and Bullace Trees Cottage (Grade II listed buildings). Recommendations in HIA should be 'required' in order to be effective.
4. Site access - Access not achievable due to visibility, location of existing junctions, requirement for third party land and topography.
5. Viability - Impact on viability of site topography.

Council's Response:

1. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of waste site EAWML 65545.
2. The site lies within Flood Zone 1 and is not at risk from surface water flooding, however, a number of drainage issues have been reported and resolved in the past. Concerns have been raised regarding the loss of green land and the potential impacts of surface water run-off. The Council's Flooding and Drainage Section have commented that the site is suitable for allocation, and mitigation could secure the area from flooding.
3. The site is in close proximity to Brockwell House and Brockwell Cottage which are both Grade II Listed buildings. A Heritage Impact Assessment has been undertaken to assess the potential impacts of development on these assets. It considered that the fields to the south, east and southwest provide the remaining rural setting to these assets, but concluded that with mitigation, impacts will be minor. The mature tree belt to the east and north should be retained and enhanced. The stone boundary wall along the southern boundary should be retained and repaired. Impact on the listed building to the south is considered minimal due to severance by the A58. However, design and layout should have regard to the retention of the trees along Lower Brockwell Lane.
4. The Council's Highways Development Management Section have concerns that significant earthworks would be required to provide direct access to the site from Lower Brockwell Lane, which would be a would

be a significant undertaking for a development of this size. Concerns have been raised regarding the capacity of Lower Brockwell Lane to accommodate an increase in traffic. However, it is not considered that a site of this size would have a significant effect.

5. The Council's Viability Study considers the site to be viable.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. A requirement for a strong transport policy is needed before allowing this site to be included.
2. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have.
3. Amend the penultimate Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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.

No modification required.

2. The site is in close proximity to Brockwell House and Brockwell Cottage which are both Grade II Listed buildings. A Heritage Impact Assessment has been undertaken to assess the potential impacts of development on these assets. It considered that the fields to the south, east and southwest provide the remaining rural setting to these assets, but concluded that with mitigation, impacts will be minor. The mature tree belt to the east and north should be retained and enhanced. The stone boundary wall along the southern boundary should be retained and repaired. Impact on the listed building to the south is considered minimal due to severance by the A58. However, design and layout should have regard to the retention of the trees along Lower Brockwell Lane.

No modification required.

3. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.  
No modification required.

## Document Section: LP1415 - New Housing Site - Sowerby Bridge

### Representations

Comment ID

Site ref (if applicable): **LP1415**

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 Proposed new housing with 150m of permitted waste site EAWML 60793 (Calder Valley Skip Hire Ltd). Although we have not had too many issues historically with this permitted facility, we are aware that as above the operator is planning to install a Small Waste Incineration Plant at this location. As above has received a strong reaction from the local community, Councillors and Members of Parliament. Again, there may be concerns from local residents even after regulation in line with best available techniques. We advise the implications of this are considered as part of the allocations process and the site specific assessment for this 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. Environmental Health - Proximity to waste site EAWML 60763.

Council's Response:

1. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of waste site EAWML 60763.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1654 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX458**

Site ref (if applicable): **LP1654**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets (Listed buildings & Conservation Area) in proximity, to Reports Required section, to comply with the NPPF (para. 189)

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX692**

Site ref (if applicable): **LP1654**

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:

There are a number of Grade II Listed Buildings in the vicinity of this site. The Heritage Impact Assessment considered that new development on this site could improve the quality of the surrounding urban

environment which would have a positive impact on the character of the conservation area and the setting of the listed buildings. However, development of poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Moreover, there are several of the recommended mitigation measures set out in the Heritage Impact Assessment which also need to be included in the Site Specific Considerations if the potential harm to the historic environment is to be reduced to the level identified. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1654 amend the third Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - Impact on grade II listed buildings in the area. Recommendations in HIA should be 'required' in order to be effective.

Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

### **Duty to Co-operate**

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Amend the third Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

## Document Section: LP1655 - New Housing Site - Sowerby Bridge

### Representations

Comment ID **APX459**

Site ref (if applicable): **LP1655**

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:

Need to add requirement for a Heritage Impact Assessment on designated heritage assets in proximity, to Reports Required section, to comply with the NPPF (para.189). Note a Heritage Impact assessment is different to the archaeological pre-determination evaluation mentioned.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX693**

Site ref (if applicable): **LP1655**

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:

Field House to the south of this site is a Grade II\* Listed Building. There are also a number of Grade II Listed Buildings to the south of this site. National policy guidance makes it clear that Grade II\* Listed Buildings are

regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. The Heritage Impact Assessment considered that if the mature tree belt is lost from the south boundary of the site then development would impact on the historic garden and the wider setting of Field House through the visible urbanisation of its rural setting. The extent of the Indicative Developable Area reflects the recommendations of the Heritage Impact Assessment. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme with takes account of, and puts into effect, the recommended mitigation measures. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1655 amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"<sup>2</sup>

Additional Evidence Link:

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Comment ID **APX784**

Site ref (if applicable): **LP1655**

Person ID: **1003959**

Name: **Ms Samantha Roberts**

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:

Access to this site is either a single lane road into a residential area that is currently dead ended, having up to 50 cars traversing this area daily will make significant problems for the residents. Heritage: The detail in place to preserve the outlook and surrounding of the grade 2\* listed building adjacent to the site is none existent. let alone the Roman finds beneath the site. This area is surrounded by both an community space and a wildlife area. Creating 22 dwellings will prevent community use and destroy the site environmentally. The wood itself is being reviewed as an ancient wood and as such is protected under the woodland charter.

