

# **CALDERDALE LOCAL PLAN**

## **Representations and Responses Document**

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

#### **Halifax and Todmorden**

**Calderdale Metropolitan Borough Council**

**June 2019**





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

- Halifax
- Todmorden



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

### Representations

Comment ID **APX975**

Site ref (if applicable): **LP0983**

Person ID: **1183321**

Name: **Kirsty Radford**

Organisation: **Begbies Traynor**

Agent ID: **1183318**

Name: **Mr Tom Robinson**

Organisation:

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

Legal Compliance Reason:

See cover letter for full detail. In summary: the change of method to determine housing need at such a late date in the plan making process requires better explanation and a more meaningful opportunity for members of the public to comment on this change of approach the consultation on a Publication Draft which is dramatically different from the Initial Draft issued in 2017 is not considered to be a sound approach the change in method combined with the use of updated data combined to make a significant revision to the housing provision target with wide ranging knock-on effects on the remainder of the Local Plan. This should be subject to a more meaningful public consultation the decision to adopt a significantly lower housing figure was made by the Council Cabinet without a specific mandate and without the expected level of public engagement the option adopted by the Cabinet in assessing housing need does not factor in economic growth thus underestimates housing need the levels of housing allocations have been reduced while the level of employment land has been increased. This is considered to be incompatible. Planning Practice Guidance states that the Standard Method employed in the Publication Draft should be a minimum and a starting point. The Publication Draft is therefore inconsistent with guidance New mid-year housing projections have been released in September 2018. These figures should be included in the emerging local plan There is no allowance for historic undersupply or a buffer therefore no flexibility to acknowledge the difficulty faced in delivering housing. The site of interest to our client, LP0983, lies outside but on the cusp of the list of sites for allocation (as per the officer's report to the Cabinet in February 2018), having previously been allocated for residential development Following our representations of 2017, the site now benefits from adjacent publicly open local space. This means that within the Accessibility Assessment this element is elevated to the "green category" and is considered equal and superior to other sites which are allocated within the Publication Draft The site LP0983 should therefore be reintroduced as an allocated housing site within the emerging Local Plan as: it is equal to and better than some sites which are allocated in the Publication Draft particularly following the improved accessibility to local open space; it will allow for flexibility above the minimum figure applied by the Council in line with guidance; and it will contribute to the housing need factoring in economic growth so that the Local Plan is compatible with the Council's employment land policies.

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

Sound Reason:

See cover letter for full detail. In summary: the change of method to determine housing need at such a late date in the plan making process requires better explanation and a more meaningful opportunity for members of the public to comment on this change of approach the consultation on a Publication Draft which is dramatically different from the Initial Draft issued in 2017 is not considered to be a sound approach the change in method combined with the use of updated data combined to make a significant

revision to the housing provision target with wide ranging knock-on effects on the remainder of the Local Plan. This should be subject to a more meaningful public consultation the decision to adopt a significantly lower housing figure was made by the Council Cabinet without a specific mandate and without the expected level of public engagement the option adopted by the Cabinet in assessing housing need does not factor in economic growth thus underestimates housing need the levels of housing allocations have been reduced while the level of employment land has been increased. This is considered to be incompatible. Planning Practice Guidance states that the Standard Method employed in the Publication Draft should be a minimum and a starting point. The Publication Draft is therefore inconsistent with guidance New mid-year housing projections have been released in September 2018. These figures should be included in the emerging local plan There is no allowance for historic undersupply or a buffer therefore no flexibility to acknowledge the difficulty faced in delivering housing. The site of interest to our client, LP0983, lies outside but on the cusp of the list of sites for allocation (as per the officer's report to the Cabinet in February 2018), having previously been allocated for residential development Following our representations of 2017, the site now benefits from adjacent publicly open local space. This means that within the Accessibility Assessment this element is elevated to the "green category" and is considered equal and superior to other sites which are allocated within the Publication Draft The site LP0983 should therefore be reintroduced as an allocated housing site within the emerging Local Plan as: it is equal to and better than some sites which are allocated in the Publication Draft particularly following the improved accessibility to local open space; it will allow for flexibility above the minimum figure applied by the Council in line with guidance; and it will contribute to the housing need factoring in economic growth so that the Local Plan is compatible with the Council's employment land policies.

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

Duty to Co-operate Reason:

Suggested Modifications:

Reconsideration of housing target, full and compliant public consultation on the significant change in approach to Local Plan, allowance in housing target for economic growth, allowance in housing target for historic underlivery/supply.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5080948>

Comment ID **Lpp1071**

Site ref (if applicable): **LP1570**

Person ID: **981519**

Name: **Mr & Mrs Peter Kerwin**

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:

See attachment

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/5081643>

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Comment ID **Lpp1196**

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 **Lpp1389**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

See attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given

that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy SD7 Housing sites: site specific housing objection LP1216 and LP1229 Mill Lane/Old Lane, and Near Royd Ovenden If Green Belt release is to be justified, then poor public transport accessibility, loss of green/open space and consideration of alternative, brownfield sites must be properly addressed. Topography means open space loss is much more significant than site report implies.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp1514**

Site ref (if applicable):

Person ID: **1186322**

Name: **Mr Stephen Wiggins**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

I object to the land being used as housing. 1) The new housing would negatively affect the view from the listed building - Wainhouse Tower. 2) The new housing would negatively affect the view from the adjacent conservation area. 3) The land needs to be re-designated (returned to) allotment gardens. The designation was lost and if reinstated, will significantly increase the recreational and visual amenity of the space and value to the local (and wider) community. 4) The site (including the adjacent woodland) needs an ecological appraisal - as per Article 6 of the Habitats Directive European Court of Justice 2014. The land and adjacent woodland is habitat for many species some of which are protected. The Council has not completed this survey and must do so before making any decision. Failure to do so is in breach of article 6 of the Habitat Directive.

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 **Lpp1515**

Site ref (if applicable):

Person ID: **1186331**

Name: **Mrs Susan Townend**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community. The site including the adjacent woodland needs an ecological appraisal - as per article 6 of the habitats directive, European Court of Justice 2014. The land and adjacent woodland is habitat to many species some of which are protected. The council has not completed this ecological survey and must do so before any decision is made. Failure to do so is in breach of article 6 of the Habitats directive.

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

Duty to Co-operate Reason:

Suggested Modifications:

The site, including the adjacent woodland needs an ecological appraisal as per article 6 of the Habitats directive, European Court of Justice 2014.

Additional Evidence Link:

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Comment ID **Lpp1516**

Site ref (if applicable):

Person ID: **1186337**

Name: **Mrs Rosemary Balmforth**

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:

1. Designated as an Open Space Urban. 2. Designated as a Wildlife Corridor. 3. The safety in Horley Green will be impaired with another forty two or even eighty four cars. 4. It is a one way system. 5. Plan Permission was rejected and these reasons are still applicable. 6. Lack of amenities. 7. Infrastructure Doctors & Schools

8. It will be unsafe with all that traffic going through a small village like ours ant Claremount. There are enough Houses in the area There doesn't need to be anymore.

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 **Lpp1518**

Site ref (if applicable):

Person ID: **1186346**

Name: **Mr Stuart Naylor**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. New housing would have a negative effect on the view from the listed building, Wainhouse Tower. New housing would affect negatively the view from the adjacent conservation area. The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will improve significantly the recreational space and amenity and its value to the local community. This land and adjoining land is habitat to local wildlife and should not be lost. There would be noise and light pollution to residents of Rothwell Drive if houses were to be built. Privacy to residents of Rothwell Drive would be lost.

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

Duty to Co-operate Reason:

Suggested Modifications:

The new housing would affect the view from the listed building Wainhouse Tower. The new housing will affect negatively the view from the adjacent conservation area. The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community. The site including the adjacent woodland needs an ecological appraisal as per Article 6 of the European commission. The land and adjacent woodland is habitat to many species, some of which are protected. the council has not completed this ecological survey and must do so before making any decision. Failure to do so is in breach of Article 6 of the European commission.

Additional Evidence Link:

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Comment ID

Site ref (if applicable):

Person ID: **1181290**

Name: **Mrs JM West**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

Council's Response:

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.

2. Historic England and Conservation Officers have identified when development may impact on the Historic Environment.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Reconsideration of the housing need.
2. Full and compliant public consultation.
3. Allowance in housing target for undersupply/underdelivery.

Council's Response:

1. 3. No change required - 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).
2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

## Document Section: LP0046 - New Housing Site - Halifax

### Representations

Comment ID **APX1067**

Site ref (if applicable): **LP0046**

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:

Impacts to LWS need to be considered and fully mitigated. Although a buffer from the LWS is encouraged we feel this can be strengthened. Boundary trees and species rich grassland should be retained. PEA and protected species surveys will be needed along with sensitive landscape schemes (including SuDs) and long term management plans to ensure no fragmentation of CWHN 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>

Comment ID **APX427**

Site ref (if applicable): **LP0046**

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 **Lpp219**

Site ref (if applicable): **LP0046**

Person ID: **960621**

Name: **Mrs Wendy Clayton**

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/5063696>

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Comment ID **Lpp495**

Site ref (if applicable): **LP0046**

Person ID: **1128265**

Name: **Mr Iain Crouch**

Organisation: **Planner P S Ryley & Co Ltd**

Agent ID: **1128263**

Name: **Mr Iain Crouch**

Organisation: **Planner P S Ryley & Co Ltd**

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

Legal Compliance Reason:

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

Sound Reason:

I wish to object to inclusion of LP0046 as a potential Site for Housing in the Draft Local Plan on grounds of

'soundness', in particular: The developable area of the site as it exists presently is just the southern portion of LP0046, the northern portion currently occupied by farm buildings. It is unclear whether the farm buildings will be demolished and the developable site will comprise the whole area (0.70ha), or whether the buildings will be retained and just the southern portion will be made available for building. Inclusion of this site is therefore unsound, as Calderdale MBC cannot rely upon the whole of the site becoming available for development within the lifetime of the Local Plan. I accept that the difference between use of all of the site and use of just the southern portion could be the difference between 25 and 10 new dwellings only. Notwithstanding this, given that doubt exists over the number of likely new dwellings, in the interests of soundness it would be more appropriate to allocate other sites for housing in preference to this one. There is confusion about the preferred point of access to the public highway. The Council's Site Assessment Report correctly states that access to Ryecroft Lane is unsuitable. It also raises concern about potential access to Heathy Lane, and whilst it states that there are 'potential access issues which are resolvable', it doesn't identify the nature of those 'potential access issues'. It is my contention that by not describing potential access issues within the Report, it is probable that said issues have not been properly considered and for this reason inclusion of the site is flawed, and the plan therefore unsound. The site is surrounded on three sides by trees. These trees are, as I understand it, not within the boundary of the site. The Council's Report is unclear about the ecological importance of these trees, however it does mention bats, owls, bees plus native and migrant birds. Development of LP0046 would have an impact upon the long term retention of said trees, particularly those to the south, as they shade the southern portion of the site for much of the day. Given that it may only be the southern portion that is developed (as outlined in (1)), the effect of shade-cast is fundamental to the developable area and if the trees are considered worthy of retention, could prevent development of much of the site. The Plan is unsound in that it has failed to take proper account of this matter and the potential impact upon the viability of this site. The potential impact of contaminated ground beneath existing buildings on the northern portion of the site is referred to in the Council's Report, but not elaborated upon. This is of relevance in particular because of the likelihood of surface water drainage via SUDS needing to pass through contaminated ground and carrying contaminants off site. I note that the site is adjacent to a Local Wildlife Site and a Local Nature Reserve containing a pond. The Report does not take account of the potential for pollution in this manner, and is therefore flawed, and the plan is consequently unsound. As I understand it, Yorkshire Water hasn't been consulted about the adequacy of the local sewerage network. Should a developer not have access to adjacent land or sufficient space on site for a sewage treatment plant, he will have to connect to the public system. In the absence of a Yorkshire Water Report, the closest acceptable point to connect is unknown. I raise this because I have been informed by persons living nearby that the sewerage system is operating at maximum capacity presently and is unlikely to be able to accept waste from an additional 25 dwellings. Without certainty about foul drainage, inclusion of this site is flawed and the plan is subsequently unsound. The presence of the Local Wildlife Site and Local Nature Reserve adjacent to the southern portion of the site will have an impact upon the amount of land available for development, as a buffer strip will need to be incorporated into the design. Whilst this wouldn't ordinarily be an issue for a site of this size, it will become an issue should only the southern portion be developable, a possibility described in (1). Given that increasing pressure is being placed upon developers to incorporate SUDS in the design stage of development, it is possible that the Lead Flood Authority may request the use of swales. This being the case, the amount of site remaining for housing and gardens will be reduced, compounding problems described in (1). This hasn't been considered in the Council's Report and as such inclusion of this site is flawed and the plan subsequently unsound.

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

Duty to Co-operate Reason:

Suggested Modifications:

Removal of sites that are not clearly available for development within the lifetime of the Local Plan, and replacement of these sites with others that are, of which many have been identified in the SHLAA process.

Additional Evidence Link:

Comment ID **Lpp612**

Site ref (if applicable): **LP0046**

Person ID: **1183460**

Name:

Organisation: **Whitehill Green  
Community Forum**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

We wish to object to the inclusion of LP0046 as a potential site for housing in the Draft Local Plan on grounds of 'soundness', in particular: The plan as submitted omits various factual details that are significant in their absence and accordingly obscure. When the history of the entire planning application is examined in detail it becomes obvious that this obscurity can only be derived either from incompetent planning during the assessment process or from an intentional act to hide the inappropriateness of reclassifying the site and adopting it for housing. Specific examples are included in the attached Appendix Document 1: 'Goose Gate "" planning through obscurity.' There are a total of 4 appendices to be read in conjunction with this submission: Appendix 1 "" Goose Gate Planning through Obscuration Appendix 2 "" list of signatures from local people supporting this submission Appendix 3 "" 2018 Site Assessment Report (1 st version) released August 10 th 2018 Appendix 4 "" copy of email regarding access The developable area of the site as it exists presently is just the southern portion of LP0046, the northern portion currently occupied by a converted barn, 2 houses and a bungalow (the site assessment report refers to these 4 dwellings as farm buildings). During the 6 week consultation period the site assessment report has been amended and there is uncertainty whether these 4 houses will be demolished and the developable area will comprise the whole area (0.7ha) or whether the houses will be retained and just the southern portion will be made available for development (0.24ha). If the southern portion only is developable then this area is below the 0.25ha threshold and should be rejected as a potential housing site. Given the doubt that exists over the number of likely dwellings, in the interests of soundness it would be more appropriate to allocate other sites for housing in preference to this one. If the plan requires the demolition of existing dwellings this is at best uneconomical and at worse un- ecological. It seems scandalous to demolish occupied houses in order to free up the land to build houses on. The potential impact of contaminated ground beneath the existing buildings on the northern portion of the site is referred to in the site assessment report but is not elaborated upon. This is of relevance in particular because of the likelihood of surface water drainage via SUDS needing to pass through contaminated ground and carrying contaminants off site. The site is on the hillside directly above and adjacent to a local wildlife site, local nature reserve, wildlife habitat network and an area of Lowland Acid Grassland (UK BAP HPI) and contains a small pond that wildlife regularly drink from ( which is fed from a spring in the southern portion of LP0046). The report does not take account of the potential for pollution flowing down the hillside and/or entering or contaminating the natural springs in this manner and is therefore flawed and the plan consequently

unsound. Policy GN3 "“ Natural Environment (extract): 'Development proposals which are likely to have a significant adverse impact on a site with 1 or more of the following designations, habitats or species will not be permitted except in exceptional circumstances where the reasons for the development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives'

i) Local Nature Reserve (LNR) ii) Local Wildlife Site (LWS) iii) Calderdale Wildlife Habitat Network iv) Habitats & Species of principle importance within the UK biodiversity action plan (UK BAP HPI). v) Priority habitats and species within the Calderdale Biodiversity Action Plan

Information from Natural England (link from the National Policy Planning Framework) states that 'there are restrictions on activities that might affect a designated or protected area, e.g. building new houses or roads. This includes areas next to as well as in those areas'. No exceptional circumstances have been put forward therefore the proposal for development of LP0046 is not compliant with policy GN3 and therefore unsound. Further, surface water drainage may also adversely affect the existing housing downhill of the site and by increasing the water drainage cause a significant impact to the wildlife site. Finally, given that increasing pressure is being placed upon developers to incorporate SUDS in the design stage of development, it is possible that the Lead Flood Authority may request the use of swales. This being the case, the amount of site remaining for housing and gardens may be reduced, compounding problems described above. This hasn't been considered in the site assessment report and as such inclusion of this site is flawed and the plan subsequently unsound. There has been confusion in the site assessment report about the point of access to the public highway and this too has been amended during the 6 week consultation period creating further confusion for residents as it still doesn't mention an exact location for access to the potential housing site, just stating that access from Whitehill Road is 'technically feasible'. Access via Rycroft Lane was declared unsuitable but the report failed to mention such access would impact housing, gardens and local fields nor that the latest site assessment report states that Heathy Lane is considered to be able to accommodate the development traffic. However this is an extremely steep narrow lane with blind bends, pinch points preventing large vehicles using it, a 20PMH zone and has a weight restriction. It is also one of the main thoroughfares for school traffic both for Whitehill Academy and Trinity Academy. Further housing will exacerbate existing congestion which also includes heavy goods vehicles from the local Holmfield Industrial site. Whitehill Road was recently reduced to 20 mile per hour because of the congestion and additional housing could significantly increase traffic accident risk especially in the winter months when the road is often unusable. It is our contention that access issues have not been properly considered and for this reason inclusion of the site is flawed and the plan therefore unsound. There is concern from Yorkshire Wildlife Trust in the site assessment report about the impact on the adjacent LWS and LNR and they advise that impacts are fully considered prior to the allocation and any development is master planned and considered in combination with LP0531, which is a proposed development of houses at the other side of the same LNR and LWS. There is no evidence in the report that this has been done. In fact the 2 sites have been treated arbitrarily as LP0531 has been given a suggested mitigation (or buffer zone) of 20 metres, whereas LP0046 has been given mitigation just on its southern edge of only 10 metres. For this reason we believe that the inclusion of the site is flawed and the plan therefore unsound. LP0046 site is surrounded by large mature trees on three sides, most of which are approximately 20-25 metres high and are around 100 years old. The site assessment report states that these boundary trees are to be retained and it mentions bats (the whole of LP0046 is a bat alert zone according to West Yorkshire Ecology), owls, bees plus native and migrant birds. Planning rules ( Local Policy Annex 3 "“ Trees on or adjacent to development and GN5 section 20 of the Local Report) relating to shade cast and prevention to damage to said tree roots is fundamental to the developable area of LP0046 and could prevent development of a significant portion of the site. The plan is unsound as it has failed to take proper account of this matter and the potential impact upon the viability of this site. According to the Unity Development Plan 2006 a wildlife corridor goes through a large part of LP0046 from midway along the southern boundary connecting the LNR & LWS up to the east side of the current houses in the northern part of the site and beyond. However there is no mention of this in the Local Plan, indeed this corridor appears to have been taken out or ignored and there is no evidence that any wildlife organisations were consulted re this. The whole LNR & LWS between

LP0531 and LP0046 is a wildlife corridor and: Paragraph 174a of the National Planning Policy Framework (extract) states that: To protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Due to the exclusion of this existing Wildlife corridor from LP0046 for unknown reasons, the inclusion of the site is flawed and the plan therefore unsound. The southern portion of Site LP0046 was formally greenbelt land and has now been re-classed as green field land. The National Planning Policy Framework para 83 requires that 'exceptional circumstances' are demonstrated for land to be taken out of the greenbelt, but no such circumstances have been put forward. The Local Plan Technical Paper states that the plan should utilise the emerging National Policy in its approach to exceptional circumstances. Paragraph 136 of this policy states: 'Before concluding that exceptional circumstances exist to justify changes to green belt boundaries, the strategic plan-making authority should have examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account whether the strategy makes as much use as possible of suitable brownfield sites and underutilised land'. There is a plot of land on a brownfield site with planning permission granted for 14 houses approximately 100 metres further down Heathy Lane from LP0046. After preparatory work clearing and preparing the site nothing has been done here for 4 years. One wonders why. But when this land is eventually built upon that will further increase congestion on Heathy Lane and Whitehill Road. No mention of this is made in the plan so the conclusion this has not been taken into account is reasonable. The presence of this existing site has a clear impact on LP0046, which was up to recently classified as greenbelt land, but it is not mentioned. We consider site LP0046 is not consistent with current national policy regarding reasonable alternatives and is therefore unsound. During the 2017 consultation, residents had the opportunity to comment on the proposal to build 10 houses on the southern portion of LP0046. There was concern from residents about the additional traffic impact on the local roads. However in the latest plan the development has been extended to 25 houses with no opportunity for residents to voice their concerns about this additional impact and indeed the consultation from the council has been so poor that few residents knew about the recent changes to the plan. As we understand it, Yorkshire Water has not been consulted about the adequacy of the local sewerage network. Should a developer not have access to adjacent land or sufficient space for a sewage treatment plant, he would have to connect to the public system. In the absence of a Yorkshire Water Report, the closest acceptable point to connect is unknown. We raise this because we have been informed by local residents that the sewerage system is presently operating at maximum capacity and is unlikely to accept waste from an additional 25 dwellings. Without certainty about foul drainage, inclusion of this site is flawed and the plan is subsequently unsound.

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

Duty to Co-operate Reason:

Suggested Modifications:

Removal of sites that are clearly not viable for development. Remove all sites that have not been fully assessed for environmental / ecological impact.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5075356><http://calderdale-consult.objective.co.uk/file/5075354><http://calderdale-consult.objective.co.uk/file/5075357><http://calderdale-consult.objective.co.uk/file/5075355>

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Comment ID

Site ref (if applicable): **LP0046**

Person ID: **1183647**      Name: **Julie Kerwin**      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?: **Yes**

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID

Site ref (if applicable): **LP0046**

Person ID: **1183426**      Name: **DPP on behalf of Mr Kevin Whittam**      Organisation:

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?: **Yes**

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

As the allocation is considered to be sound there is no modification to the allocation required. However, reference to Access, the local wildlife and Grade II listed building as site constraints should be removed from the allocation. Reference to retaining boundary trees, 'where appropriate and possible' should also be reflected in the site allocation text.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5076027>

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Comment ID **Lpp997**

Site ref (if applicable): **LP0046**

Person ID: **1130703**

Name: **Mrs Margaret Croker**

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/5078847>

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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 Local Wildlife Site, Wildlife Corridor and trees on periphery of site. Potential impact on bats.
2. Heritage - Listed building in close proximity. HIA should be undertaken.

3. Green Belt - Loss of Green Belt and lack of exceptional circumstances.
4. Site Access - Site access is unsuitable due to steep, narrow approach roads.  
Local Road Network - Inadequate local road network, specifically congestion, road safety issues and on-street parking.
5. Deliverability - Questions over deliverability due to availability of existing buildings and trees on site.
6. Contaminated land - Potential contaminated land and impact on site and surrounding area.
7. Infrastructure - Impact on local sewerage network.
8. Flooding - Impact of provision of SUDs on site capacity. Increase surface water flooding.
9. Rights of way - Potential loss of footpath running through the site.

Council's Response:

1. Yorkshire Wildlife Trust comment that the development of a large housing estate immediately adjacent to the LWS/LNR may result in an increase in the recreational use of the site, resulting in increased disturbance to wildlife, trampling of habitats and anti-social activities. The Trust advise that such impacts are fully considered prior to the adoption of the allocation and that the development is master planned to avoid impacts on the LWS and LNR. Due to the close proximity of the allocations all impacts of this allocation should be considered in combination with LP0531.  
A Preliminary Ecological Appraisal has been prepared on behalf of the landowner. The Council's Conservation Section (Ecology) consider the site suitable for development subject to mitigation, including a bat survey, retention of boundary trees, and provision of a stand off of a minimum of 10m from the LWS.
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. 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. Highways Development Management has commented that site access is achievable. Heathy Lane is considered able to accommodate the development traffic, and access from Whitehill Road is technically

feasible, although the exact location would need to consider the location of existing junctions. It is considered that the impact on the local road network is acceptable with the necessary mitigations.

5. The site includes the existing properties to the north. The developer's agent has confirmed that demolition of all the buildings is the likely outcome, but a final decision has not yet been made.

6. The Council's Environmental Health Team has commented that any development should be accompanied by an appropriate Contaminated Land Assessment. Any mitigation measures identified will be implemented.

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 is a living document, updated on at least a yearly basis and includes a chapter on utility provision.

8. The site is within Flood Risk Zone 1, and is suitable subject to consultation with the LPA/LLFA. The Council's Flooding and Drainage Team has commented that capacity building of existing drainage network and well planned site investigations are required. Surface water management and SUDs should also be incorporated into any development proposed.

The provision of SUDs will have little or no impact on site capacity if designed effectively. The provision of SUDs is a necessary mitigation measure.

9. 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. Boundary trees and species rich grassland should be retained. Preliminary Ecological Appraisal and protected species surveys will be needed along with sensitive landscape schemes (including SuDS) and long term management plans to ensure no fragmentation of CWHN and a net gain in biodiversity is achieved.

2. Removal of sites that are not clearly available for development within the lifetime of the Local Plan, and replacement of these sites with others that are, of which many have been identified in the SHLAA process.

3. Reference to Access, the local wildlife and Grade II listed building as site constraints should be removed from the allocation. Reference to retaining boundary trees, where appropriate and possible should also be reflected in the site allocation text.

Council's Response:

1. Noted and reflected in the reports required / site specific considerations fields.

2. The landowners have indicated that the land is available. Where the landowners have informed the

Council that the site is unavailable, it has not been allocated.

3. It is considered necessary to include such constraints in the site supporting information. Site specific considerations are included in the appendix as supporting information to guide and inform applicants and decision makers alike. For further information please refer to paragraph 1.1 of Appendix 1 Site Allocations - Supporting Information document.

## Document Section: LP0103 - New Housing Site - Halifax

### Representations

Comment ID **APX1007**

Site ref (if applicable): **LP0103**

Person ID: **1183687** Name: **Mrs Christine Akroyd** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX1187**

Site ref (if applicable): **LP0103**

Person ID: **1184026** Name: **Mr Ralph Settle** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

The area at Worley Green already has more houses, workshops old peoples homes ans only one green area left in the area. The infrastructure cannot support any more housing. There are no shops only one bus

services the entrance to the proposed site is a one way single traffic system. Parking for vehicles is already congested with parking taking place on footways and curb sides. A further influx of houses and vehicles will cause untold problems to the area. The proposal for so many houses in this area will change the nature of the communities and put unsustainable pressure on the roads and local environment. It would seem that the councils plan should be to regenerate and develop brown field sites of which there are plenty.

Additional Evidence Link:

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Comment ID **APX1188**

Site ref (if applicable): **LP0103**

Person ID: **1184027**

Name: **Mrs Margaret Liddle**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

The area at Worley Green already has more houses, workshops old peoples homes and only one green area left in the area. The infrastructure cannot support any more housing. There are no shops only one bus services the entrance to the proposed site is a one way single traffic system. Parking for vehicles is already congested with parking taking place on footways and curb sides. A further influx of houses and vehicles will cause untold problems to the area. The proposal for so many houses in this area will change the nature of the communities and put unsustainable pressure on the roads and local environment. It would seem that the councils plan should be to regenerate and develop brown field sites of which there are plenty.

Additional Evidence Link:

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Comment ID **APX1189**

Site ref (if applicable): **LP0103**

Person ID: **1184031**

Name: **Mr James McGowan**

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 last time the building permission was refused the independent inspector said it was the amenity and recreated value to the local residents which mattered. The recreation area next to St Thomas village had already been taken for building and there was not much green space left when walkers turn the corner and take in the view of beacon hall and the landscape stretching as far as Holme Moss it lifts the spirit. I don't think the plan is sound. I worked hard last time my high town at 16 to lead the last petition and hoped the matter was settled. As a battle of Britain (1948) I'm afraid I haven't enough energy left to fight them on the beaches. W.Churchill.

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 **APX1190**

Site ref (if applicable): **LP0103**

Person ID: **1184036**

Name: **Mrs Hazel Metcalfe**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

1) Designated as open space, urban 2) Designated as a wildlife corridor 3) High way safety on Horley Green 4) Road Access 5) Previous planning decision was rejected for those reasons and are still applicable 6) Loss of amenities 7) Infrastructure, Doctors, schools, shops. In my opinion I consider the plan unsound 8) Loss of green space for children to play in safety

Additional Evidence Link:

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Comment ID **APX1191**

Site ref (if applicable): **LP0103**

Person ID: **1184038**

Name: **Miss Jacqueline Throp**

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:

Objection reasons :- 1) The green is designated open urban space. 2) Wildlife is often seen on the green. Deer, foxes and squirrels are often seen running over this open space. 3) Extra housing on the green would cause the highway in the area to be unsafe and busy. 4) Road access would be unsafe to extra cars and vans as this is a one way system. 5) Previous planning decision was rejected the reason are still applicable. 6) The building of dwellings on this green would be a loss of play space for the children, dog walking area. It is a very social green and open space for everyone in this area as well as providing a space for exercise for the area. 7) An extra 44 dwellings would put pressure on the 3 schools (Salter lee primary, Akroydon primary academy and St Josephs primary.) In this area the doctors would also be put under pressure to find spaces for these extra patients. In my opinion I consider the plan to build on the green unsound.

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 **APX1192**

Site ref (if applicable): **LP0103**

Person ID: **1184040**

Name: **Mr Alan Horsfall**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site is used by the community. The access is poor the road around site are narrow and congestion will cause traffic problems.

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1193**

Site ref (if applicable): **LP0103**

Person ID: **1184043**

Name: **Mrs Maureen Lumsden**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Reasons for objection The green is an open urban space wildlife is often seen on the green foxes, squirrels, deer and duck bring there ducklings Many birds are fed there by people who walk their dogs. Road access would be very unsafe by extra cars and vans this is a one way system previous planning was reflected the reasons are still applicable.

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

The building on the green would be a great loss. Play space, dog walking, people meet for chats its a very social green. The building of the dwellings would put pressure on schools. The doctors would also feel the pressure. It is my opinion it would be unsound to build on the green.

Additional Evidence Link:

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Comment ID **APX1194**

Site ref (if applicable): **LP0103**

Person ID: **1184044**

Name: **Mrs Marion Bickerdyke**

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 should be left for people to enjoy. IE, children & people walking dogs. 44 houses will mean 44+ cars which will cause much congestion. There will also be much pressure on local schools & doctors which already are over subscribed, parents cant get their children into their chosen school and local doctors are

taking no ore patients.

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 **APX1195**

Site ref (if applicable): **LP0103**

Person ID: **1184045**

Name: **Mr Barrie Shaw**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

1) This already densely populated area already served by a one way system does not need any more traffic.  
2) I do not believe there are enough schools or shops to uphold the housing scheme. 3) It should be left as it is because of the views & local people use it regularly as a recreational ground

Additional Evidence Link:

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Comment ID **APX1196**

Site ref (if applicable): **LP0103**

Person ID: **1184049**

Name: **Mr Gavin Wootton**

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 would like to object to the development on Horley Green. I believe the plan is unsound. The green should be left as it is for the local community to enjoy. The extra pressure on schools, doctors, etc will be too great for the area to withstand. Access is also a problem with extra traffic the roads will become unsafe. Please leave our green as it is.

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 **APX1197**

Site ref (if applicable): **LP0103**

Person ID: **1184050**

Name: **Mrs Shirley Cockroft**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Objections reasons 1) Designated as open space urban 2) Designated as a wildlife corridor 3) Highway Safety 4) Road Access 5) Previous planning decision was rejected those reasons are still applicable. 6) Loss of amenities 7) Infrastructure, doctors, schools, in my opinion I consider the plan unsound

Additional Evidence Link:

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Comment ID **APX1198**

Site ref (if applicable): **LP0103**

Person ID: **1184055**

Name: **Miss J White**

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 would like to object to the development on Horley Green. I believe the plan is unsound. Its designated as an open space. Its designated as a wildlife corridor. Road access is poor. Loss of playing recreational area for children. Highway safety would be an issue. Schools and doctors are over subscribed. We want our green as it is now for the community!

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 **APX1199**

Site ref (if applicable): **LP0103**

Person ID: **1184064**

Name: **Mr Stuart Hanson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Much as I appreciate we need more local housing I do not feel this is an appropriate site. Access to this site will make the roads round here really busy. It is confusing enough with the one way system and the proposed site is the only level play area around for children. Previous planning applications were rejected and these points raised are still applicable.

Additional Evidence Link:

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Comment ID **APX1200**

Site ref (if applicable): **LP0103**

Person ID: **1184068**

Name: **Mrs Lynne Bray**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

There is a highway safety issue here - one way traffic round Horley Green area its a route road for the infant children who walk to school with there parents. Access to the said site, well you would have to have helicopters to drop bricks off etc., the site entrances would not work, the coming and goings of site traffic on a bus route are narrow road and would be chaotic.

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

Duty to Co-operate Reason:

Suggested Modifications:

This area is about wildlife, also families of ducks come on to the green (from Shibden) They have done for years, open your curtains early morning there s a deer on the green, lots of birds, play area for the kids, youths play football People just walk on the green, meet other people for a chat. the elderly walk around with carers. Planning was previously (years ago) was put forward, land was tested. Planning was rejected , look back in your files we have had enough houses recently built in the area some of which are stood empty at the moment. Those were not wanted either via councillors and public, but you didn't listen. Our area cannot stand anymore houses. We are full of up, the roads are and were wrecked due to heavy plant and more pollution leave our last little bit of green, green for everyone to enjoy. Go and build your houses on manor heath, you will get 3x as many as what will go on our green space. There is no difference between our green area and manor heaths except who actually lives there. Your plan for houses on our green is unsound. By the way why do we need thousands of houses who are they all for.

Additional Evidence Link:

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Comment ID **APX1250**

Site ref (if applicable): **LP0103**

Person ID: **1186337**

Name: **Mrs Rosemary Balmforth**

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:

1. Designated as an Open Space Urban. 2. Designated as a Wildlife Corridor. 3. The safety in Horley Green will be impaired with another forty two or even eighty four cars. 4. It is a one way system. 5. Plan Permission was rejected and these reasons are still applicable. 6. Lack of amenities. 7. Infrastructure Doctors & Schools 8. It will be unsafe with all that traffic going through a small village like ours ant Claremount. There are enough Houses in the area There doesn't need to be anymore.

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 **APX717**

Site ref (if applicable): **LP0103**

Person ID: **1183135**

Name: **Mrs Adrienne Roy**

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 area is already designated as an open urban space. The area has previously been designated as a wildlife corridor. Previous planning approvals which included safe parking areas have been abused and serious highway safety issues already exist. Road access is extremely limited with a one way system. A previous planning applications have been rejected and the same reasons still apply. Reduced areas of local amenities. The new properties would cause an increased burden on local amenities such as schools, doctors etc. which are already over stretched.

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

Duty to Co-operate Reason:

Suggested Modifications:

In my opinion I consider the plan to be unsound and would like to object formally.

Additional Evidence Link:

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Comment ID **APX748**

Site ref (if applicable): **LP0103**

Person ID: **1183192**

Name: **Mrs Gillian Sutcliffe**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

I object to the planned development of the land at Horley Green for the following reasons:- The development of the site would have negative impact on the local neighbourhood social structure as I feel the surrounding area is full to capacity. This proposal is an erosion of green field and green belt land denying the local community access to open green space, having a negative impact on the existing community who use the land for social and pleasure purposes. The land is a diverse environment for wildlife such as migrating birds and other indigenous animals such as mammals, insects etc. It forms a natural wildlife corridor which if developed would reduce the already endangered wildlife population. Any increase in traffic in the area would have a negative impact on the health of the local population as emissions from traffic is already a public health issue and this development would only exacerbate the problem. The road system within the Claremount area is unsuitable for further development such as proposed and in this location. Any traffic from this development would need to use the one way system through Horley Green and Claremount to enter and exit the site. Also access to and from Claremount is limited and difficult. The slip road to the east via Claremount Road onto the A58 is one way and is very dangerous to exit. The slip road to the west onto the A58 towards Halifax town centre is treacherous as traffic exiting need to negotiate several lanes of fast moving vehicles. Claremount Road is a well build up thoroughfare with 20 mph limits which is generally ignored making this an unpredictable and busy B Road through Claremount village and is unsuitable for any further traffic use. With other sites in the local area being developed, pressure on local services and infrastructure would be untenable. Schools, Doctors, Shops, Emergency Services in Calderdale are at present at full capacity, not to mention Council Services which due to austerity and cut backs over the past few years would not be able to serve the population of Claremount and Calderdale to the best of its ability. All this new development in this Ward would therefore have a negative effect on said local services, which are stretched to the limits and would push them to breaking point. This site has already had sinkhole's open up as past development dating back some several decades, now demolished, left unfilled cellars that are now collapsing making the site unsafe for future development. With the uncertainty of Brexit and any impact this would have on migration, this development is an over exaggeration of the needs of the future population of Claremount and Calderdale and therefore I feel this space would be better served as open Green space for the health and wellbeing of the community of Claremount.

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 **APX786**

Site ref (if applicable): **LP0103**

Person ID: **1182486**

Name: **Mr Garry Speight**

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 believe the proposed development would be detrimental to local residents (especially children) who use this open green space for recreational purposes. We have already lost open green space in this area with a housing development on Bell Street. There is no shortage of available housing in the locality, new houses have already been built on the nearby Belgrave Close/Belgrave Avenue. Some of these are still unoccupied. New houses are also currently being built on Horley Green Road adjacent to Lower Horley Green Farm. Additionally, there is another development for new housing in Claremount at the old Titan Engineering site. The existing road system in the area would be inadequate for the amount of traffic. Part of Horley Green Road is a narrow one way road which would result in traffic leaving the development through the existing housing estate. The increased traffic would cause safety concerns. A proposed previous scheme to develop on this land was turned down and the same reasons should still apply.

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 **APX787**

Site ref (if applicable): **LP0103**

Person ID: **1183430**

Name: **Mr Darrell Nicholas**

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 desperately needed as a recreation area as this is the only one in the Belgrave area. Road access to and from is already appalling on the Belgrave Estate with only ONE EXIT from the estate Previous planning have been rejected because of poor access which remains the same. All estate traffic leaving the area pass along Belgave Avenue which is already far too busy even at off peak times. New properties would be an increased burden on the local amenities. I would like to formally object to this planning application.

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 **APX861**

Site ref (if applicable): **LP0103**

Person ID: **1183508**

Name: **Mrs Giovanna Sutcliffe**

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:

Dear Sirs, With regards to the above application, I would like to lodge a formal objection to the proposed development of 44 houses on the open space at Horley Green. Our Concerns are as followed: - 1. I believe this proposed development would have a detrimental effect to our community. We need a safe, accessible open space that reflect current and future needs and support the community's health, social and cultural well-being. This proposal does not meet the development needs of the area and would have an adverse impact significantly and demonstrably out weighing the benefits. There is no shortage of housing stock in the area. At this present moment there are 118 houses at different values for sale within a 1-mile radius of the site. Planning has already been passed to develop 49 houses on site Ref No: LP1609 on Claremount Rd. So why do we need more houses! 2. The extra burden to schools, doctors and local amenities will be immense adding extra pressure on the currently over stretched infrastructure. We want to be able to enjoy the open space at Horley Green with our families that has been a part of the village for generations. Development will spoil the features that are treasured by the local residents. 3. The site provides a haven for migrating birds and is a biodiverse environment for insects, mammals such as hedgehogs, which are in decline. The council has a duty to contribute to protecting and enhancing our natural environment 4. Noise and disturbance resulting from extra properties would also have a detrimental effect on the neighbourhood. 5. Road access to the proposed site would cause so many issues, using a one-way system would mean extra vehicles would have to travel through the already densely populated village of Claremount and Horley Green, making safety an issue for road users, pedestrians and residents of the area. 6. The only people who will invest in our village are the developers who will soon move on to other profitable locations, leaving the residents with an unsustainable reality for the future. 7. Previous planning decisions rejected the proposed development on this site and those reasons are still applicable and should be taken into consideration now. In my opinion I consider the plan unsound.

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 **APX866**

Site ref (if applicable): **LP0103**

Person ID: **1183512** Name: **mr Glen Sutcliffe** 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:

Dear Sirs, I would like to object to the proposed development, of 44 houses on the open space at Horley Green. In my opinion I believe the plan unsound. 1. The site is designated as an open space and development would have a detrimental impact on the local community. This area has a huge amenity value and is well kept and treasured by the local people. It brings the community together and we need this safe area for our families to use. 2. Highway safety would be an issue as access would be difficult having to use a one way flow system through an existing densely populated housing estate to access the local highway network. 3. The extra burden to schools, doctors and local amenities would be immense adding extra pressure to the currently over stretched infrastructure. 4. The site is designated as a wild life corridor for migrating birds. The council has a duty to contribute to protecting and enhancing our natural environment. 5. Previous planning decisions rejected the proposed development on this site and those reasons are still applicable and should be taken into consideration now. The councils safer, cleaner, greener team has stated that this site should remain as an open space due to lack of other suitable facilities in the area. WE NEED OUR OPEN GREEN SPACE!

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1130**

Site ref (if applicable): **LP0103**

Person ID: **1184915** Name: **Mr Kevin 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:

Designated as Open Space Urban Designated as a Wildlife Corridor Highway safety Road Access Previous planning decision was rejected, those reasons are still applicable Loss of amenities Infrastructure, doctors, schools. Recreational. In my opinion also consider the Plan unsound.

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 **Lpp292**

Site ref (if applicable): **LP0103**

Person ID: **1182700**

Name: **mr David CLARKSON**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

we have the local farm up tuner lane due to planning on bell street were a large number of house were build this had a great impact us getting Deliverys to farm so we now have to unload on this field and transport up to farm in small loads I would like to expressed that this would make my farm not viable and have a great impact on us being able to farm is this area .

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 **Lpp363**

Site ref (if applicable): **LP0103**

Person ID: **1182700**

Name: **mr David CLARKSON**

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 this site as it will be a serious detriment to my farming business. Since

the housing estate has been built on Bell Street we have had no alternative but to unload produce on this green field site and take it to the farm in small loads. There is no other available site in the area. Furthermore we are at the end of the water mains supply and the water pressure is very low. Any more demand on the water supply would have a serious effect on my business.

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 **Lpp527**

Site ref (if applicable): **LP0103**

Person ID: **1183350**

Name: **Mr Adam 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:

I write in reference to LP0103. The land at Horley Green Road is on of the few Green sites remaining close to Belgrave Estate. The access to this site would be through the estate which already has a high amount of cars and usage due to the number of properties in the area. The land also provides space for walking, children playing and wildlife- the roads already see numerous cars parking on the pavement to ensure vehicles including other cars, buses and emergency vehicles room to pass. Local schools are already heavily subscribed and the building of 44+ houses would increase this number. It is also likely the majority of households would have at least one car.

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 **Lpp567**

Site ref (if applicable): **LP0103**

Person ID: **1183443**

Name: **Mr Tyrone Fletcher**

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 write in reference to the Calderdale draft plan. Section 9 LP0103 I believe the plan is not sound due to a number of reasons as follows; 1 roads aren't built for such heavy traffic (they are not wide enough in the area and cars also park on the road side making manouvering along the road even more difficult) 2 there isn't enough parking for the small number of cars already in the area (cars are now parking on the pavements along the bus route, making it very difficult to get in or out of the area) 3 it will spoil the only green space in the immediate vicinity 4 we have a poor bus service which will only be made worse by number of cars on road sides and number of people attempting to use it 5 there aren't enough amenities in the immediate area to support even more housing 6 If plans were approved to build any houses they should be larger housing as the area lacks 4/5 bed houses and already has a wealth of 2/3 bedroom houses of which are already affordable.

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

Duty to Co-operate Reason:

Suggested Modifications:

Amenities need to be in place prior to any further building in the area. Doctors surgeries, schools, shops etc. Are either full or too far away.

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, poor quality of roads, on street parking, road safety.  
Site access - Site access unsafe (one way system).
2. Infrastructure - Lack of / pressure on existing amenities, services and facilities in the local area, e.g. schools, shops, doctors, pharmacies, dentists, bus services, water supply.
3. Open Space - Loss of well used open space, last in the village. Open space elsewhere more appropriate.

4. Ecology - Impact on wildlife and Wildlife Corridor.
5. Loss of greenfield land.
6. Noise and air pollution - Increase in traffic and other development related impacts.
7. Land stability - sinkholes in the area.
8. Housing need - questions over need for housing locally, empty properties within close proximity to the site.

Council's Response:

1. The Highways Development Management Team has commented that access off Horley Green Road to east of the site would be a preferred arrangement. With the necessary reports required (Transport Statement) and mitigation measures in place, the impact on the local road network is likely to be acceptable in highway terms.
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 IDP is a living document, updated on at least a yearly basis. There are chapters dedicated to education, healthcare, transport and utilities.
3. The Safer, Cleaner, Greener Team has been consulted as the site contains Amenity Greenspace. It is considered that if the site were to be developed, either open space for informal recreation or allotments should be created on part of the site, or the quality of Horley Green Recreation Ground enhanced.
4. West Yorkshire Ecology has commented that the site provides a haven for migrating birds and is a biodiverse environment for insects and mammals, such as hedgehogs, which are in decline. The site is acceptable subject to mitigation which will require the planting of species rich native hedgerows on all boundaries.
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.
6. In terms of air quality, the service comments that due to the proximity of the Stump Cross AQMA (No.5) and the outcome of air pollution monitoring on the A58 at New Bank and Godley Lane, mitigation would be appropriate to address air quality impacts. Air quality and the impact of additional road traffic taken cumulatively with other local developments would need to be considered as would the impact of road traffic emissions on the residential development itself. These 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. West Yorkshire Low Emission Strategy has been adopted by the Council. This gives guidance on good practice for mitigating air quality impacts and should be utilised to mitigate the risk.
7. 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.

8. 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).

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

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP0261 - New Housing Site - Halifax

### Representations

Comment ID **APX1232**

Site ref (if applicable): **LP0261**

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>

Comment ID **Lpp1289**

Site ref (if applicable): **LP0261**

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 public owned greenspace in current use within a high density residential area. We question the loss of this greenspace. The Housing Technical Paper suggests a delivery from 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 **Lpp1344**

Site ref (if applicable): **LP0261**

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 public owned greenspace in current use within a high density residential area. We question the loss of this greenspace. The Housing Technical Paper suggests a delivery from 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. Open Space - loss of open space.