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

Duty to Co-operate Reason:

Suggested Modifications:

Having already lost the community green spaces to developers this will take the last remaining community green space in the town. Stronger policies need to be included to provide communities with replacement community spaces if these developments are taking all the current options. Just because a community is rural doesn't mean they have green space as the fields etc are privately owned and are in use. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have. Protection of the ecology in the area and improvement to the badly manged sites need to be a policy before this plan is passed.

Additional Evidence Link:

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Comment ID **Lpp109**

Site ref (if applicable): **LP1655**

Person ID: **1114656**

Name: **Mr Hanley Gaynor**

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 no scope in the local area to increase the infrastructure provision for roads, GPs, schools etc. Road infrastructure cannot be improved due to the geographical constraints of the locality.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reallocate the housing to an area where improved road infrastructure can be built

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

#### Main Issues:

1. Local Road Network - Inadequate Local Road Network.
2. Heritage - Impact on Grade II\* listed building, Field House. Recommendations in HIA should be 'required' in order to be effective.
3. Ecology - Impact on wildlife.
4. Open Space - Loss of woodland in community use.
5. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, doctors.

#### Council's Response:

1. Site access is achievable, however, the Council's Highways Development Management Section consider that the current access would influence the capacity of the site. Third party land therefore may be required to accommodate the vehicular and pedestrian access for a larger development. However, if this is not possible, a reduced development size may be appropriate with mitigation on Wood Croft and its approaches.
2. Historic England and the Council's Conservation (Heritage) Section have raised concerns regarding the potential impact of the development of the site on the Grade II\* Listed Field House, and Grade II Listed cluster of buildings around Field House and the Historic Garden of Field House, which is a locally designated Historic Park and Garden. These assets lie to the south of the site. An Historic Impact Assessment (HIA) has been undertaken to assess the potential impacts. The HIA concluded that if the mature tree belt is lost from the south boundary of the site then development would impact on the historic garden and the wider setting of Field House through the visible urbanisation of its rural setting. The tree belt should therefore be retained and enhanced as necessary.
3. West Yorkshire Ecology have significant concerns regarding the allocation of the site given the presence of mixed lowland deciduous woodland surrounding the current development. However, it is the Council's view that residential development on the area which is currently developed would have no greater impact on the woodland than the current development. The woodland has therefore been removed from the indicative developable area.
4. The site includes amenity green space site 428 Rawson Wood which is recommended to be retained in the Open Space, Sport and Recreation Study. There are other amenity green space sites of a similar size in the area however there are no allotments or parks and gardens. If the site is developed a community garden/allotment should be included in the scheme.
5. 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, The Infrastructure Delivery Plan (EV42) is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

#### **Duty to Co-operate**

#### Main Issues:

Council's Response:

### Suggested Modifications

1. Stronger policies need to be included to provide communities with replacement community spaces if these developments are taking all the current options.
2. Stronger visual (landscape and placement) protection needs to be put in place to maintain the few historical buildings we have.
3. Protection of the ecology in the area and improvement to the badly managed sites need to be a policy before this plan is passed.
4. Amend the second Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"
5. Reallocate the housing to an area where improved road infrastructure can be built.

Council's Response:

1. The Infrastructure Delivery Plan is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan. The IDP is a living document, updated on at least a yearly basis.  
No modification required.
2. Historic England and the Council's Conservation (Heritage) Section have raised concerns regarding the potential impact of the development of the site on the Grade II\* Listed Field House, and Grade II Listed cluster of buildings around Field House and the Historic Garden of Field House, which is a locally designated Historic Park and Garden. These assets lie to the south of the site. An Historic Impact Assessment (HIA) has been undertaken to assess the potential impacts. The HIA concluded that if the mature tree belt is lost from the south boundary of the site then development would impact on the historic garden and the wider setting of Field House through the visible urbanisation of its rural setting. The tree belt should therefore be retained and enhanced as necessary.  
No modification required.
3. West Yorkshire Ecology have significant concerns regarding the allocation of the site given the presence of mixed lowland deciduous woodland surrounding the current development. However, it is the Council's view that residential development on the area which is currently developed would have no greater impact on the woodland than the current development. The woodland has therefore been removed from the indicative developable area.  
No modification required.
4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.  
No modification required.
5. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To

ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

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. A Transport assessment will be required.

No modification required.