Council's Response:

Council's response:

1. The Council's Safer Cleaner Greener Section have said any loss of open space would need to be replaced. Specifically, they have stated that since there are no parks or gardens within the catchment of this site, any development should include a local park.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP0353 - New Housing Site - Halifax

### Representations

Comment ID **APX1233**

Site ref (if applicable): **LP0353**

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>

Comment ID **APX4**

Site ref (if applicable): **LP0353**

Person ID: **1176535**

Name: **Mr Chris Thornton**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

This is not a acceptable site for housing, It is a former play area and should be left as such so that the children of the area have some green space to play in. The doctors surgery is over subscribed as it is, the increase in traffic will not be acceptable and the snicket between the site and Cromwell Close will be come a rat run.

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 **Lpp1290**

Site ref (if applicable): **LP0353**

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: Again, this is public owned accessible greenspace in current use, (including a playground). We question the loss of this greenspace. The Housing Technical Paper suggests a delivery in year 4 (2021)

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 **Lpp1346**

Site ref (if applicable): **LP0353**

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: Again, this is public owned accessible greenspace in current use, (including a playground). We question the loss of this greenspace. The Housing Technical Paper suggests a delivery in year 4 (2021)

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 open space.
2. Infrastructure - Lack of / pressure on existing amenities, services and facilities in the local area, e.g. doctors
3. Local Road Network - Inadequate local road network, specifically congestion.

Council's Response:

1. The site is currently grassland and concrete areas where play equipment once stood. The Open Space Study has recommended that planning permission should be sought for use of the land as a housing site. The Council's Safer, Cleaner, Greener service has stated that there are other amenity green space sites of a similar size in the area, however there are no allotments or parks and gardens. They go on to state that if the site is developed, a community garden/allotment should be included in the scheme. However, the site is only 0.33ha and the site is considered too small to provide allotments as part of the development scheme. The service has also committed to ownership and maintenance of agreed replacement open space provision.
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 IDP is a living document, updated on at least a yearly basis. The document includes a chapter on healthcare provision.
3. Highways Development Management has commented that the site could be accessed from Fairfax Crescent with a priority junction either forming a cul de sac or one-way system with entry (between No. 87

and 93) and separate exit (between 99 and 105) onto Fairfax Crescent. The impact of development on the local road network is considered acceptable with the appropriate mitigation. A Transport Statement would also be required with any forthcoming submission.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP0397 - New Housing Site - Halifax

### Representations

Comment ID **APX1043**

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

Person ID: **1183957**

Name: **Miss Ruby Frith**

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 The proposed planning to construct 10 new properties on the old allotment site Daisy Bank is absurd. The new properties wanting to be built would be accessed down a single dirt track, this will lead to issues with emergency services as no large vehicles such as fire engines would be able to access the land. Moreover, being a single lane track there is no where for cars to pass which would lead to constant traffic and reversing up and down the track, polluting the local community with unnecessary noise. The current owners at Daisy Bank have to wheel their dustbins to the end of the track for their rubbish to be collected as it is impossible for a bin lorry to fit. This than leads to concerns if there were 10 dustbins at the end of the track (excluding recycling bins), the track itself would become blocked. This as well as an additional 25-30 cars from new residents, is unfeasible. As the track is 9 feet wide at its narrowest point and it not being possible to widen the track due to private land and preservation orders on trees. (89/000467/c and 97/01045/c), it is clear that the access to 10 new properties at Daisy Bank via Savile Park Gardens is ludicrous. On a separate note, the land wanting to be developed is an old allotment space currently home to many species of wild life. Surely Calderdale are wanting to preserve their green space, already being much lower than other Local Authorities in England and England's average green space being 27.1% lower than other EU countries. I hope you take the time to consider all reasons why it is not possible to construct the new development at Daisy Bank.

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 **APX1155**

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

Person ID: **1185034**

Name: **Mr Richard Hopkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

I object to the land being used as housing. The new housing would negatively affect the view from the listed building, wainhouse tower. The new housing would also negatively affect the view from the adjacent conservation area. The land needs to be re-designated as allotment gardens. The designation was lost & if replaced will increase significantly the recreational amenity of the space & value to the local community. The site, including the adjacent woodland needs an ecological appraisal - as per article 6 of the habitats directive, European court of justice, 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not computed this ecological survey and must do so before making any decision. Failure to do so is in breach of article 6 of the habitats directive.

Additional Evidence Link:

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Comment ID **APX1157**

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

Person ID: **1185036**

Name: **Mrs Lisa Sutcliffe**

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:

We agree to the designation of local green space as this will protect the trees & habitat of the local wildlife and the living things in the woodland. In particular, the foxes that inhabit the woodland need to have their habitat & living space protected, as the building of new housing development on the site will destroy the living space for the foxes (including a rare black fox) and all other living creatures who are in situ in the area. The privacy of neighbouring houses to the woodland would be lost & these houses/inhabitants would not be able to enjoy the wildlife if the housing development was built.

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

Duty to Co-operate Reason:

Suggested Modifications:

We consider the designation of the area ( that is being considered form a new housing development) would be better served as being a local green space as this will protect the trees, and habitat of the wildlife/living things in the woodland.

Additional Evidence Link:

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Comment ID **APX1158**

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

Person ID: **1136123**

Name: **Ms Carmel Mawer**

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 **APX1159**

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

Person ID: **1185034**

Name: **Mr Richard Hopkinson**

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:

There are many species of wildlife that live in daisy bank woods including, 2 red foxes, 1 black fox (seen regularly over the last 5 years), badgers, hedgehogs, bats, (seen most nights/evenings flying to & from the woods), owls (also heard many times) & many other species of birds. These species live in these woods & need protecting. Many of the trees are long established & are in good health. The woods are adjacent to a natural heritage site. The woods area (including central park & rothwell drive) is a constantly wet area of land. The woodland is an essential source of keeping the water from becoming overly waterlogged.

Additional Evidence Link:

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Comment ID **APX1178**

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

Person ID: **1185068**

Name: **Mr Phillip Buckley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

New houses will have a negative effect on adjacent conservation area, view will be compromised as a result. View from Wainhouse tower may also be a negative impact. The loss of diverse habitat will create a negative and destructive effect on wild life in this area. Once gone, lost forever.

Additional Evidence Link:

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Comment ID **APX1180**

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

Person ID: **1131713**

Name: **Ms Elaine Wiggins**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to the land being used as housing. 1)The new housing would negatively affect the view from the listed building, Wainhouse tower 2) The new housing would negatively affect the view from the adjacent conservation area 3) The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community 4) The site including the adjacent woodland needs an ecological appraisal as per article 6 of the habitats directive, European court of justice 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not completed this ecological survey and must do so before making any decision. Failure to do so is in breach of the stated article.

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 **APX1181**

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

Person ID: **1183474**

Name: **mr praveen betha**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The plan will have a serious impact on the local environment. This is the only area near town which has greenery around the houses with good views. Any other area near town is just a row of houses. This proposed is going to set a wrong precedent. This land needs to be re-designated as allotment land. The area is home to lots of species and some of which are protected. The cutting down of trees in the area could lead to soil erosion and land slides in the area at the bottom of the woodlands. Let us look after our green space, don't convert Calderdale into another London.

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

Duty to Co-operate Reason:

Suggested Modifications:

The plan need to incorporate concerns from local residents, protect the woodland, views and the local habitats and make sure this is not used as a precedent to develop the rest of the woodland. The no. of houses proposed should e reduced considerably to make this a sound proposal.

Additional Evidence Link:

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Comment ID **APX1182**

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

Person ID: **1185036**

Name: **Mrs Lisa Sutcliffe**

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 land being used as housing for the following reasons- 1) The new housing would affect negatively , the view from the listed building Wainhouse Tower. 2) The new housing will definitely affect the adjacent conservation area. 3) The new housing will definitely affect and disturb wildlife who habitat the space designated for the new housing build. 4) The site, including the adjacent woodland needs an ecological appraisal as per articles and of the habitats directive, European court of justice 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not completed this ecological survey and most do so before making an decision failure to do so is in breach of article 6 of the habitats directive. 5) The land needs to be re-designated as allotment gardens. The designation was lost and if replaced, will increase recreational amenity, space value to the local community.

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

Duty to Co-operate Reason:

Suggested Modifications:

We do not believe for the reasons given in section 5, that the building of a new housing development is sound in any way. We also believe that no modification to the local plan would make the plan sound. The local green space woodland needs to remain to protect the trees to wildlife that currently inhabit this area.

Additional Evidence Link:

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Comment ID **APX1183**

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

Person ID: **1131614**

Name: **Mr Kevin Sutcliffe**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

We object to the land being used as housing for the following reasons- 1) The new housing would affect negatively , the view from the listed building Wainhouse Tower. 2) The new housing will definitely affect the adjacent conservation area. 3) The new housing will definitely affect and disturb wildlife who habitat the space designated for the new housing build. 4) The site, including the adjacent woodland needs an ecological appraisal as per articles and of the habitats directive, European court of justice 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not completed this ecological survey and most do so before making an decision failure to do so is in breach of article 6 of the habitats directive. 5) The land needs to be re-designated as allotment gardens. The designation was lost and if replaced, will increase recreational amenity, space value to the local community.

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 **APX1184**

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

Person ID: **1131614**

Name: **Mr Kevin Sutcliffe**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX1185**

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

Person ID: **1131614**

Name: **Mr Kevin Sutcliffe**

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 land being used as housing for the following reasons- 1) The new housing would affect negatively , the view from the listed building Wainhouse Tower. 2) The new housing will definitely affect the adjacent conservation area. 3) The new housing will definitely affect and disturb wildlife who habitat the space designated for the new housing build. 4) The site, including the adjacent woodland needs an ecological appraisal as per articles and of the habitats directive, European court of justice 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not completed this ecological survey and most do so before making an decision failure to do so is in breach of article 6 of the habitats directive. 5) The land needs to be re-designated as allotment gardens. The designation was lost and if replaced, will increase recreational amenity, space value to the local community.

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

Duty to Co-operate Reason:

Suggested Modifications:

We do not believe for the reasons given in section 5, that the building of a new housing development is sound in any way. We also believe that no modification to the local plan would make the plan sound. The local green space woodland needs to remain to protect the trees to wildlife that currently inhabit this area.

Additional Evidence Link:

Comment ID **APX1203**

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

Person ID: **1183191**

Name: **Dr Joanne Middleton**

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:

Highways/Access - all possible access roads via savile park garden and Clover Hill are narrow and privately owned. They are single track and unsuitable for emergency vehicles as well as builders, lorries and everyday traffic. Policing of these access points would be impossible if another access was to be established. Openspace - Allotments According to council polic, communal garden spaces such as these allotments should be protected and not developed. The council should be promoting and encouraging the use of this space as it was originally used and intended. Trees/wildlife - Trees should be protected wherever possible - especially in a town with one of the lowest percentage of trees in the UK. Development of this land would be disastrous to local wildlife.

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

Duty to Co-operate Reason:

Suggested Modifications:

This plan is not at all sound.

Additional Evidence Link:

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Comment ID **APX1204**

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

Person ID: **1184068**

Name: **Mrs Lynne Bray**

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 third party - possible access roads/tracks from Clover Hill and Savile park gardens are privately owned and very narrow, unsuitable for builders lorries and everyday traffic. Allotment land - The councils stated policy is to not allow development of allotment land. The at-present overgrowth land could easily be converted back to allotments. Trees - None should be cut down - Calderdale has only 7% trees, one of the lowest in the UK. Wildlife - The area is habitat of bats (a protected species) and the rare black fox. The proposal has already been rejected by the secretary of state as unfeasible and not fit for purpose.

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

Duty to Co-operate Reason:

Suggested Modifications:

The plan is not at all sound.

Additional Evidence Link:

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Comment ID **APX1248**

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

Person ID: **1186322**

Name: **Mr Stephen Wiggins**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to the land being used as housing. 1) The new housing would negatively affect the view from the listed building - Wainhouse Tower. 2) The new housing would negatively affect the view from the adjacent conservation area. 3) The land needs to be re-designated (returned to) allotment gardens. The designation was lost and if reinstated, will significantly increase the recreational and visual amenity of the space and value to the local (and wider) community. 4) The site (including the adjacent woodland) needs an ecological appraisal - as per Article 6 of the Habitats Directive European Court of Justice 2014. The land and adjacent woodland is habitat for many species some of which are protected. The Council has not completed this survey and must do so before making any decision. Failure to do so is in breach of article 6 of the Habitat Directive.

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 **APX1249**

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

Person ID: **1186331**

Name: **Mrs Susan Townend**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community. The site including the adjacent woodland needs an ecological appraisal - as per article 6 of the habitats directive, European Court of Justice 2014. The land and adjacent woodland is habitat to many species some of which are protected. The council has not completed this ecological survey and must do so before any decision is made. Failure to do so is in breach of article 6 of the Habitats directive.

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

Duty to Co-operate Reason:

Suggested Modifications:

The site, including the adjacent woodland needs an ecological appraisal as per article 6 of the Habitats directive, European Court of Justice 2014.

Additional Evidence Link:

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Comment ID **APX1251**

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

Person ID: **1186346**

Name: **Mr Stuart Naylor**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. New housing would have a negative effect on the view from the listed building, Wainhouse Tower. New housing would affect negatively the view from the adjacent conservation area. The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will improve significantly the recreational space and amenity and its value to the local community. This land and adjoining land is habitat to local wildlife and should not be lost. There would be noise and light pollution to residents of Rothwell Drive if houses were to be built. Privacy to residents of Rothwell Drive would be lost.

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

Duty to Co-operate Reason:

Suggested Modifications:

The new housing would affect the view from the listed building Wainhouse Tower. The new housing will affect negatively the view from the adjacent conservation area. The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community. The site including the adjacent woodland needs an ecological appraisal as per Article 6 of the European commission. The land and adjacent woodland is habitat to many species, some of which are protected. the council has not completed this ecological survey and must do so before making any decision. Failure to do so is in breach of Article 6 of the European commission.

Additional Evidence Link:

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Comment ID **APX428**

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

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 Conservation Area, in 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 **APX492**

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

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Reports need to be made for the access arrangements to the proposed dwellings. The area is in a limited access space and would create traffic and access problems to surrounding streets. It is unclear how traffic would flow into the area. Both sides of the site would require an increase in busy traffic and create issues on quiet town roads. The area is home to a myriad of wildlife including foxes, bats, owls, woodpeckers and more. These need to be surveyed by the council and protected - bats are a protected species. They live in the land adjacent to this site and as such would need to be safeguarded. There is strong feeling about this space with over 800 local people signing a petition to support the conservation of the green space and wildlife in this area. The dwellings would have a negative visual impact on the area they are next to which is designated as a conservation area. In winter the houses would overlook residents of Rothwell Drive, Central Park, Savile Park Gardens and Clover Hill Road. Drainage and sewage are already an issue in the local area with Yorkshire water having many unresolved issues in the surrounding streets - e.g. Rothwell Drive. Building in this area would need access to out of date drainage and sewage. In addition to this, green space would be lost which would result in the increased risk of flooding and land slides - particularly an issue given the houses would be proposed to be built on a steep banking. Provision would need to be made to support this banking and ensure that existing houses at the top of the bank do not subside. Light spillage from Queen's tennis club would be an issue for the dwellings causing adverse light pollution for those who would live there. There is a public footpath that has currently been closed off - this pathway is marked on many historic maps and local residents have knowledge of using it. This

public footpaths at the top of the proposed site. This must be retained as it is public right of way. The land is next to the historic cat steps and these would need to be protected. In addition to this, there is no other green space in this urban area. There is a demand for allotment gardens - this is in line with council policy. the land should be redesigned as allotment gardens and benefit the local community. The council are planning to designate the land below the proposed site as local green space. The land at the top of the proposed site should be returned to use as allotment gardens. This would benefit the local community and link the spaces together. There is a demand for community allotments in central Halifax.

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 **APX502**

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

Person ID: **1182481**

Name: **Mrs Nicola Brennan**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The area being considered for building on is an area of open space safe for children to play on where they can enjoy the various wildlife living there. If house were to be built upon the site the volume of traffic accessing the site is only going to make matters worse around the Clover Hill Area. Parking and access is at a maximum as it is already as members from the local Sports Club use the road to park as well as residential parking and by using the Sports Club car park as planned access is going to make matters relating to traffic even worse! Pollution levels will also increase. Wildlife in the area is going to be destroyed. There are bats, woodpeckers, multiple varieties of birds, red foxes and even a rare black fox has been sighted in the area. Surely it would be wrong to wipe out something with such rarity as a black fox?! (The black fox was even reported in nationwide papers due to rarity). What also needs to be considered is where will these people use as a doctors surgery? Rosegarth and The Boulevard surgery are already struggling with the amount of patients they have. There is also a large problem with flooding in the area. There is a natural spring situated at the top of Rothwell Drive which had houses built on top of the spring and this has resulted in flooding in properties at the bottom of Rothwell Drive. Who's to say this wouldn't happen if house were built on the allotments, especially with uprooting the trees which help in regulating ground water? There are going to be so many losses here if the land is built on.

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 **APX505**

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

Person ID: **1182090**

Name: **Mr Andy Clarke**

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 lane is inappropriate for any significant use or access to multiple dwellings; it is a rough narrow single track lane with no passing places. The lane is accessed through a private road. The lane does not accommodate access for any emergency vehicles or refuse collection. There are 2 significant trees adjacent to the lane which both have preservation orders. Any submissions of application to prune or fell these trees will be objected to. I object to the development which would result in Halifax losing more green space and part of its heritage. The Council has stated that there is concern that Calderdale is below the national average for trees; this development would result in a further loss of woodland, trees and green space. There is a need and demand for allotment space - which we are all going to need following Brexit. This site was allotments for many years and it would be better environmentally, ecologically, economically and socially, if it was returned to this use. I am concerned about the impact to the local community. Residents have previously strongly objected to development on this site and local pressure resulted in the Secretary of State rejecting plans. Residents have flagged to the Council that they have major concerns around all the proposed access for this site. Added to the access issues we are concerned about local infrastructure and noise pollution.

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 **APX592**

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

Person ID: **1182820**

Name: **Mr Warren Sykes**

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:

Looking at the potential to build ten houses within this given area is a cause for concern specifically the amount of cars that this site would attract. Because of the location of build we may presume that interested parties to buy would be reasonably affluent, we are at base looking at say 10 cars. But it would not be unreasonable to allocate say 2 car per household giving 20 cars for the house cluster. For arguments sake lets say 15 cars as an average that would be located there. Then we come to access for the site both entry and exit. If we located the last three houses being nearest Clover Hill road it would be logical to provide access to it. Also, for those houses nearer the Villas the access would be out of Savile Park Gardens to the main road. Equally of concern then is that if this connection joins both Clover Hill Road with access up to Savile Park Road, it would establish a shortcut for all traffic (ratrun) missing the Free School Lane main traffic lights. The success of this area has been the fact that all access comes to a cul de sac, no through road traffic. Otherwise we would immediately see a decline in the quality of life for the established local residency. At present there is also established wildlife and mature trees, again keeping an integrity to the area In view of this, the given area for approval does not lead to a suitable outcome for all concerned

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 **APX596**

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

Person ID: **1136358**

Name: **Ms Lynda Newton**

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:

On studying the above plan I am concerned to note this includes a proposal to develop land at Daisy Bank/Clover hill (LP0397) which has already been the subject of previous planning applications by the landowners which have been objected to, rejected, appealed against and rejected ultimately by the Secretary of State as being unfeasible and not fit for purpose. It seems to be incumbent on me to re-iterate why this is still the case, based on the desired outcomes stated in the Calderdale Local Plan. The site was originally allotment land and part of a much larger swathe of allotment land, 90% of which has now been developed. Allotment use has been discouraged by the current owners and the site is now overgrown. As allotment land is at a premium in Calderdale and more and more allotment sites have been

developed, particularly in this area, it would have a negative effect to build further properties when the area is already congested and infrastructure already insufficient. To reduce Calderdale's tree cover further when it already stands at 7% should be unthinkable. To retain the land for allotments or to leave it to revert to woodland would have a much more positive and less damaging effect on our local community, maintaining and increasing tree cover (instead of the steady losses we have experienced over the last 20 years), and would be a better fit for the desired outcomes of the Local Plan. Access to the site is a major problem and was one of the main reasons that previous applications failed. The landowners believe they have two options to access the site and one of those options runs adjacent to my property over a private road leading off Savile Park Gardens and then over a private unmade single track. There has been no consultation with myself and my neighbours who jointly own both the road and the track. One of the landowners has access only rights over the road and track until the track reaches the boundary of his existing property. Our single unmade track is only 9ft wide in places and has no passing areas. There are two mature trees growing at the side of the track, both of which have preservation orders. The trees are home to a host of wildlife and there is underplanting of bluebells and wild plants along the verges. When one of the landowners was building their own property, heavy plant was brought along the track and regularly damaged one of the trees. Branches were removed by the landowner and his agents to allow passage for construction traffic. It was this that led me to having a preservation order placed on the tree as the landowner made it clear he wanted it removed to improve his access. The track at present serves four properties, two of those with only occasional access, but still, since the property was built in 1999, the drystone wall that forms the rear boundary to my property has been knocked down on 4 occasions by larger vehicles attempting to access this track. It simply cannot accommodate larger vehicles and for dustbin wagons, fire engines, ambulances etc. it is impossible. The landowners have to bring their bins up to the private road to have it collected. To have a further ten bins blocking the road every week/fortnight is going to be frustrating and a hazard. Parking and flow of traffic is already a problem and to accommodate another ten dwellings and their attendant vehicles along a single track without a passing space would be impossible. Ten additional households would also place an unacceptable burden on the already groaning infrastructure in this area. We believe that any access required by developers which is over 3rd party land should be reasonable and negotiated and have agreement of the 3rd party. This has not been the case here although we believe that the owners of the other 3rd party access option Queens Sports Club have been contacted and visited by council officials in the past and that this access is currently deemed problematic by the Planning Department because of its 3rd party status. However there appears to be no such concern about the other access. Indeed because the landowners have current access rights for their existing property, the Council appear to have accepted the landowners of their property and garden as part of the development site seemingly to circumvent similar problems with our access. As our previous objections, concerns and rights as 3rd party landowners have been ignored, our community has had no choice but to take legal advice as we do not intend to allow developers /construction traffic over our land. We oppose this development which is proving divisive in the short term and will be damaging to our local community in the long term. On a general note I would like to state how dismayed we are as a community that many of us have only discovered the proposed plan and machinations of the landowners by word of mouth. This will have a huge impact on the number of objections made and will undoubtedly benefit the landowners who have a financial advantage to be gained and the consequent commitment that comes from this. Some have also been daunted and discouraged by the level of technical, legal and administrative expertise required to lodge a comment. The fact that we have had to object multiple times and previous applications have been refused at the highest levels and this still in the Local Plan is also discouraging and again benefits the landowners. It has been hard not to interpret the above as a determination on the part of Calderdale Council to allow development on this site and the only area up for discussion seems to be the number of properties to be built - going from 26, to 15 and now reduced to 10. I have felt overwhelmed, unsupported and ignored during this process except for one ad hoc local councillors meeting last year when we were given an opportunity to air our concerns which were met with understanding and concern.

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 **APX607**

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

Person ID: **1139667**

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

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

POLICY GN1 states;- Development proposals should ensure that: The Green Infrastructure function of the land is retained and where possible improved; The opportunity is taken to extend and increase Green Infrastructure by linking green spaces, filling in gaps in Green Infrastructure provision, and/or increasing Species and Habitats of Principal Importance. I understand that the land was previously allotments and there is still a demand locally for allotments. POLICY HW3 also states;- Promoting the role of communal growing spaces including allotments, garden plots within developments, small scale agriculture and farmers' markets in providing access to healthy, affordable, locally produced food options. Again, using this ground for housing therefore goes against this policy, as it shows on local maps as previously being allotments. POLICY IM7 also states;- Facilitate opportunities for local/community led food production either through the provision of dedicated spaces such as allotments, growing space within dwelling curtilages or food based communal landscaping.. Previously this ground was allotments so would suit to be used again as this, to meet the requirements of this policy. Whilst previous planning applications may not be admissible as a topic, planning for housing on the plot was turned down, after going all the way to the Secretary of State. The lane access to the site from the west, through Savile Park Gardens is a narrow mostly unmade single track lane, with no passing places. There are two mature trees at the side of the lane, both with preservation orders on. Whilst the right of access is not denied, we believe that it applies to the single dwelling at the end of the lane, that is now included in the revised area to be developed. This indicates that the current owner believes the plot can be sold with an already existing right of access to the proposed 10 new houses. We have sought legal advice on this and believe it not to be the case. Any potential developer of the site would need to be aware of this conflict regarding access. I understand that access via the Queens Sports Club car park is currently deemed problematic by the Planning Department because of its 3rd party status. The houses that back onto the alternative proposed access lane are also part owners of the lane and there has been no consultation with any of those homeowners. We believe that the proposed development is proving upsetting in the short term and would be damaging in the long term to the local community. The initial 2017 draft Local Plan received many objections to this development; however it is still included in the 2018 version. The fact that development has gone from 26 houses to 10 could be construed to show that there has already been a de-facto agreement within the

council that this development would be approved. Currently neither recycling collections nor refuse collections have access down the lane as the vehicles simply can't fit. The bins and recycling have to be brought to the head of the lane by the house owner for collection; this would be unacceptable should this have to happen for 10 houses. If the lane is opened up, traffic would go from currently one or two vehicles accessing the properties to perhaps as many as 20 vehicles accessing 10 properties. This would seriously affect the nearby properties, particularly in terms of noise pollution. If the access is developed from the east of the site, then this would create in effect a through road and thus would become impossible to police access, with it potentially being used as a short cut. Again, there would be a consequential reduction in air quality and an increase in noise. Who becomes liable for the upkeep of the lane should the development be approved? As it currently stands, the local community who part own the lane would not allow access or utilities to the lane. In the Local Plan, it states "2.10 Calderdale appears to be well-wooded on first inspection with wooded valleys paralleling the main roads and railway. However Calderdale only has about 7% tree cover, which is about half the national average, and a significant contributory factor to the flooding issues which affect parts of the valley. Actions associated with "Slowing the Flow" of water from the hills and moors into the valley include increasing tree cover to help reduce flood risk." Clearly, this development would substantially reduce tree cover that is already well below the national average. There is a stated need above for "increasing tree cover to help reduce flood risk" and given this development is in a critical drainage area, there would be an increased risk of flooding.

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 **APX657**

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

Person ID: **1182593**

Name: **Mr R Masterson**

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 access to the lane on the West side of this area is over none adopted land with poor drainage. It is already congested with too many cars parked on Savile Park Gardens, many houses have had to build their own off-street parking to allow them to park near their own home. The traffic flow would cause problems with any additional housing and I would have concerns about local infrastructure and noise pollution. The junction with Savile Park Villas is already dangerous as there is a blind spot from the lane and when traffic comes out of Savile Park Villas. There have been 4 car related incidents with vehicles missing the lane and damaging 4 different locations at 2 Savile Park Villas. Luckily no one was killed or badly injured, children do play in this location. The width of the lane is not wide enough for anything more than a small car. There are

no passing places and two trees with preservation orders. Not even a bin lorry can get access to 7a at the bottom of the lane. If there were any houses built on the previous allotment area, the congestion and facilitation for any basic council services would not be possible. I would strongly object to felling the trees and I am sure many of my neighbours would as well. We do not currently have enough trees in Calderdale and by removing more, this would have a negative impact on the environment. Many of the trees to the North of the area would be taken down as well, reducing privacy and I am sure causing landslip and erosion which we have experienced further west along the same latitude when other trees were taken out. This area was allotments for many years and it would be better both environmentally and ecologically, providing a community facility if it was returned to this use. There is a public footpath that has currently been blocked off at both sides and local residents are now discouraged from using it. This public footpath on the South side of the proposed site, should be reinstated and retained as it is a public right of way. The land is next to the historic cat steps would need to be protected as well.

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 **APX658**

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

Person ID: **1182593**

Name: **Mr R Masterson**

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 access to the lane on the West side of this area is over none adopted land with poor drainage. It is already congested with too many cars parked on Savile Park Gardens, many houses have had to build their own off-street parking to allow them to park near their own home. The traffic flow would cause problems with any additional housing and I would have concerns about local infrastructure and noise pollution. The junction with Savile Park Villas is already dangerous as there is a blind spot from the lane and when traffic comes out of Savile Park Villas. There have been 4 car related incidents with vehicles missing the lane and damaging 4 different locations at 2 Savile Park Villas. Luckily no one was killed or badly injured, children do play in this location. The width of the lane is not wide enough for anything more than a small car. There are no passing places and two trees with preservation orders. Not even a bin lorry can get access to 7a at the bottom of the lane. If there were any houses built on the previous allotment area, the congestion and facilitation for any basic council services would not be possible. I would strongly object to felling the trees and I am sure many of my neighbours would as well. We do not currently have enough trees in Calderdale and by removing more, this would have a negative impact on the environment. Many of the trees to the North of the area would be taken down as well, reducing privacy and I am sure causing landslip and erosion which we have experienced further west along the same latitude when other trees were taken out.

This area was allotments for many years and it would be better both environmentally and ecologically, providing a community facility if it was returned to this use. There is a public footpath that has currently been blocked off at both sides and local residents are now discouraged from using it. This public footpath on the South side of the proposed site, should be reinstated and retained as it is a public right of way. The land is next to the historic cat steps would need to be protected as well.

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 **APX659**

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

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to the land being used as housing. In addition to my other points i state the following additional points: 1) The new housing would affect negatively the view from the listed building Wainhouse tower 2) The new housing will affect negatively the view from the adjacent conservation area 3) The land needs to be re-designated as allotment gardens. The designation was lost and if replaced will increase significantly the recreational amenity of the space and value to the local community 4) The site, including the adjacent woodland needs an ecological appraisal - as per article 6 of the habitats directive, European Court of Justice, 2014. The land and adjacent woodland is habitat to many species, some of which are protected. The council has not completed this ecological survey and must do so before making any decision. Failure to do so is in breach of article 6 of the Habitats directive, and failure to protect the species habitat is also in breach of article 6, which states "Site designation and management measures: aimed at conserving core areas for those species listed in Annex I (and regularly occurring migratory species) of the Birds Directive and Annex II of the Habitats Directive as well as habitat types listed in Annex I of the Habitats Directive; · Species protection provisions: to establish a general system of strict protection for all wild bird species in the EU and for other endangered and valuable species listed in Annex IV of the Habitats Directive, as well as take specific measures towards selected species from Annex V of the latter. These measures apply across the species entire natural range and therefore both inside and outside protected sites

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX670**

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

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 Savile Park Conservation Area. The Heritage Impact Assessment considered that development could affect the setting of the Conservation Area and important views through it, particularly if of a large scale and sited immediately adjacent to its boundaries. 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 LP0397:- (a) Amend the third Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Consideration:- "Retention and restoration of the stone boundary wall along the east of the site and the stone setts" (c) Amend the extent of the Indicative Developable Area to exclude the area identified on the Heritage Impact Assessment as being of 'High Sensitivity'.

Additional Evidence Link:

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Comment ID **APX699**

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

Person ID: **1139667** Name: **Mr and Mrs Alexander and Claire Tosh** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Access The access to this site is not sound. Third party ownership affects both the east and west possible access points. The single lane at the west point is jointly owned by residents backing on to the lane, as one of the members of this community I have worked with neighbours to ascertain the legal position and I understand that there is right of access over the lane. However, this right of access is to 7a Savile Park Gardens and the residents who part own the lane will work together to prevent any other access. The west access is via a single, narrow and rough track, there are no passing places rendering the lane inaccessible for emergency vehicles, refuse / recycling vehicles and heavy construction vehicles. It should also be noted that access to the narrow lane is made via a private road. Local residents have previously voiced concern about the east access and this concern remains that parking around Clover Hill is already at a maximum. There are two large and well established trees on the west lane access, these trees both have preservation orders on them and the local community will fight to maintain the preservations orders. Consultation I understand that the Council have previously consulted Queens Sport Club due to the third party ownership issues. There has been no such consultation with the part owners of the lane accessed via Savile Park Gardens or any of the residents in Savile Park Gardens. Without taking residents views into consideration, the Council have stated that the plot is suitable for 10 houses. This goes against the Council's stated policy to collaborate with Calderdale residents. Green Space It is the Council's policy to increase green space and this development completely goes against this policy as it would destroy a rare green space which is currently a habitat for many wildlife species including bats and a rare black fox. The Council also promotes the use of allotments and this development would destroy land previously used as allotments. The Council states that Calderdale is below the national average for tree coverage and this development would destroy many trees. The historic Cat Steps border this site and given the importance to the heritage of the area, these should be protected. There is a requirement for a Heritage Impact Assessment. There is also a public footpath with right of way that should be maintained for the use of local residents. The Council have failed to maintain this right of way. Environment For the west access down the single lane, vehicular access will potentially increase from 2 cars to 20 cars. This will result in noise and air pollution. There is also the potential to create a through road from the east access, this will be unsustainable on the rough single track. The site is a key drainage area, if the woodland is removed there is the potential for flood risks, this would need impacting.

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 **APX771**

Site ref (if applicable): **lp0397**

Person ID: **960008**

Name: **Ms Susan Yates**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The access to the lane of this area is over land with poor drainage. There are already too many cars parked on around this area on Clover Hill Road (many who work in town and do not live in this area). More housing would mean more traffic in an already congested area. The traffic flow would cause problems with any additional housing and there would be concerns about local infrastructure and noise pollution. I and many people in this area object to the felling of trees. We do not currently have enough trees in Calderdale and by removing more, this would have a negative impact on the environment. It would also impact on the local wildlife and may cause erosion and landslip. This area was allotments for many years and it would be better both environmentally and ecologically, providing a community facility if it was returned to this use. There is a public footpath that has currently been blocked off at both sides and local residents are now discouraged from using it. This public footpath on the proposed site, should be reinstated and retained as it is a public right of way. The land is next to the historic cat steps would need to be protected as well.

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 **APX790**

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

Person ID: **1183202**

Name: **Mrs Carolyn Reynolds**

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 we live in a property that is within 50 metres of the proposed boundary for the proposed development,

we have significant concerns about the effect of the same on the local wildlife. We observe the elusive black fox emerging from the proposed site several times a week along with red foxes. Other species that we have had the pleasure of seeing in this locality are badgers, hedgehogs, bats and even a deer.....the land forms their natural habitat and we have concerns about their sustainability if the land is developed. Additionally, we are rather confused about the lack of public notice about the proposed development. When there was a proposal to do essential maintenance work on trees with TPO's on the land, we were written to and consulted by the LA. We have not received any notification of a proposed housing development in such close proximity to our property, nor have we seen any of the "yellow boards" advising the public of the proposals within the community. We have learned of the plans by word of mouth from fellow concerned neighbours .

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 **APX796**

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

Person ID: **1128767**

Name: **Mrs Kathleen Walsh**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Ownership of this plot of land has been claimed for many years by members of the old allotment association who regard themselves as owners of the entire plot despite only having entitlement to individual plots. For over 20 years, these individuals have deliberately run down and mismanaged the site and refused to allow any neighbours to either rent or grow crops on the land. When I first moved to the area 21 years ago, there was no vandalism evident as the allotments were in constant use; every time I requested involvement in the allotment society I was told it was not possible. Many other neighbours experienced a similar response. As so many houses in the vicinity do not have gardens, it would appear that a valuable natural resource is in danger of being lost to the community due to the determination of a developer to make a significant financial reward from an asset which he only partial "owns". The Clover Hill Community Group established four years ago that many local people are keen to be allotment holders and are very frustrated by the potential loss of land which was made available to the community in 1917 as part of the national "Dig For Victory" campaign. Access to the site has always proved a barrier to the development of more housing on this site; Clover Hill is already very congested and this already impacts on access for emergency services and essential council services. There have been regular arguments in the street regarding contested parking which on occasion have necessitated police involvement. This will all be exacerbated by further development necessitating heavy equipment and diggers requiring access to the site. I note that the developer's substantial home and grounds have been included in the area which is

under consideration for development. Is it his intention to utilise his garden/home to provide the required access? If so, I am concerned about the rights of the other owners of properties in Savile Park Gardens and surrounding streets whose access needs and rights must surely be taken into account. To conclude, many neighbours wish to see the Savile Park Allotment site returned to its original purpose, to once again be enjoyed by families in the area; especially those families who are not fortunate enough to have gardens attached to the homes which they either own or rent.

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 **APX800**

Site ref (if applicable): **Lp0397**

Person ID: **1183453**

Name: **mrs aisha rafique**

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:

Previous applications to develop this land has been rejected by the Secretary of State as unfeasible and not fit for purpose, I am therefore concerned that this is again being reconsidered. The reasons for my objection are as follows: 1. The proposed access through Savile Park Gardens is over private land owned by myself and my neighbors. We have not been consulted and are concerned about this and the long term impact this could have on our neighbourhood. As follows, increase in traffic, large vehicles attempting to access narrow single track, hazard to children and damage to private property. 2. We already have problems with staff from corporate organisations who tend to use the area for free parking and then walking into town centre. This often means that we are unable to park outside our own property and this would increase. 3. I understood that it was council policy not to allow development on allotment land, is this no longer the case? The land owners have discouraged the use of this land for allotments and seem to now be claiming that it has never been allotment land. This is not correct. I feel retaining the land for allotments would be more beneficial for our neighbourhood. We need to preserve the trees and greenery we currently have. The land owner has historically tried to prune/remove a tree protected by a preservation order. We are not reassured by his comments that the trees would not necessarily be removed. 4. Areas of historic importance such as Catsteps could be affected by this development and should be protected For all the above reason I strongly object to this proposal.

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

Duty to Co-operate Reason:

Suggested Modifications:

please see my attached comments

Additional Evidence Link:

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Comment ID **APX805**

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

Person ID: **1182325**

Name: **Ms Kirsty Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to building houses in this Savile Park Conservation Area for the following reasons (In addition to my previous comment) This is an area with immediate problems with drainage. Currently we have water flooding our garden at Number 30 and 28. We have a severe problem,s with drainage and a torrent of water flowing that the council and Yorkshire water need to address and solve this problem. This issue has escalated in the past year. It has been ongoing for as long as we have lived in this property. (Over 13 years) Clearly the trees help and to reduce ths number, to reduce the green area and pour concrete into this green will exacerbate the drainage issues and have serious consequences. We need a sustainable water drainage system in this whole area. Allotments need to be reinstated. There is an unmet demand for allotments within reasonable walking distance of all the residents in this area. The Guardian 29th September 2018, "UK air pollution levels breach childrens rights says Unicef" The are being denied their human right to breath clean air and face a long-term health crisis because of toxic fumes. I call upon our council to designate this area as a vehicle exclusion zone. Preserve this rare green area in the urban district. Reinststate a path from the cat steps and protect the current path next to the allotments and tennis courts to improve the quality of the environment for children walking to schools and the hospital. We cannot further add to the thousand of children who are exposed to damaging levels of air pollution by building houses, which bring cars on allotments. It would be shameful. We need to increase the recreational amenity. We need to protect this biodiversity corridor. I object to building houses because you will destroy the habitat of many birds and other protected species such as bats. It needs to be designated as a Local wildlife site. We have tawny owls living here. Urbanisation has causes a decline in numbers (Guardian, 29 September 2018) We need to preserve this green space. If houses are built in this area our houses on Rothwell Drive will be devalued. We will be overlooked. We will suffer from light spillage from the tennis courts. The skyline and light will be destroyed by houses rather than the beautiful trees. Its a quiet oasis and we will face noise pollution too from an increase in dwellings.

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 **APX824**

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

Person ID: **1183476**

Name: **Mrs R. Clare Frith**

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:

Dear Sir/Madam, I am writing once again to object to the proposed site to potentially build ten houses at Daisy Bank, Savile Park (LP0397). As a local community we have had no option but to take legal advice. The area of land which has been subject to previous planning applications has been rejected on several occasions, even by the Secretary of State. One resounding fact remains: that the land is just as unsuitable to be developed for housing as it ever was. Nothing has changed. Our concerns are as follows:

**Infrastructure and access** There is only a very narrow private, single (unadopted) track from Savile Park Gardens which cannot be widened, either because surrounding land is private or there are preservation orders on two trees. At its narrowest point the track is 9 feet wide . There is only room for a single car to use the track at a time and there is nowhere for cars to pass. Even the attempt to get a van-sized vehicle down the track has caused my neighbour's wall (no. 9) to be damaged on four occasions. The track is far too narrow for construction vehicles to access the site. Attempts would certainly damage boundary walls or fences to existing properties. The track is accessed through a private road. Emergency vehicles, such as fire engines and ambulances will not be able to access the proposed properties, nor will refuse lorries. The 'land owner' currently has no option but to bring his bin down the full length of the track for collection. If another ten properties bring their bins to the end of the track for refuse collection, it would actually obstruct the entrance to the track itself. Ten properties could easily lead to up to an additional thirty cars trying to access the proposed properties. Congestion would be huge as cars would be constantly having to reverse back down the track to allow for oncoming cars. In addition, the grass track would get chewed up and an increase in noise pollution would be detrimental. The cul-de-sac is already full of cars and work vans and it is difficult to turn around at the best of times. Visitors to Queen's Sport's Club also have a tendency to park there and cut through the footpath to access Queens. Therefore, to potentially increase traffic by an additional thirty cars, is ludicrous. On the deeds (written in 1923) of houses 9, 11, 13 and 15 Savile Park Gardens, it clearly states that residents own 50% of the track to the midway point across the width of the track to both the North and South of the properties. As a landowner we strongly object to any other use of the track other than stated on the deeds and will continue to pursue legal action to stop construction work.

**Environmental concerns** The proposed area for development was originally used for allotments and is currently home to a variety of plants and wildlife. In Calderdale's policy HW3 it states that Calderdale council likes to support, "Promoting the role of communal growing spaces including allotments, garden plots within developments" ; providing access to healthy, affordable, locally produced food options.' Why then, can this land not be reused as allotments for local residents? Two mature trees both have preservation orders on them. (Preservation order numbers are 89/000467/C, 97/01045/C). The proposed site and track are currently home to a host of wildlife including squirrels, wild flowers, trees and a variety of birds. Calderdale's tree coverage stands at only 7%, far lower than many other local authorities. England has only 9.9% woodland coverage which is, according to The Forestry Commission, next to the lowest in

Europe. This is in contrast to other EU countries which have an average of 37% woodland coverage. Surely, it would be better to retain the land for allotments or natural woodland? As a local community, we are somewhat exasperated that we are, yet again, having to object about the proposed plan to build on the allotment site at Daisy Bank, Savile Park (LP0397). The idea of developing this land for housing should once and for all be put to bed. Consideration for the environment and a clear lack of infrastructure for such a project would result in the damage of the existing community of Savile Park Gardens and do untold damage to local wildlife, reducing the pitiful amount of green space that Calderdale has even further. As I stated previously, in spite of repeated proposals to develop the land, all the above concerns are still just as significant as they ever were. Indeed, nothing has changed. I look forward to hearing from you in due course and hope that, in the meantime, common sense will prevail.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached comments

Additional Evidence Link:

Comment ID **APX835**

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

Person ID: **1183446**

Name: **Mr Graham Holdsworth**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I support the designation of LP0397 as a potential housing site. However, the proposal for Local Green Space on the adjacent site (LGS26) should be dropped. The boundaries of the site LP0397 should revert to its original size, and the whole area should be developed for housing. The Council have recently stated (Halifax Courier Feb 5 th 2018) that, in order to reduce the impact on Green Belt land, priority should be to brownfield sites for housing development. They also state that they are encouraging development around town centres, particularly in Halifax. Site LP0397 meets all these points. All the infrastructure and services are in place. It is close to town, hospitals, local schools etc The site is totally overgrown, an eyesore and no longer suitable for allotment use. Fly-tipping contributes to the untidiness of the site. A site inspection would confirm this. Objectors to this proposal are, therefore, voting in favour of housing to be built on Green Belt land. Houses have to be built somewhere. The LP0397 site meets all criteria from both local and national government.

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 **APX840**

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

Person ID: **1068242**

Name: **Mr John Needham**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The statement under 'Constraints', that the site LP0397 is 'within the Savile Park Conservation Area' is incorrect. The site is NOT within the Conservation Area. This statement should be deleted - or amended to reflect the truth.

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

Sound Reason:

As one of the trustees of this land I support the designation of LP0397 as a New Housing Site. The site is now no longer suitable for its former uses. Future development of the site for housing is the most appropriate use for the land. The site has become overgrown with nettles, willowherb, sticky weed, brambles and sycamore. Despite many loads of plastic, asbestos, glass etc having been removed from the site by the owners, there is still debris from the site's former uses as allotments (collapsed greenhouses, sheds etc) which covers the land. Broken glass and other hazards are still concealed in the scrubland. It is certainly not 'an open space safe for children to play' as one commenter has stated. In time the land would become totally unmanaged, unsightly and more out of control. Fly-tipping continues to be a problem. The shareholders, who own the land, decided 20 years ago to discontinue using the site as allotments. There has been no change of mind. Consequently, calls for a return of allotments on the land are unrealistic, not least because of the overgrown nature of the land. Concerns have been expressed by residents of Savile Park Gardens regarding access to the site passing their properties. However, it should be noted that the right of vehicular access to/from the site via Savile Park Gardens through to Savile Park Road is granted on the deeds of site LP0397. Comments which state that there is a public right-of-way on the southern boundary of the site are wrong. There is, of course, no supporting evidence for this claim, maps or otherwise. There are NO public rights-of-way, and never have been. NB The southern boundary is incorrectly drawn on the Local Plan "" it should be extended up to the boundary with Queens Tennis Club, to reflect the plan on the site deeds.

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 **APX847**

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

Person ID: **1126674**

Name: **Mr Andrew Bateman**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

It is a great shame that fiction and falsehoods about this area of land have been purveyed by certain individuals in order to generate ill feeling and tension within the community. This area of land is not within the Savile Park conservation area as stated in the document. This area of land, the former disused allotment site, has been identified for housing for a number of years. This area of land is privately owned and has been so for many decades. The land was bought over 50 years ago from its then owner by a group who operated the allotments and it is still in the ownership of the descendants of those families, many of whom have at some time tended the allotments. I am one of these and also a Trustee of one section of the allotment site. There are Trustees legally appointed who have responsibility to the landowners.

Landowners have been consulted on the future of this site and are in agreement with the proposals to designate the land as a housing site. With the exception of 7a Savile Park Gardens, which was constructed some 20 years ago, there have been no planning applications for building development on site LPO397 and comments relating to this are totally untrue but simply reflect the misinformation that has been repeatedly peddled by certain individuals in the local area in order to inflame comments. A planning application was made for a dwelling on land below Daisy Bank some years ago but this is not part of LPO397. There are no public footpaths nor public access across or within the site and there never have been. Access routes to the full LPO397 are clearly documented within land title deeds and provide suitable provision for a development at least as outlined. Comments relating to access to this site via 3rd party land, even if this were to be considered, are a total misinterpretation of the reality of the present situation. The proposed development site outlined within Calderdale plans is well away from the Cat Steps and not next to it as suggested in other comments listed. Location planning of properties within this site would easily mitigate against any suggested light spillage from adjacent tennis courts. As the proposed development land is at a higher level, and screened by large trees on the northern boundary, site location of properties should mitigate against any of the suggested 'overlooking' of properties in Rothwell/Central Park. Development of the former disused allotment gardens for housing meets with success in relation to many priorities established by Calderdale MBC. The area is near the Town Centre and thus will reduce the impact of car usage and hence have positive environmental benefits. It has good access to local infrastructure of schools, leisure facilities, buses and other transport links, doctors, medical facilities and local shops all of which have capacity to cater for this development and again reduce the need for additional car journeys. There are suitable and adequate access routes to this site. It is close to open play areas thus enhancing the recreational opportunities for residents. Calderdale's own site assessment for the whole of the former allotment site indicates that 'the preferred use of this site is for housing' with an indicative capacity greater than that currently proposed. Development of this site for housing also supports statements from Calderdale MBC that in order to reduce the impact on greenbelt priority should be to use brownfield sites and encourage development around town centres. There are many green spaces within this area of Calderdale and Skircoat Ward is documented as having 'well above NPFA standard for open amenity space'. The area of the former disused allotments has been unused for over 20 years, it is heavily overgrown and it is not feasible, nor the wish of the landowners, to reinstate it to its former use. The validity of comments that the area is 'an open space for children to play' can easily be dismissed by site inspection. The area of land is currently available and should deliver much needed housing in an area

where demand is great.

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 **APX849**

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

Person ID: **952213**

Name: **Mr & Mrs Daniel &  
Amanda McDermott  
(MRICS & CMLI)**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Boundary should be more carefully considered. The whole area marked as woodland should be excluded from this allocation and included in the protected 'Daisy Bank Woodland' Local Green Space (see LGS26). This is an important local biodiversity corridor to protect, with residents regularly experiencing bats, hedgehogs, owls, woodpeckers, jays, many small birds, and other wildlife including a black fox. It should therefore also be designated as a Local Wildlife Site (as well as a Local Green Space). The housing allocation should be re-designated as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town). This will increase the recreational amenity of the space and value to the local community.

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

Duty to Co-operate Reason:

Suggested Modifications:

Boundary should be more carefully considered. The whole area marked as woodland on plan must be included in the protected 'Daisy Bank Woodland' Local Green Space LGS26 and excluded from the allocation LP0397. The woodland area should also be designated as a Local Wildlife Site (as well as a Local Green Space). Housing allocation LP0397 should be re-designated as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town). This will increase the recreational amenity of the space and value to the local community.

Additional Evidence Link:

Comment ID **APX908**

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

Person ID: **1182073**

Name: **Mr Will Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to the proposed housing site that is adjacent to the wooded area of land at Daisy bank allotments. The council SHOULD BE designating the area (LP0397, policy number SD7) and adjacent woodland (policy number GN8, reference LGS026), as a local wildlife site as well as local green space. The more I read and find out about woodland, habitats and the law; the more certain I am that the area needs to be protected and in fact there have been some instances of harm and deliberate mis-advice given by the council. Some of which (I believe) breach UK and EU law with regard to the protection of endangered species, namely wild birds and bats. To support my argument, I would like to outline some guidance given by the Bat Conservation Trust, quoted from their website: [www.bats.org.uk](http://www.bats.org.uk) "Bats and the law In the UK, bats and their roosts are protected by law meaning that it is illegal to damage, destroy or disturb bats or their roost sites. A roost is defined as any place that a wild bat uses for shelter or protection, and the roost is protected whether bats are present or not. Bat populations have been declining not only in the UK, but across Europe and are therefore protected under the European Union's Habitats Directive in addition to country specific legislations. The relevant legislation in England & Wales is the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2010 (as amended). It is the land owner's responsibility, in addition to those conducting the works, to ensure that protected species, such as bats, have been taken into account before any actions are conducted that could disturb those animals. This legislation is still applicable regardless of the presence of a TPO and felling licences. If a roost has been confirmed, and is likely to be lost, a European Protected Species (EPS) derogation licence is likely to be required. If the presence of a bat roost is suspected you will typically need to seek the services of an experienced ecological consultant with knowledge of bats to conduct a survey; establishing any impacts the works are likely to have. The consultant should also be able to assist with any EPS licence application required." As stated through evidence to the council, including pictures, and videos of bats during this calendar year the area is home to protected species; In addition to this many many trees have been felled this year, the council is aware of this and has been made aware of this. These have been felled without any ecological survey or report taking into account roosting sites or disturbance of protected species, bats in this case. In addition to this, after reading the outline of the European Union's habitats directive article 6, I have found that species of wild birds are also protected. Again, many trees have been felled, significantly decreasing their habitat and disturbing the protected species. There are owls, jays and woodpeckers to name a few wild birds living in the remaining woodland. Article 6 of the habitats directive states "The Birds and Habitats Directives, sometimes jointly called "Nature directives" are the cornerstones of the EU's biodiversity policy. They enable all 28 EU Member States to work together, within a common legislative framework, to conserve Europe's most endangered and valuable habitats and species across their entire natural range within the EU, irrespective of political or administrative boundaries. Establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological

requirements of the natural habitat types in Annex I and the species in Annex II present on the sites (Article 6(1)); Take appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive (Article 6(2)). Survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission or a mitigation licence. Surveys need to show whether protected species are present in the area or nearby, and how they use the site. Mitigation plans show how you'll avoid, reduce or manage any negative effects to protected species." I believe that this has not been followed in any of the works carried out this year, despite calls from local residents and the conservation group that state that the woodland and trees are habitat to multitude of different living things. Some of which are protected species; wild birds and bats. Furthermore, I would like to refer you to the guidance from the Bat Conservation Trust about which trees bats are likely to roost in and signs of "bat activity" [www.bats.org.uk](http://www.bats.org.uk) "Trees and signs of bat activity Bats can utilise many tree features including trunk hollows, knot holes, splits/cracks in branches and sheltered areas created by flaking bark." In particular, I would like to outline several features of the trees that the council has deemed it reasonable and advisable for such trees in the area to be felled. These include trees with cavities or cracks and indeed trees surrounded by ivy "" as outlined to you in my correspondence I refer you to your letter, Ref PS/KSG/ENF0153, 28 th June 2018 where you stated that a cherry tree that had been felled in an area with an existing TPO in the area was a ". "Twin stem cherry tree had an area of decay at the stem junction and if advice had been requested or an application submitted the recommendation would have been to remove the tree" ; the loss of one tree from the protected group is not considered to have such an impact that the harm is major" I believe that this tree may have been a potential bat roosting site, as may many others that have been felled; including the trees with split stems, cracks and ivy on the trunks. The fact that woodpeckers live in the area also suggest that any trees with signs of woodpecker holes may also be bat roosts. I also believe that the council have been negligent in disregarding the law in relation to protecting the habitats of endangered species that live in the area. In fact, in some instances the council has been offering advice to fell such trees and destroy the habitat illegally. As stated above, no ecological survey has been carried out and it is illegal to disturb or destroy the habitats of protected species. In addition to the strong local feeling about the wooded area and the 800+ petition to get the council to protect the remaining woodland, and evidence of protected species living in the area. I want to know what is the council going to do in order to uphold its legal obligations to protect the endangered species living in this important habitat? Furthermore, what remedial action is it going to take to put right the tree felling that has undoubtedly destroyed some of this habitat and definitely disturbed the protected species living in this habitat. What is the procedure for upholding the law? protecting the habitat? and protecting endangered species? I would like to see evidence of an independent ecological survey being put into action before any of the area is (LP0397, policy number SD7) is designated as housing site. This should have been done before it was placed as part of the Calderdale plan and must be addressed immediately. I object to the proposed housing site that is adjacent to the wooded area of land at Daisy bank allotments. The council SHOULD BE designating the area (LP0397, policy number SD7) and adjacent woodland (policy number GN8, reference LGS026), as a local wildlife site as well as local green space. The council is accountable for refusing to date to protect the remaining trees with temporary or permanent TPOs despite several requests for this. This has resulted in significant tree felling, that has meant many trees that were potential bat roosts and wild bird habitats have been destroyed. This is as I understand it in breach of UK and EU law, as no ecological survey has been carried out and no plan put into place to rehome or mitigate the protected species living there.

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

Duty to Co-operate Reason:

Suggested Modifications:

I would like to see evidence of an independent ecological survey being put into action before any of the area is (LP0397, policy number SD7) is designated as housing site. This should have been done before it was placed as part of the Calderdale plan and must be addressed immediately. I object to the proposed housing site that is adjacent to the wooded area of land at Daisy bank allotments. The council SHOULD BE designating the area (LP0397, policy number SD7) and adjacent woodland (policy number GN8, reference LGS026), as a local wildlife site as well as local green space.

Additional Evidence Link:

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Comment ID **APX928**

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

Person ID: **1181970**

Name: **Mr Usmaan Hussain**

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:

Both Savile Park Gardens and the access road to Savile Park Villas is already heavily congested with parked cars during the week. By allowing this application this situation will be further exasperated and it would, therefore, be unsafe to allow access to a further 30-40 cars. The junction with Savile Park Villas is already dangerous as there is a blind spot from the lane and when traffic comes out of Savile Park Villas. In the past few years, there have been multiple incidents involving cars knocking down dry stone walls indicating that these roads may already be too heavily used. The single-track access road leading to the proposed site is unsuitable for heavy traffic including Refuse Collection as well as Emergency services (Ambulance, Fire Trucks). Furthermore, the development would require large HGV's and other construction vehicles to use the said track which would be unsafe and cause noise pollution. The access road is privately owned land belonging to residents of Savile Park Villas and Savile Park Gardens and thus far access has only been granted to 7A Savile Park Gardens. I also strongly disagree with any felling of trees as there is already a shortage of "green" land in this area. I believe that the land should revert back to allotment gardens.

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 **APX948**

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

Person ID: **1182321**

Name: **Mrs Perveen Hussain**

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 main concern is over the increase of traffic and associated noise pollution. If the proposed development of 10 houses were to go ahead we can expect at least 2 cars per household and that amount of traffic is not sustainable by the roads in that vicinity. Both Savile Park Villas and Savile Park Gardens are accessed by an unadopted road which is unsuitable for heavy traffic. Furthermore, the access road leading onto the proposed site ( on the west side) is a single track unmade road barely suitable for a small car let alone bin lorries, emergency vehicles, or indeed HGV's delivering plant and building materials etc. to the proposed development. This single track unmade road is on private property belonging to the residents of Savile Park Villas/Gardens who have given their consent for access to 7A Savile Park Gardens. However, no such consent has been requested or granted for any proposed development of this site. Without any such consent, the site is effectively land-locked and cannot be developed. Furthermore, there are 2 mature trees, beside this track, which are subject to preservation orders and should not be felled. The land should remain as greenfield and revert back to allotment gardens.

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 **APX981**

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

Person ID: **1182325**

Name: **Ms Kirsty Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I want to support the allocation of the land Daisy Bank Allotments and the woodland being designated as local greenspace It is one of the remaining green spaces left in an urban built up area. This is much valued by the residents for the following reasons: Historic interest: There is an old path frequently used that has been a right of way for over 100 years. Environmental impact: We have a problem with water on Rothwell

Drive. At the moment we have water flooding into our gardens from an old spring. This has got much worse since two new houses have been built at the top of Rothwell Drive. The woodland and trees help us with flooding and problems with water. As the name suggests 'Well Head' etc means we have some very old sites of water etc in this area. Health: It is well documented that we need to preserve trees and woodland near built up areas. If houses are built in this area it will contribute to pollution and further endanger our childrens health. Light and noise pollution. Wildlife: We have so much loved protected species living in this area. We see bats every evening. We have a rare woodpecker, owl and frogs and toads. We also have a black fox. We do not want their habitat destroyed. We collected a petition of over 800 signatures of people who support saving this small area of of trees and green space I the middle of an urban town. On 4-5 occasions we value this land so much we have picked up litter and taken to the tip/ arranged for council to pick it up. The allotments could be turned into a community garden. We could create a path through the woods for the local school children and elderly residents. For the wildlife, environment, health and wellbeing of this community please don't build houses and destroy daisy bank allotments and the woods. We need to protect this green space.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp223**

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

Person ID: **1182325**

Name: **Ms Kirsty Carver**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I object to the proposed housing site at Daisy Bank Allotments: This is a special green area in the centre of Halifax, home to beautiful and rare wildlife. We have evidence of bats, birds such as owls and woodpecker and a rare black fox. It a much loved and valued space. We need to preserve this space. We have a petition where over 800 people agreed that we need to keep this green space in the centre of Halifax. 800 people who care. If we build in this area it will add to the ongoing traffic problems. It will cause added traffic to the roads. It will add to the pollution of the environment in terms of sound, light, noise and pollution from the cars. This green space is an area of calm and provides a tranquil space to the benefit of the community. It contributes positively to the residents health and wellbeing. (The elderly and young residents) The community has actively demonstrated how much we care about this space by actively picking up litter to make the space a good place for the residents and animals. I have picked up litter that has naturally accumulated on three occasions. This green space helps towards managing flooding. We have problems in our gardens on Rothwell Drive. Currently we have water flooding down. Its an ongoing issue. Its vital we preserve this green space to manage the water problems in this urban area. This very small piece of land

will not create many new housing that would be affordable to many, yet as a green space it can be a benefit to hundreds of residents. The Cat steps are well known to many people in the town. The path is on the old maps of Halifax. We should be fighting to retain allotments, green space, encouraging walking in the town for the future of our residents. We could create an urban walk from the Piece hall. It would be very short sighted to build houses, pour concrete and destroy this habitat. Yours sincerely Kirsty Carver

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 **Lpp238**

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

Person ID: **1182538**

Name: **MRS MARY GREENWAY**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

We object to building houses on Daisy Bank allotments for the following reasons: \* Issues with sewerage/pipework (We have two main sewers that are very old on Rothwell Drive) \* Drainage: We already have many issues with water in this area. Hence the name "Well Head" \* Traffic: pollution, diesel emissions, noise, air quality, and access issues. \* Concreting areas will exacerbate flooding \* Destruction of environment: habitat for the birds, bats, black fox, toads etc. \* Houses at the bottom of Rothwell Drive will have light and privacy reduction due to being overlooked by the housing development and will also have the value of the properties significantly reduced. \* Over 800 people signed a petition to protect the area as a green space. \* For over 30 years we have been trying to protect this area from both housing development and to protect the woodland and environment.

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. Neighbouring notification - lack of notification of proposal and Local Plan process.

### Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

## Test of Soundness

### Main Issues:

1. Site Access - Site access is unsuitable due to narrow approach roads and in private ownership. Protected trees limit access possibilities. Access unsuitable for emergency, refuse and construction vehicles.  
Local Road Network - Inadequate local road network, specifically congestion, on-street parking and road safety issues.
2. Open Space - Loss of open space that could potentially be used as allotments. Impact of loss on health and wellbeing.
3. Trees - Loss of trees, some of which are protected.
4. Ecology - Impact on wildlife including bats, birds, foxes, badgers, black fox etc.
5. Heritage - Impact of development on Wainhouse Tower (listed building), Savile Park Conservation Area and other assets such as the Catsteps. Recommendations in HIA should be 'required' in order to be effective.
6. Land stability - Impact on land stability caused by removal of trees.
7. Flooding - Drainage impacts of removal of trees, existing drainage problems with localised flooding.
8. Infrastructure -Lack of/pressure on existing amenities, services and facilities in the local area.
9. Residential Amenity – Potential overlooking and daylighting issues on surrounding dwellings.
10. Pollution - Impact of increased traffic on noise and air pollution. Light spillage from adjacent tennis courts on proposed dwellings.
11. Boundary - Boundary of site should be increased to include land to north.
12. Deliverability - Third party land required to obtain access may impact on deliverability.
13. No evidence to suggest local area needs more housing.

### Council's Response:

1. In terms of the reference to existing s on-street parking problems, new development would not be expected to address this and the remaining road width is considered suitable for the additional

development associated with a site of this size. The access track could not accommodate a footway, as such it is only suitable for a small mews court type development of up to around 10 dwellings, similar to Savile Park Villas to the rear. In summary however, the Council's Development Management Section considers that with mitigation and a reduced capacity, the site is developable.

2. The site was previously used as private allotments but is now disused. The Open Space Study and the Council's Safer Cleaner Greener Section recommend retention of the site as open space and advise that demand still exists for allotments in the area. Notwithstanding this, the land owners have advised that the site will not be made available for use as allotments in the future and it is therefore considered unreasonable to filter the site on open space grounds. The site still functions as natural/semi-natural open space. An assessment of open space in the area shows that there is a lack of sites between 0.04 and 1ha within the 400m catchment area, however the excluded woodland area will fill this gap.

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.

3. It should be noted that the whole site had originally been nominated by the local community as a Local Green Space along with the adjacent wooded area. This site has not been taken forward as a Local Green Space in the Local Plan, but the adjacent wooded area has (LGS26). As a result, those parts of LP0397 that were within the wooded area have been removed and the boundary amended accordingly.

The Council's Conservation (Ecology) Section has recommended that boundary trees and shrubs should be retained, and native shrubs should be planted.

Further, policy BT3 - Landscaping of the Built Environment chapter ensures that development landscaping schemes include details of the retention of existing trees which contribute to the character and amenity of the area.

4. The Council's Conservation (Ecology) Section consider the development is likely to be acceptable. It is not within the Wildlife Habitat Network, however, a Protected Species Survey should be undertaken.

5. Historic England has raised concerns regarding the development of the site and potential impacts on Savile Park Conservation Area. The Council's Conservation (Heritage) Section has undertaken a Heritage Impact Assessment (HIA) to assess the impact of development on the significance of the Conservation Area and any other heritage assets. It is considered that development could affect the setting of the conservation area and important views through it, particularly if of a large scale and sited immediately adjacent to the boundary. A number of measures have been identified which would reduce the impact on the Conservation Area, including siting, scale, density of the development, and retention of existing trees and stone boundary walls.

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 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.

The removal of trees has been dealt with in previous responses, specifically question 3.

7. The site lies within Flood Zone 1, but small parts of the site are at risk from surface water flooding. The Council's Flooding and Drainage Section consider the site suitable for development, subject to a

#### Hydrological Assessment.

The removal of trees has been dealt with in previous responses, specifically question 3.

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.

The site has scored very well in terms of accessibility, being in close proximity to a wide range of goods and services.

9. 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.

10. 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. In terms of light pollution, a standoff (which may reduce the area available for development) or other mitigation measures may be required to minimise the impact on residents of any light spill.

11. This wooded area has been taken forward as a Local Green Space in the Local Plan (LGS26). As a result, those parts of LP0397 that were originally within the wooded area have been removed and the boundary amended accordingly. Please see the Local Green Space assessment for further information.

12. The potential requirement for third party land has been acknowledged and is reflected in the estimated completion timescales included in the trajectory.

13. 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).

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

Main Issues:

Council's Response:

#### **Suggested Modifications**

1. Amend wording to remove reference to the site being within Savile Park Conservation Area.
2. The local green space woodland needs to remain to protect the trees to wildlife that currently inhabit this area.

3. The number of houses proposed should be reduced considerably to make this a sound proposal (to enable protection of woodland).
4. The site should be designated as a Local Wildlife Site (as well as a Local Green Space). The whole area marked as woodland on plan must be included in the protected 'Daisy Bank Woodland' Local Green Space LGS26 and excluded from the allocation.
5. Land should be re-designated as allotment gardens, with a public right of way (historic and well used) along the boundary with Queens Sports Club connecting Savile Park Gardens/Savile Park Villas to the Cat Steps via the hole in the wall at Daisy Bank (and into town).
6. The southern boundary is incorrectly drawn on the Local Plan – it should be extended up to the boundary with Queens Tennis Club, to reflect the plan on the site deeds.
7. The boundaries of the site LP0397 should revert to its original size, and the whole area should be developed for housing.
8. Request to designate the area as a vehicle exclusion zone.
9. Amend the third Site Specific Consideration to read: “Implementation of the mitigation measures set out in the Heritage Impact Assessment”.  
Add the following additional Site Specific Consideration: “Retention and restoration of the stone boundary wall along the east of the site and the stone setts”.  
Amend the extent of the Indicative Developable Area to exclude the area identified on the Heritage Impact Assessment as being of ‘High Sensitivity’.

#### Council's Response:

1. Council agreeable to amendment being made to site constraints.  
Site adjacent to, not within the Savile Park Conservation Areas.
2. It should be noted that the whole site had originally been nominated by the local community as a Local Green Space along with the adjacent wooded area. This site has not been taken forward as a Local Green Space in the Local Plan, but the adjacent wooded area has (LGS26). As a result, those parts of LP0397 that were within the wooded area have been removed and the boundary amended accordingly.  
The Council's Conservation (Ecology) Section has recommended that boundary trees and shrubs should be retained, and native shrubs should be planted.  
Further, policy BT3 - Landscaping of the Built Environment chapter ensures that development landscaping schemes include details of the retention of existing trees which contribute to the character and amenity of the area.
3. Capacity of the site has been reduced significantly. The indicative capacity is noted as 10 units.
4. The land to the north of the site has been proposed as a Local Green Space in the Local Plan. The site itself is not considered to fulfil the criteria of a Local Green Space designation as set out in EV47 - Local Green Space Report (2017).
5. The site was previously used as private allotments but is now disused. The Open Space Study and the Council's Safer Cleaner Greener Section recommend retention of the site as open space and advise that demand still exists for allotments in the area. Notwithstanding this, the land owners have advised that the site will not be made available for use as allotments in the future and it is therefore considered

unreasonable to filter the site on open space grounds. The site still functions as natural/semi-natural open space. An assessment of open space in the area shows that there is a lack of sites between 0.04 and 1ha within the 400m catchment area, however the excluded woodland area will fill this gap.

The site does not contain a public right of way.

6. The boundary of the site is in accordance with the original boundary submission. The developable area of the site is considered to be appropriate based on the constraints of the site and the recommendations from our consultees.

The Council would consider an extension should all the landowners be agreeable and no further constraints are identified.

7. The land to the north of the site has been proposed as a Local Green Space in the Local Plan, as set out in EV47 - Local Green Space Report (2017).

8. The Council's Environmental Health Section consider 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. Therefore the evidence does not exist to support the creation of a vehicle exclusion zone.

9. 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: LP0400 - New Housing Site - Halifax

### Representations

Comment ID **APX429**

Site ref (if applicable): **LP0400**

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, within Reports Required section, in order 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:

Comment ID **APX671**

Site ref (if applicable): **LP0400**

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 site is located within the Savile Park Conservation Area. The Heritage Impact Assessment considered that development could affect the character of the Conservation Area and important views through it, particularly if of a large scale and density involving the loss of mature trees and stone boundary wall.

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 LP0400:- (a) Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Considerations:- "Retention and repair of the stone boundary wall" "Existing mature trees to be retained"

Additional Evidence Link:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - 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 second Site Specific Consideration to read:-  
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”  
Add the following additional Site Specific Considerations:-  
“Retention and repair of the stone boundary wall”  
“Existing mature trees to be retained”

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. There is a site specific consideration requiring the retention of boundary trees and shrubs (ecological justification).

## Document Section: LP0454 - New Housing Site - Halifax

### Representations

Comment ID **APX879**

Site ref (if applicable): **LP0454**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The majority of people in Wheatley and North Halifax in general, have had no updated direct engagement, from the local authority or any local authority Ward Councillors in relation to 'The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications. '

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

Sound Reason:

This site is a meadow, of which such sites are becoming increasingly rare in Halifax, especially North Halifax as well as the UK as a whole. The site should be considered under The Wildlife & Countryside Act 1981 Natural Habitats Regulations 1994 2716 Part II European Sites Reg 7: Selection of sites Eligible for Identification as of Community Importance. The meadow is also on a steep incline and has been largely unspoiled for centuries. It is highly important, to the Wildlife Habitat Network, which is becoming increasingly pressured due to the increase in development already allowed in the valley of Wheatley. Many species including Badger, Roe Deer, Fox and species of Owl have been observed in this area. In summer if not interfered with, i.e mown (as someone who's identity is unknown and had been done this year for the first time, for reasons unknown) it is covered in many species of wildflowers, grasses and meadow buttercups. It is rich in shrub and native tree habitat for a number of species including small mammals such as voles and invertebrates and birds. Migrant bird species such as the Willow Warbler and Chiff Chaff also use this meadow in the summer months. This ancient, public land, is a vital space for the survival of such species, which are endangered of becoming locally extinct. There would be significant flood and pollution as a consequence of allowing this land to be developed. It would be wholly unjustifiable, irresponsible and wrong, to destroy this precious and rare meadow. Calderdale Countryside Services should consider taking on the site to look after it on behalf of the people of North Halifax and Calderdale. I suggest consideration and referral to a campaign by UK charity Plantlife: Under the Grasslands plan, Plantlife and partners are calling for: \* Just under a quarter - 120,000 hectares - of the government's pledged 25 year target to create half a million hectares of new wildlife-rich habitat to be targeted at restoring flower-rich grassland habitats and government support for communities, farmers and charities to play their part. \* Explicit legislative protection. The scarcity of wildflower meadows - 75% occur in small fragments and remain vulnerable to destruction - should be recognised and afforded similar protection as other heritage, such as ancient woodlands. \* Meadows mapping: the establishment of a national inventory of species-rich grasslands alongside the Ancient Woodland Inventory. I enclose some photos of the area attached.

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

Duty to Co-operate Reason:

In reference to all of my statement under compliance and not sound statements.

Suggested Modifications:

As previously stated, there are no modifications which could make the Local Plan compliant or sound on the grounds that any development on this land, would cause the destruction of many years of biodiversity to a natural unspoiled and rare meadow.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074017>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Neighbouring notification - lack of notification of proposal and Local Plan process.

Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

### **Test of Soundness**

Main Issues:

1. Ecology - Impact on wildlife including badger, deer, fox and a range of birds. Impact on Wildlife Habitat Network.
2. Flooding – Increased risk of flooding.
3. Pollution - Increased pollution.

Council's Response:

1. The site lies within the Wildlife Habitat Network, and comprises scattered trees, shrubs, bramble and grassland providing habitat for breeding birds and, potentially, badgers. The Council's Conservation (Ecology) Officer considers that subject to ecological surveys, taking out approximately 0.4 ha adjacent to Hebble Lane from the developable area would make development on the remainder of the site acceptable.
2. The site lies within Flood Zone 1 and a very small area is at risk from surface water flooding. Given the size of the site and the potential for increasing surface water run-off as a result of development, a Flood Risk Assessment would be required in order to assess any risk of flooding and propose mitigation measures to reduce such risks. The Council's Flooding and Drainage Section have acknowledged that there is potential for flooding risks to the lower areas of Wheatley directly below the site. However, they consider the site is suitable for development after the necessary action for the surface water/drainage issues have been undertaken.

3. The Council's Environmental Health Section has been consulted on the site and has raised no issues regarding the impact of development on air pollution.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. The site should be considered under The Wildlife & Countryside Act 1981 Natural Habitats Regulations 1994 2716 Part II European Sites Reg 7: Selection of sites Eligible for Identification as of Community Importance.

Council's Response:

1. The site has been referred to various ecology consultees including West Yorkshire Ecology, Yorkshire Wildlife Trust and the Council's Conservation Section who assess the site using the most appropriate and up to date legislation and best practice.

## Document Section: LP0531 - New Housing Site - Halifax

### Representations

Comment ID **APX1046**

Site ref (if applicable): **LP0531**

Person ID: **828862**

Name: **Mrs & Mrs Clarke**

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/5076926>

Comment ID **APX1066**

Site ref (if applicable): **LP0531**

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:

Impacts to LWS need to be considered and fully mitigated. PEA and protected species surveys will be needed along with sensitive landscape schemes (including SuDs) and management plans to ensure no fragmentation of CWHN and overall 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 **APX794**

Site ref (if applicable): **LP0531**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The local community has not been fully engaged with or involved, with all stages of the LPA for this site in relation to statement ' The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.' Ward Councillors have not shown any direct involvement with all their constituents and householders nor offered advise or engagement to all constituents. Many people in Ovenden and Illingworth, are still unaware of the planning process and Local Plan proposals affecting their community.

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

Sound Reason:

This proposed site has only one main access route, being the extremely busy A629, Keighley Road. This road is known to be heavily used and often congested, especially when there are needs for road or maintenance works to be carried out in the area, such as gas and mains works. The pressures from such volumes of traffic mean that this and the only other smaller connecting road Cousin Lane, are often congested and heavily polluted from both fuel and noise emissions. Both routes are in residential areas and there are schools on both routes also. It cannot be justifiable, to add further untold pressures - and danger - to existing residents and the environment, by significantly increasing traffic and pollution to these areas. This site is a green field site. It mitigates pollution and surface run off. It is part of the Wildlife Habitat Network and is directly adjacent to a large section of the Beechwood Nature Park. Intensifying housing in this area would have a negative irreversible impact, on the aesthetics and biodiversity of the are, as well as the wellbeing and health of local existing residents.

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

Duty to Co-operate Reason:

Suggested Modifications:

There are no modifications that I can consider to make this plan compliant or sound. For all the reasons stated.

Additional Evidence Link:

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Comment ID **APX985**

Site ref (if applicable): **LP0531**

Person ID: **1183608**

Name: **Mr Martin Cruft**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Proposing to build on greenfield land contravenes the principles used in setting up greenbelt (and greenfield) areas. This is especially relevant when the greenfield spaces are within urban areas. Incremental and piecemeal encroachment like this planning application does not take account of the big picture of impact in an overall area or in the long term. The problem of developing greenbelt land is avoided by developing fully brownfield sites in North Halifax before this sort of encroachment.

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

Sound Reason:

Comments have been made about drainage. Our observation is that in almost 20 years of living in the area, there have been a few but very significant short, heavy falls of rain. Few problems are experienced here, but further downhill the impact becomes damaging. Building over a significant area of hillside and relying on old drainage systems downhill from the site seems likely to lead to more frequent flooding. While supporting the green roofs and other measures we believe these will not deal with the infrequent deluge incidents. Keighley Road is a very busy road and the problems with traffic volume and junctions around Morrisons have already been commented on. In addition, we understand that Calderdale Air Quality Management shows Keighley Road to have high levels of air pollution. This is anecdotally supported by the hospital admission of our son with breathing problems. Increasing the local traffic and increased stop start driving will harm this further. There is little evidence of any thinking beyond car and vehicle traffic in this and most other LDP's. To encourage and facilitate non car travel requires proposals such as this to go further in helping establish networks and safe routes to take pedestrian and cycle travel away from main roads and establish safe segregated routes to and from schools, amenities and the town centre. When compared with other UK towns, Halifax is poor in this respect. We appreciate that the adjustment to the plan has retained some sort of wildlife corridor at the edge of the site. However there is no evidence that reduced corridors adjacent to new developments will allow wildlife to prosper in the area. Tawny owls, bats, deer, ground nesting birds, hedgehogs are all likely to be affected. There are numerous brownfield sites in North Halifax which would provide a much better balance of long term development for housing by repairing and making good semi derelict or unused areas. Use of such sites avoids the damage to longstanding wildlife and green areas such as this one. The lack of evaluation of the relative merits and impacts between plans in different areas of North Halifax undermines comments from experts about drainage, wildlife, traffic - there is always an alternative but that does not address what is right for an overall 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 **Lpp1158**

Site ref (if applicable): **LP0531**

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:

LP0531 - Land off Whitehill Road, Keighley Road, Illingworth, Halifax 4.44 LP0531 also scores the same against the SA objectives as our Client's Site and serves two of the Green Belt purposes. 4.45 Our Client's Site is therefore more sequentially preferable for removal from the Green Belt and the allocation of LP0531 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 **Lpp1239**

Site ref (if applicable): **LP0531**

Person ID: **956833**

Name: **Ms Janet Freeman**

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:

Representation submitted on behalf of consultee and four others. I write on behalf of neighbours and myself in relation to the proposed building on land which lies directly behind our homes and would raise our OBJECTIONS on the following grounds:- There has been for a long number of years a Covenant on this site which states quite clearly it can only be used for AGRICULTURAL USE. This land is also part of the WILD LIFE CORRIDOR. 3.This land is the only remaining Green space between the centre of Halifax and Illingworth. 4. It would BE OVERBEARING of the site. 5. In relation to the infastructure, THE SCHOOLS ARE

FULL, THE DOCTORS ARE FULL, THE A629 is at capacity and is already dangerous to cross. Not to mention the extra pollution. What happens when there is no land for our livestock and crops? How are we to sustain ourselves. Please take all the above into consideration and I look forward to hearing from you in due course.

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 **Lpp1378**

Site ref (if applicable): **LP0531**

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

See attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy SD7 Housing sites: site specific housing objection LP0531 Whitehall Road, Illingworth Green Belt impact: coalescence of settlements. Range of ecological and other unresolved impacts.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. Neighbouring notification - lack of notification of proposal and Local Plan process.

#### Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

### **Test of Soundness**

#### Main Issues:

1. Ecology - Impact on wildlife, Local Wildlife Site, Beechwood Nature Park and Wildlife Habitat Network.
2. Deliverability - Impact of restrictive covenant on deliverability (Calvert Farm).
3. Local Road Network - Inadequate local road network, specifically congestion and road safety (Whitehill Road junction).
4. Pollution - Impact of development on air pollution.
5. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, doctors, dentist, utilities.
6. Flooding - Increased runoff caused by loss of greenfield.
7. Open Space - Loss of open space.
8. Health and Wellbeing - Impact on health and well-being of residents.
9. Loss of greenfield land when there are suitable brownfield alternatives in the local area.
10. Loss of agricultural land
11. Green Belt - Development would lead to the coalescence of settlements.

#### Council's Response:

1. The site is located immediately adjacent to Beechwood Park Local Wildlife Site and Local Nature Reserve. Yorkshire Wildlife Trust and West Yorkshire Ecology have therefore advised that the impacts are fully considered, as development could potentially result in disturbance/adverse impact on these sites. The indicative developable area of the site has therefore been amended to allow for the provision of a buffer between the development and the site. The buffer should be planted with a species rich grass mix and left unmanaged. The field to the north should be left as grassland and grazed or cut with a view to in moving towards acid to neutral species rich grassland.
2. The site has been identified in the Council's North Halifax Transformation Project. Prior to the site being

developed, the Council will be required to investigate whether there is indeed a restrictive covenant on the land, and if so, how it may be overcome.

3. In terms of local impacts and specific site access, a Transport Assessment and Travel Plan would be required, plus proof that a new access can be created without undue impact on the A629, including consideration of the relocation of the bus layby and stop. Without any mitigation, egressing the site would be difficult given the site's proximity to the bus layby, bus stop and entrance to Morrisons supermarket.

4. The Council's Environmental Health Section has been consulted. It has been noted that the West Yorkshire Low Emission Strategy has been adopted by the Council. Which gives guidance on good practice for mitigating air quality impacts. This has been carried forward as a site specific consideration.

5. In terms of accessibility scoring, the site scores relatively well, being in close proximity to a range of goods and services.

In response to comments citing a lack of necessary 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, including chapters on education facilities, healthcare provision and utilities.

6. The site lies within Flood Zone 1, and a small area of the site is at risk from surface water flooding. Development of the site could also increase surface water run-off. A Flood Risk Assessment would therefore be required in order to assess any risk of flooding and propose mitigation measures to reduce such risks. The Council's Flooding and Drainage Section consider the site is suitable after an evaluation of existing drainage network and suitability of SuDS.

7. The Safer, Cleaner, Greener Team has noted that 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.

Policy GN6 - Protection and Provision of Open Space, Sport and Recreation Facilities of the Green Infrastructure and Natural Environment Chapter states that all new residential developments should provide for the recreational needs of the prospective residents, by providing, laying out and maintaining recreational and amenity open space of a scale and kind reasonably related to the development within an agreed timescale or, where on site provision cannot be delivered, by way of a financial contribution to improving local off-site provision.

8. Health and wellbeing policies are detailed in Chapter 12: Health and Wellbeing of the Local Plan. A health impact assessment (HIA) helps ensure that health and wellbeing are being properly considered in planning policies and proposals. The policies and proposals of the Local Plan have been subject to HIA through the Sustainability Appraisal that was undertaken prior to its publication.

9. 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.

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.

10. The majority of the site 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.

11. 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.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Preliminary Ecological Appraisal and protected species surveys will be needed along with sensitive landscape schemes (including SuDS) and management plans to ensure no fragmentation of CWHN and overall net gain in biodiversity is achieved.

Council's Response:

1. Various bodies have been consulted regarding the ecological constraints, including Natural England, Yorkshire Wildlife Trust and the Council's Conservation Officer. Site constraints have been identified and mitigation measures proposed, including a considerable reduction of the developable area.

## Document Section: LP0683 - New Housing Site - Halifax

### Representations

Comment ID **APX1002**

Site ref (if applicable): **LP0683**

Person ID: **1176334**

Name: **Mrs Rachel Dean**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I feel that this particular considered part of the plan has not been made accessible to residents. Bank Top is a very small village with a strong community. However, even within this strong community, not many residents seem to be aware of this plan at all. It is clear that a good number of the residents in this area do not have access to online facilities, but regardless of this fact, more consideration should have been taken to involve all of the residents of this plan. A change from greenbelt to brownbelt is a massive concern in such a rural village and measures simply have not been taken to inform anyone. I myself only became aware by chance.

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

Sound Reason:

I do not feel this plan to be sound for many reasons, the bank top area of southowram is a very small village with a community feel and the local amenities are already stretched - I do understand this is more of a concern with an actual planning application than at this stage, but a concern still none the less. My 3 major concerns are as follows: 1. The current greenbelt status. The visual impact would not be in the keeping with the village, this land currently clearly separates the communities and keeps bank top as an independent village - this is one of the purposes of a "greenbelt" status in the first place. This is a rural village and to build in this particular location would change the whole keeping and feel of the village - there are other less disruptive sites. 2. Having spoken with some developers and local residents, there already major concerns about the drainage on this particular stretch of land and so there is a massive risk of unforecast flooding damage to other properties in the area. 3. Access and road infrastructure. The current access into bank top is not adequate for the amount of houses already in situ. The cost of making an appropriate access point for this site in particular and also the improvement of access into the village would be prohibative for a development of 12 houses. I do understand there is a need to create more housing within calderdale but I also understand that there are other sites on the plan that are more accessible, less disruptive and would create more housing opportunities than this site for 12 houses.

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

Duty to Co-operate Reason:

Suggested Modifications:

To make this local plan sound, the only option I see is to progress the larger more accessible sites and leave this site with the greenbelt status it currently has. There are other sites within the local area which would cause less disruption and impact on this village.

Additional Evidence Link:

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Comment ID **APX1019**

Site ref (if applicable): **LP0683**

Person ID: **1176334**

Name: **Mrs Rachel Dean**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I feel that this particular considered part of the plan has not been made accessible to residents. Bank Top is a very small village with a strong community. However, even within this strong community, not many residents seem to be aware of this plan at all. It is clear that a good number of the residents in this area do not have access to online facilities, but regardless of this fact, more consideration should have been taken to involve all of the residents of this plan. A change from greenbelt to brownbelt is a massive concern in such a rural village and measures simply have not been taken to inform anyone. I myself only became aware by chance.

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

Sound Reason:

Do you consider the plan to be Sound. No I do not feel this plan to be sound for many reasons, the bank top area of southowram is a very small village with a community feel and the local amenities are already stretched - I do understand this is more of a concern with an actual planning application than at this stage, but a concern still none the less. My 3 major concerns are as follows: 1. The current greenbelt status. The visual impact would not be in the keeping with the village, this land currently clearly separates the communities and keeps bank top as an independent village - this is one of the purposes of a "greenbelt" status in the first place. This is a rural village and to build in this particular location would change the whole keeping and feel of the village - there are other less disruptive sites. 2. Having spoken with some developers and local residents, there already major concerns about the drainage on this particular stretch of land and so there is a massive risk of unforecast flooding damage to other properties in the area. 3. Access and road infrastructure. The current access into bank top is not adequate for the amount of houses already in situ. The cost of making an appropriate access point for this site in particular and also the improvement of access into the village would be prohibitive for a development of 12 houses. I do understand there is a need to create more housing within calderdale but I also understand that there are other sites on the plan that are more accessible, less disruptive and would create more housing opportunities than this site for 12 houses.

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

Duty to Co-operate Reason:

Suggested Modifications:

To make this local plan sound, the only option I see is to progress the larger more accessible sites and leave this site with the greenbelt status it currently has. There are other sites within the local area which would cause less disruption and impact on this village.

Additional Evidence Link:

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Comment ID **APX1021**

Site ref (if applicable): **LP0683**

Person ID: **1176334**

Name: **Mrs Rachel Dean**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I feel that this particular considered part of the plan has not been made accessible to residents. Bank Top is a very small village with a strong community. However, even within this strong community, not many residents seem to be aware of this plan at all. It is clear that a good number of the residents in this area do not have access to online facilities, but regardless of this fact, more consideration should have been taken to involve all of the residents of this plan. A change from greenbelt to brownbelt is a massive concern in such a rural village and measures simply have not been taken to inform anyone. I myself only became aware by chance.

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

Sound Reason:

I do not feel this plan to be sound for many reasons, the bank top area of southowram is a very small village with a community feel and the local amenities are already stretched - I do understand this is more of a concern with an actual planning application than at this stage, but a concern still none the less. My 3 major concerns are as follows: 1. The current greenbelt status. The visual impact would not be in the keeping with the village, this land currently clearly separates the communities and keeps bank top as an independent village - this is one of the purposes of a "greenbelt" status in the first place. This is a rural village and to build in this particular location would change the whole keeping and feel of the village - there are other less disruptive sites. 2. Having spoken with some developers and local residents, there already major concerns about the drainage on this particular stretch of land and so there is a massive risk of unforecast flooding damage to other properties in the area. 3. Access and road infrastructure. The current access into bank top is not adequate for the amount of houses already in situ. The cost of making an appropriate access point for this site in particular and also the improvement of access into the village would be prohibitive for a development of 12 houses. I do understand there is a need to create more housing within calderdale but I also understand that there are other sites on the plan that are more accessible, less disruptive and would create more housing opportunities than this site for 12 houses.

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 **APX430**

Site ref (if applicable): **LP0683**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist**

Agent 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 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 **APX517**

Site ref (if applicable): **LP0683**

Person ID: **959180**              Name: **Mr Vincent Murphy**              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:

Considering the location I find it hard to believe such green belt is being used when there are numerous areas that would not impact the beauty of this area and impact upon local access and 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 **APX532**

Site ref (if applicable): **LP0683**

Person ID: **949518** Name: **Mrs Pauline Whittle** 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:

In the Local Plan Initial Draft 2017 (19 Green Belt and Rural Areas - 19.10 - Where We are Setting out the Exceptional Circumstances to Change the Green Belt) the full area of LP0683 was an area identified on the Policies Map as suggested for removal from the Green Belt. The land has been appraised by Calderdale Spatial Planning Team and the Site Assessment Report had considered a whole range of factors; stock had been taken of positive factors, for example: The proximity of Withinfields Primary School Local shops and businesses The local Doctors' Surgery The bus stop on the farm boundary Easy access to Halifax, Brighouse, Leeds, Manchester by bus, road or train. There are no hedges or trees and no wildlife on the land. Animals graze on a six months Grazing Licence There are no rights of way over the land It is not an area of green belt isolated from other residential and commercial developments. It can be seen that it is an 'infill' area, bordered on two sides by semi-detached houses, The Old Bakery Apartments, the Cock and Bottle Public House, allotments and large new detached properties. Only one field length away is Gradons Meat Packing business, which can be seen has many orange industrial sheds. Close proximity of a number of well-known local walks. The land was in fact scheduled for development in the 1940s at the time that Broadway and Sunway were built, and only became green belt in the 1960s. A look at Rightmove's website shows only a handful of houses for sale in the whole of Bank Top and Southowram village at the present time, and only one rental property. To create Garden Suburbs in Calderdale would not enable people living in Bank Top and Southowram village to live in an area where they grew up and in the tight-knit community where they wish to remain. The area is not an affluent one, on the whole, and the creation of 60 properties would hopefully provide affordable housing and starter homes for young families. There has been very little development of any significant numbers in Bank Top for a long number of years and this is an opportunity to provide housing which has been endorsed by the Spatial Planning Team. In the Plan, now before this Inquiry, this area is significantly reduced from that shown in the Plan rejected by Calderdale Council in 2017 i.e. for provision of 12 properties, instead of 60 previously allocated. The only reason given for this reduction in area is stated as "to meet the concerns raised by Conservation Section (Heritage)". In the 2017 Draft Plan the observations of Historic England in respect of Reference LP0683 are that a "Heritage Impact Assessment would be required in order to assess any harm caused (to nearby Listed Buildings) and propose mitigation measures to reduce any impact". Historic England obviously has no objection, in principle, to the development of the larger site, as proposed by the Council's Spatial Planning Team in the 2017 Plan, in which it recommends the larger area identified in the Plan as a New Housing Site. I understand that in order to accommodate the Garden Suburb plan, pressure to reduce allocations from green belt in all parts of the Borough will have been a large factor. However, it is totally unsupportable to suggest that the Grade II Listed Buildings within the vicinity of Land at Bank Top (Ref LP0683) is a reasonable argument to justify the reduction of the previous allocation from 60 to 12 properties, or that it would affect their character or setting. I have read the English Heritage Statement 2017 and I applaud the work of Historic England and agree wholeheartedly that we should preserve our heritage so we all benefit. There are numerous fine examples of architectural and cultural importance in and around Calderdale, including of course the Piece Hall, Halifax which can be counted amongst one of its finest recent achievements.

However, I cannot correlate Historic England's views and principles in relation to the Grade II Listed Buildings of Upper Marsh Farmhouse, Barn (now two properties), Law Hill House or the properties described as block attached - 39 Law Lane - and wish to challenge the statement of the Council's Conservation Officer (Heritage). The comments are untenable, totally illogical and have been solely influenced by the desire for the Council to create Garden Suburbs. As such the decision to reduce Reference LP0683 from a potential development of 60 properties to 12 properties is unsound and flawed. The setting of Upper Marsh Farmhouse and Barn was compromised in the early 1940s when the semi-detached houses (known as Upper Marsh) along the road boundary of the two fields in question were built, as can be seen from the Officer's Plan, and I must stress the already unattractive setting in particular from Upper Marsh Farmhouse. (See Photo 1 in Additional Evidence) Statements in Paragraph 6 of the Site Summary regarding Upper Marsh Farmhouse and Barn do not bear weight when actually viewed on the ground and are unfounded. Both properties have very little outlook onto the site in question, in fact the main downstairs rooms of the Farmhouse look onto the side of a semi-detached house and conservatory (19 Upper Marsh). It is set down from the main road, and can barely be seen. At the rear of the property is a garage, and the view from the rear downstairs windows is of the garage of a neighbouring property absolutely in front of the window. (See Photo 2) The Barn has limited views from small windows and has a generous amount of land surrounding it. Several sheds/garden buildings have been erected, plus trees in front of the Barn, thereby already limiting the setting and the view. Both properties are set at an angle to the fields in question. (See Photo 3) I was astonished to find that the setting of Law Hill House is given as reason to reduce the site, and trust that a misunderstanding has occurred regarding the actual location of the property. Law Hill House does not look onto the land in question from any angle, and the setting would not be altered by a development at Bank Top (Reference LP0683). The adjoining block south east of the site (39 Law Lane) also has no outlook whatsoever onto the land, and is at the far corner of the "block", i.e. furthest away from Reference LP0683. There is definitely no "group value". The blue plaque referring to Emily Bronte can just be seen on the wall. Both properties face towards Law Lane, as can be seen from the Photo 4. The "block" has three owners and is known as 39 Law Lane, 45 Law Lane and 47 Law Lane Cottage. There is a large woodland area and fields behind the properties at the corner of Law Lane, which can be seen on Photo 5. The only property with any outlook at the rear is 47 Law Lane Cottage, which is not a Listed Building. (A porch, conservatory and garage have been built at the rear). Even this property does not look directly onto Upper Marsh Farm (LP0683), as can be seen from the Council's Conservation Officer's Plan. There is an approximately five acre field at the rear of these properties, belonging to Peter Gradon (Meat Packers). Law Hill House has a cultural link to the Bronte family (although not open to the public), but I must stress that any development at Upper Marsh Farm (LP0683) would have no effect on this property from a visual perspective. As such the "Impact of Development on the Significance" on the Heritage Impact Assessment is flawed and unsound. Then to make a statement that a "small area to the western part of the site adjacent to the current linear housing development is less visible from the listed buildings and its key views" and would have lower impact is ludicrous, as to develop any properties in that area hatched green would require access to the site as a whole. The Overall Assessment Summary states that this is isolated from the remainder of the residual sit and below the threshold for allocation. Further evidence that it would be in the public interest to develop LP0683 for 60 dwellings, and would positively "outweigh any harm". In all cases, the properties were only registered as Grade II Listed Buildings in December 1983, yet I note the Listed Buildings Register was created in 1947. I must stress: None of the properties classed as Grade II Listed Buildings justify the reduction of the proposed housing site from 60 dwellings to 12 dwellings. The Grade II Listed Buildings given as reason to reduce the site area by four fifths do not meet English Heritage criteria, as they do not make a significant contribution to the character and local distinctiveness of rural landscapes. They do not impact on the community of Bank Top, Southowram, Halifax. They do not contribute to the social or economic value of heritage to the community, individual or economy. They have not been managed or protected in accordance with Historic England guidelines, as can be seen by taking a close look at the properties. The setting of all the Grade II Listed Buildings given as reason to reduce the allocation on this site would not be compromised by a sympathetic development, and

cannot be justified. Views currently 'enjoyed' from Upper Marsh Farm and Barn, as can be seen from the photographs, would be only minimally affected, and mitigation measures could be implemented to reduce impact. The setting of these properties must be seen objectively and in context of the Local Plan and I submit that the current statement regarding the Grade II Listed Buildings is not sound. The validity of my photos and statement can be verified by checking on the Council's Map Aerial View, or Google Earth. The Statement made by the Conservation Section (Heritage) on the Site Summary, Paragraph 4 of the Overall Assessment Summary states "further comments from Highways Development Management Section questions how access to the highway could be obtained without third party land. If the (Cock and Bottle) pub car park were acquired by the developer 12 units could be supported given the historic pub traffic". This statement shows the total impracticality of reducing the site to 12 dwellings, when the whole site, allocating 60 dwellings could be accessed and developed from Law Lane/Pinnar Lane as originally suggested by the Spatial Planning Team. The public benefit of a further 48 dwellings would clearly "outweigh any harm" as is required by NPPF. The penultimate sentence of the Spatial Planning Team Report is that "the site is available, whilst viability testing has demonstrated it is viable including all policy requirements and CIL". The Site Assessment - Main Report - states "While the overall parcel within which the site is located performs strongly when assessed against the five green belt purposes, when assessing the revised boundary of the specific site, it performs poorly". In addition, an access by the Old Bakery Apartments has several owners and rights of way, and would prove problematic. Surely this is a compelling indication that the whole site should be allocated for development. It is apparent that the Council's Spatial Planning Team has been instructed by the Council (following rejection of the 2017 Plan) to find reasoning to justify reducing new housing areas in the 2018 Plan, in order to accommodate "Garden Suburb" areas, and for no other material reason. The Council's approach to providing new housing sites as expressed in the Local Plan now before this Inquiry, relies upon the development of "Garden Suburb" areas to achieve projected housing demand within the Plan period and is likely to prove undeliverable. I must emphasise that the whole of the area referenced LP0683, as shown on the 2017 Plan, is viable, sustainable, available for development and deliverable immediately. The Modification suggested for LP0683 is to develop the whole site.

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

Duty to Co-operate Reason:

Suggested Modifications:

Revert to the Spatial Planning Team's assessment of Reference LP0683 allocating 60 dwellings (i.e in the 2017 Plan) instead of 12 now set out in the Local Plan. Access to the site would be far easier, Historic England would be consulted regarding mitigation of the Grade II Listed Buildings in the vicinity, and any harm would be outweighed by public need for housing in the village of Bank Top.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5056205><http://calderdale-consult.objective.co.uk/file/5056833><http://calderdale-consult.objective.co.uk/file/5056910>

Comment ID **APX549**

Site ref (if applicable): **LP0683**

Person ID: **1129358**

Name: **Mrs Rachel Kampaxi**

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 the amended 2018 local plan with regard to reference LP0683 which will be the subject of this inquiry is sound due to a variety of reasons. The first being assessment of local need taking into account use and distribution of local amenities and communities. The new "option" despite the plan delivered by their spatial planning team, now given by Calderdale Council further exacerbates the under supply of housing or any variety for local people. Secondly I would challenge the reduction in scale (from 60 to 12 properties) of the above site due to lack of availability in the Southowram and Bank Top area as a whole. Access to the complete site LP0683 from Law Lane/Pinnar Lane is obviously the best option. Thirdly the comments made by the Calderdale conservation officer (Heritage) presumably forced due to the sole dependency now placed upon the 2 garden suburbs, to reduce sites, are completely unfounded and baseless. The grade II listed buildings mentioned are not isolated within the rural landscape, the officer already feels the landscape is harmed and contests that LP0683 significantly contributes to the rural setting of which they have none. The views described are incorrect and no view of Upper Marsh Farmhouse and Barn are visible from Marsh Lane, practically impossible to view from Law Lane, and so glimpsed from Bank Top that the statements are not sound. Fourthly Law Hill House and Law Lane Block have different land behind and are totally unaffected in any form by LP0683 and would retain any rural view of open countryside which they presently enjoy. Therefore the points of concern are completely unsound. Lastly I feel that Calderdale Council with regards to LP0683 have blatantly overlooked the site's size, location, and green belt irrelevance (it was only designated as such in the 1960's). It is a potentially perfect opportunity for improvement of the whole area.

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

Duty to Co-operate Reason:

Suggested Modifications:

To make the Local Plan sound I deem it necessary to return to the Calderdale's Spacial Planning recommendation of 60 dwellings on site LP0683. Any suggested "harm" is unquestionably outweighed by public need.

Additional Evidence Link:

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Comment ID **APX557**

Site ref (if applicable): **LP0683**

Person ID: **1182157**

Name: **Mrs Jane Paolozzi**

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:

Unfortunately the size of the original site has been reduced significantly on the current Plan, without knowledge or discussion with the actual owners of the land. The Spatial Planning Team had already agreed that the plot would be suitable for 60 houses and the reasons for reducing this is not viable. The land is not a habitat for any wildlife. It is barren grassland with no shrubbery or trees. There are great local amenities close by, such as schools and health services. Sixty houses would not impact negatively or significantly on the community already living there. There are no constraints - this land lends itself ideally for a small housing development. The 2017 Local Plan had been thought through and measured properly, to account for relevant points such as the ones mentioned above. The Garden Suburbs mentioned in the 2018 Plan will not be as attractive to families who want to stay closer to their current local community. The Council's Conservation Officer (Heritage) has made points which are not supported by English Heritage, and are of no relevance to Reference LP0683. The point has been made that development on this site would impact nearby Grade II Listed Buildings in respect of their views and settings. However, in relation to Law Hill House, the outlook from that property faces the road in completely the opposite direction. No 39 Law Hill is at the furthest point from the field in question, and the actual field adjacent to the property is not part of Reference LP0683 proposed for potential development. Upper Marsh Farmhouse, and Barn have only very small windows which already look onto other existing properties, and not onto the land itself. Their view and setting would not be compromised by a development, as they have their own green space. The local community do not benefit from any of these Grade II Listed Buildings, which are all owned privately, and are not open to the public.

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

Duty to Co-operate Reason:

Suggested Modifications:

I believe the original Spatial Planning Team's Local Plan (2017) is more sound, and takes into consideration the needs of the local community, i.e 60 potential new houses as opposed to only 12. As mentioned, the points about Grade II Listed Buildings are flawed and not well researched. The Government's requirement for new housing surely makes the full site of 60 houses more plausible, especially when all the assessments have already been made.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5059463>

Comment ID **APX672**

Site ref (if applicable): **LP0683**

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:

Upper Marsh Farmhouse and the attached barn, to the west of this site, and Law Hill House and 39 Law Lane, to the east, are Grade II Listed Buildings. The Heritage Impact Assessment considered that development on the site that was originally proposed for development would substantially affect the

setting of the listed building and important rural views to it across the open countryside. It recommended that a small area to the western part of the site adjacent to the current linear housing development is less visible from the listed building and its key views, and has limited significance to the remaining setting. The 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 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 LP0683 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:

Comment ID **APX834**

Site ref (if applicable): **LP0683**

Person ID: **1183484**

Name: **Mrs Carolyn Hamer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

First of all I feel I must point out that there are comments on this plan from people who do not live in the village of Southowram and Bank Top and there is one person who stands to gain financially from selling this land. The local primary school will struggle to take anymore children. There are portacabins in the playground to house the two classrooms that the school cannot fit anymore. This has already resulted in a reduction in space for the children to play and exercise in at break and lunchtime. The main feeder school for Withinfields Primary School is also oversubscribed which then begs of the question 'Where do these children go?'. The local doctors surgery is already under pressure with the amount of patients and parking is a problem. This would create further safety issues on an already busy main road. We only have one bus an hour which does not provide an adequate service. This would create a larger needs for cars due to unreliability of public transport. There is already a large amount of traffic on the main road through as it is

understandably used as a rat run to avoid other busy routes such as Stump Cross and Salterhebble. People struggle to cross the roads during peak times and the junction of Higgin Lane and Common Lane have seen numerous accidents over the year. During autumn particularly, the lowness of the sun in the sky creates further problems and danger to both pedestrians and drivers on the main road. Common Lane is already in a bad state of disrepair from the building of several houses on there. It is a narrow road that is effectively single track in several places. It would struggle to cope with more traffic. During bad weather the water flows down to the field concerned. The Cock and Bottle pub had to create a lip to try and prevent the water from causing flooding in the pub car park and entrance. The field below soaks up this water and the areas surrounding have 'marsh' in their names which tells you the kind of land it is. There is also known to be plenty of wildlife in the area and the area attracts walkers. There is known to be bats which would need to be considered. The area is also agricultural and used massively for farming.

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 **APX997**

Site ref (if applicable): **LP0683**

Person ID: **1176359**

Name: **Mr David 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:

I concur with Historic England and the Conservation Officer Assessment that development on this site would substantially affect the setting of Listed Buildings and important rural views to them across the open countryside. I believe these assessments are more sound than the private land owners who are set to considerably gain financially if 60 dwellings were allocated. As an area that attracts visitors due to the links to the Brontes the fields are an important part of history and heritage of the area. Whether walking on Marsh Lane or Law Lane the views, that are of historical significance, would be spoilt. I also see no evidence of any agreement that I am aware of to allow access over 3rd party land to the reallocated site of 12 dwellings. If access were to be over the Cock and Bottle pub car park this would be dangerous due to the proximity of the Marsh Lane and Higgin Lane access to the main road. There is already an issue with sight lines here. It would also affect the pub to lose car parking spaces and result in more parking around the pub, an issue that already exists when the pub car park is full. If access was to be via the Old Bakery flats car park this would result in similar issues with the proximity to Higgin Lane, Marsh Lane and the pub car park. All of which access the main road in close proximity. As a car park for the flats plus access to the house (11 Bank Top) and Upper Marsh Farm this would cause further problems to highway.

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 **Lpp463**

Site ref (if applicable): **LP0683**

Person ID: **1183174**

Name: **Mr Ian 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?: **Yes**

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

This site lies within a Zone one flood area with evidence of severe flooding in the past even 12 additional houses will disturb the natural water table levels leading to flooding within the remainder of the farmland and also properties around the site. The suggested access arrangements will be detrimental to both the setting of the Listed public house and also Highway and pedestrian safety. Visibility will not meet national highway guidance. Furthermore given the level differences gradients will be dangerous both to access road users and also traffic already using LawLane. Talk of using a mini roundabout at the top of Pinner Lane is folly as the land differences are even greater there and any new accessroad would totally spoil the rural character of Bank Top. Any traffic calming would only serve to increase further issues and delays within Bank Top. The existing (relatively new) 20 MPH restriction has already served to improve highway safety inthe area, an extra 12 houses will add an unacceptable increase in traffic through this already very busy road network. Whilst I have already commented on any new access via the Pub there are the wider issues of the setting of Listed Buildings generally these 12 houseswill have. The Draft report make light of detrimental long termimpact these new houses will have on these significant Listed Buildings and the immediate land around the buildings. Once built we will never again see these buildings in their original setting and this will be a loss for generations to come. If this site is carried forward I would respectfully suggest that they should be kept to a single storey (bungalows) with conditions restricting any roof space (including dormer windows) development

Additional Evidence Link:

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Comment ID **Lpp984**

Site ref (if applicable): **LP0683**

Person ID: **1131784**

Name: **Mr J G Sharp**

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 proposed inclusion of reference of development at Bank Top, Southowram, Halifax. I actually live in this area and I am well aware of the problems which I feel it would cause to the area. I was brought up in the area, always had relatives in the area until I married and moved to another area of Halifax. I then bought a house in Southowram over ten years ago and returned. I have found - yes it is still a nice area to live in but the traffic situation and the public transport situation is now terrible, to put it very politely. In the 50's and 60's there were between 8am and 9am inclusive 9 buses which served a bus service from Southowram to Halifax. There are now none and there is only one bus between 8am and 9am from Halifax to Southowram. I am in a heath situation where I can still walk unaided but at busy times, peak traffic times I find it frightening to cross the road. I am frightened of falling when crossing and find that people have horrific problems crossing such as the elderly and people with children. This is because it is used as a rat run to avoid Salterhebble and Hipperholme. Traffic is nose to tail in both directions and we feel like prisoners but still have to attend doctors and hospital appointments. I note the comments from Pauline Whittle nee Morton. She remarks about a ridiculously high number of properties being practical at this site. I understand that she left the village 50 years ago and went to live at the other side of the Pennines. Yes she did live in the area and owned the land in question. I DO agree with the suggestion that Law Lane, near to Law Hill house would not be a suitable access as it has blind approaches from both sides and as already stated by myself the traffic situation would make this totally inappropriate. Even the smaller development, it has been suggested would have problems with access. Even if the access which also provides access to the listed property at Upper Marsh - Mrs Whittle having sold this more than ten years ago would I feel not be appropriate. The bus stop opposite Sam's minimarket, was previously here in the 40's and mid fifties. It was moved to the outside of what is now the Old Bakery (previously Clifford Morton's butchers shop - Mrs Whittles father) but is now back at it's previous location. I understand this was for safety reasons, which also provided access to Upper Marsh. The other entrance which may be possibly used to the land shown on the plan would be from Common Lane - a single track road which has a sign on it's approach from Bank Top stating it is unsuitable for heavy goods vehicles. As regards the chicken factory I understand that the present planning states it must be removed if it ceases production - being in a green belt. I do feel that this together with other problems already identified makes this site totally unpractical 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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## **Main Issues and Council Response**

## Legal Compliance

### Main Issues:

1. Neighbouring notification - lack of notification of proposal and Local Plan process.  
Consultation arrangements - Many residents in the area do not have access to computers.

### 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. Green Belt - Loss of Green Belt, specifically merging of settlements.
2. Flooding - Increased risk of flooding in the area.
3. Site Access - Access arrangements would raise viability issues. Proposed access would be unsafe. Third party land required to obtain access may impact on deliverability.  
Local Road Network - Inadequate local road network, specifically road safety, congestion and on street parking.
4. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, doctors, bus services.
5. Loss of agricultural land.
6. Ecology - Impact on wildlife including bats.
7. Heritage - Impact on adjacent listed buildings and historical significance of Bank Top. Council's assessment of impact on listed buildings and settlement character contested with regard to the larger site with a capacity of 60 dwellings. Recommendations in HIA should be 'required' in order to be effective.

### 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.
2. The site lies within Flood Zone 1. The Council's Flooding and Drainage Section advises that the site is developable as long as the layout and design are carried out in such a way as to avoid flood risk impacts whilst green infrastructure such as Sustainable Urban Drainage Systems and green roofs are employed to maximise infiltration and storage of rain water.
3. There would be no significant impact on the strategic road network. In relation to the original site Highways Development Management Section noted that given the limited available frontage where a new access could be formed, careful design would be required to avoid an unsafe crossroads layout with Pinnar

Lane and Bank Top. Further, the bus stop on Bank Top (eastbound) would need relocating. Given the need to reduce the site area in response to concerns raised by Conservation Section (Heritage) (see below) further comments from Highways Development Management Section question how access to the highway could be obtained without third party land. If the pub car park were acquired by the developer 12 units could be supported given the historic pub traffic although some traffic calming on the Bank top approaches may be needed to reduce speeds. However, the landowners confirm that they have control over land by The Old Bakery (to the south of the public house) from which the site can be accessed. The Transport Assessment will address the traffic impact on the immediate area and identify any road improvements that may be necessary. Road safety would be assessed as part of any submission.

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 and includes chapters on education healthcare and transport. The IDP is a living document, updated on at least a yearly basis.

5. The majority of the site 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.

6. Various bodies have been consulted regarding the ecological constraints, including Natural England, Yorkshire Wildlife Trust and the Council's Conservation Officer. Site constraints have been identified and mitigation measures proposed, including the provision of a native species rich hedgerow on south western boundary.

7. The Conservation Section (Heritage) advise that development on this site will substantially affect the setting of Upper Marsh Farmhouse and its attached barn immediately west of the site and Law Hill House and adjacent block south east of the site (both grade II Listed Buildings). In both cases development on this site will substantially affect the setting of the listed buildings and important rural views to them across the open countryside which are the major elements contributing to their settings. A small area to the western part of the site adjacent to the current linear housing development is less visible from Upper Marsh Farmhouse and its key views, and has limited significance to the remaining setting. The remainder of the site should be removed from the allocation.

The reduced site capacity is therefore 12 dwellings.

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. Remove site from plan, land should remain as Green Belt.

2. Amend the penultimate Site Specific Consideration to read: "Implementation of the mitigation measures set out in the Heritage Impact Assessment"
3. Revert back to original boundary of site with increased capacity of 60 dwellings.
4. Development should be kept to a single storey (bungalows) with conditions restricting any roof space (including dormer windows) development.

Council's Response:

1. Document EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018) details the process the Council has followed in relation to the site assessment process. The document outlines the various stages of assessment from initial site identification to the implementation of the Sequential Approach.  
The allocation of the site is considered to be consistent with the Council's site allocation methodology.
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.
3. The justification for the reduced site capacity has been outlined in detail in the site summary report.
4. 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.  
In addition Policy BT1 of the Built Environment chapter ensures that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness, in particular any heritage assets.

## Document Section: LP0950 - New Housing Site - Halifax

### Representations

Comment ID **APX1234**

Site ref (if applicable): **LP0950**

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>

Comment ID **APX712**

Site ref (if applicable): **LP0950**

Person ID: **1060997** Name: **Thornton Meat Company Ltd**

Organisation: **Thorton Meat**

Agent ID: **1060998** Name: **Mr Andrew Watt**

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:

None

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5069657>

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Comment ID **Lpp1292**

Site ref (if applicable): **LP0950**

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: Access limitations. There is limitations due to width. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. Housing Technical Paper includes delivery in year 9 and 10 (2026/27""2027/28)

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 **Lpp1347**

Site ref (if applicable): **LP0950**

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: Access limitations. There is limitations due to width. This is one of 41 new housing sites that the Council have added since the February Cabinet meeting. Housing Technical Paper includes delivery in year 9 and 10 (2026/27 "" 2027/28)

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. Deliverability - Concerns over viability of former quarry development, specifically remediation, structural complications, gradient issues, water levels, shading of future development and difficulty with landscaping.

Council's Response:

1. The Council does not have any evidence which suggests the site would be unviable. The landowner has confirmed the site is available and the Viability Study indicates that the site is viable. In terms of remediation, the original planning permission authorising quarrying operations included a condition requiring a scheme of restoration to be carried out. Then prior to development, due to this previous use, ground investigations would be required and a Land Stability Survey would be undertaken. Policies within the Built Environment chapter of the Local Plan address issues such as shading of development and landscaping. With regard to water levels, the Council's Flooding and Drainage Section has commented that Green Lane and Long Lane are subject to flooding during heavy rain, and the land gets very waterlogged at very rainy times. However, it is considered mitigation could be secured by applying green and blue Infrastructure on site such as Sustainable Urban Drainage Systems and green roofs to reduce the infiltration rate of precipitation.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP0968 - New Housing Site - Halifax

### Representations

Comment ID **Lpp1157**

Site ref (if applicable): **LP0968**

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:

LP0968 - Land at West End Golf Club, Paddock Lane, Highroad Well, Halifax, HX2 ONT 4.42 As with LP0221, LP0968 earns the same overall score against the SA objectives as our Client's Site. LP0968 serves two of the Green Belt purposes in comparison to the one purpose our Client's Site performs. 4.43 Our Client's Site is therefore more sequentially preferable for removal from the Green Belt and the allocation of LP0968 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>

### Main Issues and Council Response

#### Legal Compliance

Main Issues:

Council's Response:

#### Test of Soundness

Main Issues:

1. The site has not been assessed fairly and consistently when compared to other sites.

Council's Response:

1.Document EV 51.1 Site Allocations Assessment Methodology - Publication Draft (2018) details the process the Council has followed in relation to the site assessment process. The document outlines the various stages of assessment from initial site identification to the implementation of the Sequential Approach. All sites assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1).

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

**Representations**

Comment ID **APX1023**

Site ref (if applicable): **Lp0990**

Person ID: **1183707** Name: **Miss Sasha Jade Bullock** 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 greenfield site off denfield lane is a great steep site with potential flood risk to the residents below the proposed site. The main road running along side and directly below already create an extremely high volume of traffic. The junction directly opposite proposed site off ramsden street is very dangerous to emerge from and makes it very difficult for vehicles to access properties near by, adding a housing development to this creates an even wider problem as the road is just too narrow to add yet another housing site. Planning permission has already been granted for near by housing development on the previous ovenden pub site at the top of ovenden way. This site is a much loved place for walkers and children alike. Children use this site regularly to keep off the streets as it is not safe for them to play due to the amount of traffic. The greenfield site is a safe place for them to enjoy. Dog walkers also enjoy this site and dog fouling is not an issue in this area. There are a vast amount of animals from owls to deer that reside there. The local badger population has dwindled over time and the proposed site will only add to the problem. It is vital the land is preserved for these animals. The site also has a pathway that has existed for many years which is used by workers alike for a cut through with easy foot access which reduces use of engine politician from busses or cars. The surrounding trees create a right of privacy for current home owners around the area which building dwellings on this area would take away. The trees also act as a barrier in noise reduction. Residents are also afraid that if more houses are built in this area, the crime rate could increase dramatically. Litter is a problem in this area, more dwellings will push the litter amount up meaning more rats in an already problematic rat area. Our rights in access to a GP will be greatly decreased as these facilities are already pushed to breaking point, adding more residents to the area will only make it more difficult to access.

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

Duty to Co-operate Reason:

The highway pollution has not been taken into consideration along with the steepness of the site/ flooding. no mention of protection of the animals that reside here and what will happen if they are to lose their home.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX793**

Site ref (if applicable): **LP0990**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The local community has not been fully informed or fully involved throughout the planning process. There has been no direct involvement with each resident and household via local ward councilors or the Local Authority, in relation to section 'The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications'. Also the site name listing as Denfield Lane is misleading, as all maps now state the roads adjacent to this site are called Wharfedale Mount and Page Hill.

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

Sound Reason:

This proposal would blight an area which has great aesthetic value and is part moorland and is part of the Wildlife Habitat Network and a Wildlife Corridor. It is in very close proximity to existing housing at Moorlands Drive, again many residents are unaware of proposals. There is a very steep incline to the bottom of this proposed site which is in fact moorland. This land is clearly prone to landslip. The lay of the land means this sight is wholly unsuitable for housing development and would also increase risk to flooding and landslips to lower grounds. The site is a valuable green open space, unspoiled. It is used by walkers and dog walkers and occasionally for kite flying. The area should be retained as a green open space given that it is also on the boundary of an already heavily, built up area of Ovenden. People and wildlife need open space areas that are not controlled or bound to restrictive functions, such as sports pitches, as in the adjacent Four Fields.

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

Duty to Co-operate Reason:

Suggested Modifications:

No modifications, as per mentioned I do not believe there can be any, that would justify houses being built on this site.

Additional Evidence Link:

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## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. Consultation - The local community has not been fully informed or fully involved throughout the planning process.

#### Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

#### Test of Soundness

#### Main Issues:

1. Ecology - Impact on wildlife such as badger and deer and impact on the Wildlife Habitat Network.
2. Land stability - Potential land stability issues.
3. Flooding - Increased risk of flooding.
4. Open Space - Loss of well used open space.
5. Local Road Network - Inadequate local road network, specifically congestion and road safety issues.
6. Trees - Loss of trees.
7. Crime - Increased risk of crime and anti-social behaviour.
8. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. doctors.
9. Pollution - Increased air pollution.

#### Council's Response:

1. Conservation Section (Ecology) note that this area contains amenity grassland with scattered trees and brambles and is adjacent to the Wildlife Habitat Network. With mitigation there are unlikely to be significant adverse ecological impacts. These include taking a strip 10m wide along the southern boundary out of the developable area, restoring to acid grassland and managing appropriately. This area has subsequently been removed from the developable area.
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.  
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.
3. The site lies within Flood Zone 1 and a Flood Risk Assessment is required in order to assess any risk of flooding and propose mitigation measures to reduce such risks. As the site is greenfield development has the potential to increase run-off. Drainage section consider that 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.

4. The Safer, Cleaner, Greener Section has advised that the site 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 400m and 1200m catchments of this site to meet the adopted standards and that there are other Green Belt sites performing this function within the 600m catchment. 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.

5. The Council's Highways Development Management Section advises that access is possible off Page Hill subject to traffic calming, in particular on the approaches to the bend. It may also require third party land as part of the garden of number 35 would be needed to widen the road to two car widths on that narrow section. Alternatively the Council own land to the north so this could also be used to widen that part of Page Hill. Junction improvements will probably be required at the Cousin Lane junction, for example, a raised speed table. As the footway is too narrow a pedestrian route through the site to Wharfedale Mount is required with a pedestrian crossing of that road. A Transport Assessment would also be required with any forthcoming submission that would assess road safety impacts of development.

6. There are no protected trees on the site. Policy BT3 - Landscaping of the Built Environment chapter ensures that landscaping schemes include details of the retention of existing trees, hedgerows, priority habitats, walls, fences, paving, and other site features which contribute to the character and amenity of the area.

7. Policy BT5 - Designing Out Crime of the Local Plan ensures that designing out crime and designing in community safety should be central to the planning and delivery of new development. The policy includes a range of criteria that the development proposal must have due regard to.

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. The IDP is a living document, updated on at least a yearly basis and contains a chapter on healthcare provision.

9. 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.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. The area should be retained as a green open space.

Council's Response:

1. The Safer, Cleaner, Greener Section has advised that the site 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 400m and 1200m catchments of this site to meet the adopted standards and that there are other Green Belt sites performing this function within the 600m catchment. 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.

## Document Section: LP1004 - New Housing Site - Halifax

### Representations

Comment ID **APX431**

Site ref (if applicable): **LP1004**

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 & assessment of archaeological remains (PRN6673), in 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:

Comment ID **APX674**

Site ref (if applicable): **LP1004**

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 Warley Conservation Area. The Heritage Impact Assessment considered that Development on the site could substantially affect the setting of the conservation area, if the mature tree belt is lost and key views of the conservation area through the site. Loss of historic buildings on the site

would also impact on the character of the site and understanding of previous historic function. The extent of the current allocation 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. 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 LP1004:- (a) Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Consideration:- "The buildings identified in the Heritage Impact Assessment as making an important contributing to the character of the Conservation Area should be retained and reused"

Additional Evidence Link:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - 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 second Site Specific Consideration to read:-  
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”  
- Add the following additional Site Specific Consideration:-  
“The buildings identified in the Heritage Impact Assessment as making an important contributing to the character of the Conservation Area should be retained and reused”
2. Need to add requirement for assessment of archaeological remains (PRN6673), in Reports Required section.

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. WYAAS has been consulted as part of the site assessment process and has commented that although the site is situated within a Conservation Area, there are no apparent direct archaeological implications.

## Document Section: LP1009 - New Housing Site - Halifax

### Representations

Comment ID

Site ref (if applicable): **LP1009**

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:

### Main Issues and Council Response

#### **Legal Compliance**

Main Issues:

Council's Response:

#### **Test of Soundness**

Main Issues:

1. Open Space - Loss of open space, specifically loss of playing fields.

Council's Response:

1. Sport England object to the loss of an outdoor sports facility but the Council's Safer Cleaner Greener Section advises that it is not required to meet any shortfalls in current or future provision with the amount of open space in the area meeting the required standard, although some of it is low quality. Therefore, any development should require the existing open space to be enhanced.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1019 - New Housing Site - Halifax

### Representations

Comment ID **APX432**

Site ref (if applicable): **LP1019**

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.

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 **APX675**

Site ref (if applicable): **LP1019**

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 is a large group of Listed Buildings to the east of this area including Holdsworth House which is a Grade II\* Listed 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 if the mature tree belt were to be lost from the east boundary of the site then development would substantially impact on the setting of the listed buildings through the visible urbanisation of their 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. 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 LP1019:- (a) Amend the fourth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Consideration:- "The mature tree belt along the site's eastern boundary shall be retained and reinforced" (c) Amend the extent of the Indicative Developable Area to exclude the tree belt along the site's south-eastern boundary.

Additional Evidence Link:

Comment ID **Lpp1159**

Site ref (if applicable): **LP1019**

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:

LP1019 - Land adjacent to White House Farm, Riley Lane, Holmfield, Halifax, HX2 9SZ 4.46 Site LP1019 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. 4.47 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>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Heritage - Recommendations in HIA should be 'required' in order to be effective.
2. The site has not been assessed fairly and consistently when compared to other sites.

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

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

### **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”

- Add the following additional Site Specific Consideration:-

“The mature tree belt along the site’s eastern boundary shall be retained and reinforced”

- Amend the extent of the Indicative Developable Area to exclude the tree belt along the site’s south-eastern boundary.

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: LP1137 - New Housing Site - Halifax

### Representations

Comment ID **APX1117**

Site ref (if applicable): **LP1137**

Person ID: **1183389** Name: **Mrs Keeley Hoyle** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX290**

Site ref (if applicable): **LP1137**

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: YW Route 275kv two circuit route from Bradford West substation in Bradford to Elland substation 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>

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Comment ID **APX474**

Site ref (if applicable): **LP1137**

Person ID: **1128001**

Name: **Mr Martin Mcdonagh**

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 **APX477**

Site ref (if applicable): **LP1137**

Person ID: **1128001**      Name: **Mr Martin Mcdonagh**      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

Site ref (if applicable): **LP1137**

Person ID: **1128001**      Name: **Mr Martin Mcdonagh**      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

Site ref (if applicable): **LP1137**

Person ID: **1128001**      Name: **Mr Martin Mcdonagh**      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. The proposed sites are crossed by a National Grid high voltage electricity transmission overhead line. National Grid prefers buildings are not built directly beneath its overhead lines.

Council's Response:

1. Land beneath highvoltage lines can be incorporated into the design of the development scheme.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP1180 - New Housing Site - Halifax

### Representations

Comment ID **APX433**

Site ref (if applicable): **LP1180**

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 Listed buildings & Conservation Area in Reports Required section, to comply with NPPF. (This is separate to the archaeological evaluation / recording).

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 **APX676**

Site ref (if applicable): **LP1180**

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 includes two Grade II\* Listed Buildings. This site lies close to the boundary of the Ackroyden Conservation Area. 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 this site could substantially affect the special character and setting of the listed mill buildings and important views of them within the landscape. However, this site presents an opportunity to address highly graded designated heritage assets currently vacant and in need of restoration, which are at risk. 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 LP1180:- (a) Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"(b) Add the following additional Site Specific Consideration:- "The undeveloped areas surrounding the Listed Buildings identified in the Heritage Impact Assessment as being of High Sensitivity shall remain free of development"  
"Development proposals shall secure the repair and sensitive restoration of the Listed Buildings"

Additional Evidence Link:

Comment ID **APX902**

Site ref (if applicable): **LP1180**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site has been altered and increased in size from the initial draft plans released in 2017 for comment. There has been no direct updates or engagement from the Local Authority or any Ward Councillors in relation to ' The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.'

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

Sound Reason:

The fact that this plan has increased and the site specific considerations are to include removal of deciduous woodland, is contrived and of complete detriment to the ecology of this land. There are many, well established native tree species on the very steep slopes surrounding this site, all of which play a vital role, in mitigating carbon emissions from the main and busy A169 Ovenden Road and reducing flood risk from Ovenden Brook leading to Hebble Brook. Areas such as Dean Clough have suffered natural flooding events in recent years. This would be exasperated by the removal of such trees. The area has rewilded over many years and now includes many native tree and plant species, wildlife and invertebrates. It is also an area, as previously stated in the initial draft 2017, where a rare Black Fox has been well documented and known to inhabit this area with a family of foxes. This area is an important part of the Wildlife Habitat Network connecting other areas of biodiversity of Ovenden Brook, Near Royd and Wheatley valley. Any development of the Old dye works mill, should be done with the above in mind. It would be reckless to spoil the historic importance and significance of the listed mill. Sensitivity to any redevelopment of it, should include enhancement of the natural environment which surrounds it, which cannot be done, by destroying and removing the natural fauna and flora and wildlife habitat, potentially making species locally extinct. There is significant risks to pollution of Ovenden Brook leading to Hebble Brook, from excavation and surface run off from transport. The area and Ovenden Wood, has been unnecessarily neglected by Calderdale Council and the site owners, over many years since the dye works closed. It has suffered regular fly tipping incidents and vandalism to the mill from access via Old Lane. This is unacceptable. The woodland used to be a beautiful walk and still could be, if the site was looked after and cleared of all the fly tipped rubbish.

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

Duty to Co-operate Reason:

As per mentioned reasons in non compliance and not a sound plan.

Suggested Modifications:

The only mitigation to this plan, would be to abandon development of the whole site, leave re-wilded and wooded areas alone and enhance green spaces and preserve and sensitively, redevelop the listed the mill, potentially for residential purposes, but limited parking to encourage available public transport links or walking to the town centre, a short distance away to further mitigate and offset carbon footprint.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074024>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Neighbour notification - lack of notification of proposal and Local Plan process.

Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

## Test of Soundness

### Main Issues:

1. Ecology - Impact on wildlife such as black fox and the Wildlife Habitat Network.
2. Trees - Impact on air pollution from Ovenden Road and land drainage due to tree loss.  
Flooding - Increased risk of flooding.
3. Heritage - Impact on listed building on site. Recommendations in HIA should be 'required' in order to be effective.

### Council's Response:

1. West Yorkshire Ecology Service notes the presence of lowland mixed deciduous woodland on part of the site (Habitat of Principal Importance) which is also part of the woodland network. The woodland should be removed from the developable area reducing it by 1.09ha to 1.50 ha. The developable area has been redrawn accordingly.

The Council acknowledges that the Wildlife Habitat Network is not referred to in the summary of constraints box and would be agreeable to its inclusion.

2. 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.

JBA Consulting notes that whilst the majority of the site lies within Flood Zone 1 some very small areas fall within Zones 2, 3a and 3ai. There is also a risk from surface water flooding on part of the site and they recommend the site be withdrawn. However, this assessment did not take account of the type of scheme now being considered to secure the future of the listed buildings with only very limited new build in the grounds of the mill. Flooding and Drainage Section recognises the risk of flooding but consider it is developable subject to a hydrological assessment and flood risk assessment of Ovenden Brook as well as a surface water assessment with management through a Sustainable Drainage Systems approach.

3. 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. A HIA has been carried out in this instance to assess the impact of development on the two grade II\*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. Abandon development of the whole site, leave re-wilded and wooded areas alone and enhance green spaces and preserve and sensitively, redevelop the listed the mill, potentially for residential purposes, but limited parking to encourage available public transport links or walking to the town centre, a short distance away to further mitigate and offset carbon footprint.

2. Reference Wildlife Habitat Network.

3. Amend the second Site Specific Consideration to read:-

“Implementation of the mitigation measures set out in the Heritage Impact Assessment”

- Add the following additional Site Specific Consideration:-

“The undeveloped areas surrounding the Listed Buildings identified in the Heritage Impact Assessment as being of High Sensitivity shall remain free of development”

“Development proposals shall secure the repair and sensitive restoration of the Listed Buildings”

#### Council's Response:

1. West Yorkshire Ecology Service notes the presence of lowland mixed deciduous woodland on part of the site (Habitat of Principal Importance) which is also part of the woodland network. The woodland has been removed from the developable area reducing it by 1.09ha to 1.50 ha.

The HIA states that the site presents an opportunity to address highly graded designated heritage assets currently vacant and in need of restoration, which are at risk. As such, ways to secure the repair and incorporate sensitive restoration of the listed buildings shall be incorporated in any development scheme. 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.

2. The Council acknowledges that the Wildlife Habitat Network is not referred to in the summary of constraints box and would be agreeable to its inclusion.

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.

## Document Section: LP1197 - New Housing Site - Halifax

### Representations

Comment ID **APX1213**

Site ref (if applicable): **LP1197**

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:

### Main Issues and Council Response

#### **Legal Compliance**

Main Issues:

Council's Response:

#### **Test of Soundness**

Main Issues:

1. Open Space - Loss of playing field.

Council's Response:

1. The Open Space Study identifies the site as a cricket ground which should be retained although evidence suggests the cricket ground is no longer in use. Safer, Cleaner, Greener Section advises that two cricket teams looking for a ground have considered this site recently but were unable to do so because of a covenant. However, Safer, Cleaner, Greener Section also advise that following the 2017 Playing Pitch Strategy, whilst not explicitly stated that there is an excess of provision, the conclusion is that there is sufficient cricket provision to meet current and future needs provided that pitch and ancillary facility quality issues with existing facilities are addressed.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1215 - New Housing Site - Halifax

### Representations

Comment ID **APX1235**

Site ref (if applicable): **LP1215**

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>

Comment ID **APX1247**

Site ref (if applicable): **LP1215**

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 adjacent to permitted waste site EAWML 60760 (M B Wood). No previous issues recorded for this permitted site. However, there is the potential for complaints arising from occupants of any new development. Both these proposed housing developments are also with 1km of

Swalesmoor, which is home to a number of waste and installation permits, and waste exemptions. We have over a number of years had long standing odour issues at this location.

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>

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Comment ID **APX51**

Site ref (if applicable): **LP1215**

Person ID: **1060453**

Name: **Mr Ian Gaukroger**

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 land is suitable for development and has got good access and will not affect any neighbours or 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 **APX792**

Site ref (if applicable): **LP1215**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

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 in relation to proposals to build nearly 500 homes across the road, at Near Royd LP1229 would mean further infringement and destruction of greenbelt and greenfield land. This would spoil the ecology and aesthetics of the area. This is a very, high hillside white steep inclines, prone to landslip and flooding. Boothtown needs to retain it's moorland and greenfield areas for the mitigation of surface run off and to support a dwindling and important Wildlife Habitat Network linking to the upper and lower land areas of this hillside.

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

Duty to Co-operate Reason:

Suggested Modifications:

I cannot see any circumstances to support the proposals for housing in this area therefore cannot suggest modifications that would make this site sound.

Additional Evidence Link:

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Comment ID **Lpp1295**

Site ref (if applicable): **LP1215**

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 does not relate well to the settlement edge, there are topography issues, as well as existing trees, and noise issues due to proximity to commercial uses. It is considered that this site should be considered as a windfall, should it come forward. The Housing Technical Paper suggests a delivery in year 4 (2021) and also confirms there is no known housebuilder interest "" confirming our doubt regarding its deliverability.

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 **Lpp1348**

Site ref (if applicable): **LP1215**

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 does not relate well to the settlement edge, there are topography issues, as well as existing trees, and noise issues due to proximity to commercial uses. It is considered that this site should be considered as a windfall, should it come forward. The Housing Technical Paper suggests a delivery in year 4 (2021) and also confirms there is no known housebuilder interest "" confirming our doubt regarding its deliverability.

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. Environmental Health - Proximity to waste site EAWML 60760 and Swalesmoor (waste and installation permits and waste exemptions).
2. Odour and noise issues.
3. Trees - Loss of trees.
4. Green Belt - Loss of Green Belt.
5. Loss of greenfield.
6. Ecology - impact on ecology.

7. Land stability - Potential landslip.
8. Flooding - Increased risk of flooding.
9. Deliverability - No known housebuilder interest.

Council's Response:

1. The site is in close proximity to the former landfill site at Ringby Quarry, and well as Swales Moor Farm which hosts a number of regulated activities, some of which have given rise to complaint in the past. An appropriate mitigation/study will be required, for example, which assesses the landfill gas risk.
2. Environmental Health has raised the issues of road noise, and stated that consideration would need to be given to the impact of road traffic noise on dwellings, including outdoor areas. A Noise Impact Assessment would be required.
3. There are no protected trees on the site. Development proposals will be required, where appropriate, to be accompanied by landscaping schemes that include good quality hard and soft landscaping. The scheme should be implemented in full within an agreed timescale and include details of the retention of existing trees, hedgerows, priority habitats, walls, fences, paving, and other site features which contribute to the character and amenity of the area.
4. 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. While the overall parcel within which the site is located performs strongly when assessed against the five green belt purposes, when assessing the revised boundary of the specific site, it performs poorly.
5. 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.
6. Development will have no impact on any environmentally sensitive areas.
7. 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.
8. The site falls entirely within Flood Zone 1, and one drainage issue has been raised in the past. As the site is predominantly greenfield, consideration should be given to surface water management and SuDS.
9. 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. Where landowners have indicated that there is yet to be a committed housebuilder, this

has been reflected in the housing trajectory, but is not a reason for the site to be filtered.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1216 - New Housing Site - Halifax

### Representations

Comment ID **APX1065**

Site ref (if applicable): **LP1216**

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 would expect species rich grassland to be retained on site. PEA and protected species surveys will be required alongside a sensitive landscape plan (including SuDs) to ensure there is no fragmentation of CWHN and 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 **APX292**

Site ref (if applicable): **LP1216**

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:

YW Route 275kv two circuit route from Bradford West substation in Bradford to Elland substation 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 **APX434**

Site ref (if applicable): **LP1216**

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 Listed buildings, to Reports Required section, to comply with the NPPF. (This is separate to the archaeological desk-based assessment/ field 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:

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Comment ID **APX677**

Site ref (if applicable): **LP1216**

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:

Boothtown House and its gatepiers and 21 to 25 Hall Street North are Grade II Listed Buildings. The Heritage Impact Assessment considered that development will affect the setting of the listed buildings and wider views across the landscape. It felt that development of poor quality and design immediately adjacent to the listed buildings, or causing loss of buildings of merit could further harm the 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 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 LP1216:- (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 buildings identified in the Heritage Impact Assessment as making an important contributing to the character of the Conservation Area should be retained and reused"

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 - Recommendations in HIA should be 'required' in order to be effective.

Council's Response:

1. There is semi improved species rich grassland within the site. West Yorkshire Ecology has therefore recommended that approximately 3ha are removed from the developable area. This has been confirmed by the Council's Conservation Section (Ecology). However, the owners are undertaking a botanical survey on the area which has been recommended for exclusion. These results are not yet available, but could affect the capacity of the site.  
A bat survey would also be required with any forthcoming submission.
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.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Species rich grassland to be retained on site.
2. Preliminary Ecological Appraisal and protected species surveys required alongside a sensitive landscape plan (including SuDS) to ensure there is no fragmentation of CWHN and a net gain in biodiversity.
3. Amend the penultimate Site Specific Consideration to read:-  
"Implementation of the mitigation measures set out in the Heritage Impact Assessment".  
- Add the following Site Specific Consideration:-  
"The buildings identified in the Heritage Impact Assessment as making an important contributing to the character of the Conservation Area should be retained and reused".

Council's Response:

1. There is semi improved species rich grassland within the site. West Yorkshire Ecology has therefore recommended that approximately 3ha are removed from the developable area.
  
2. The Council acknowledges that the Wildlife Habitat Network is not referred to in the summary of constraints box and would be agreeable to its inclusion.  
The Council's Conservation Officer (Ecology) has been consulted and has recommended various mitigation measures such as the requirement for a bat survey, the need for a long term ecological management plan and boundary treatment.
  
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.

## Document Section: LP1229 - New Housing Site - Halifax

### Representations

Comment ID **APX1003**

Site ref (if applicable): **LP1229**

Person ID: **1183467**

Name: **Miss Fiona Skipper**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The process of community involvement has not been executed effectively

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

Sound Reason:

The plan has failed to take in to account the impact on wildlife, a 10 meter allocation from the wood will not compensate for the fields where birds of prey and deer frequent especially throughout the winter months. The development of the site will also a large amount of other wildlife including bats and water species. The development sites that have been allocated through out calderdale are very focused around the oviden illingworth area, with this already being a densely populated area could the council not look at redeveloping sites rather than adding to an area that is already under strain especially as far as schools and transport is concerned. and taking away from what makes Halifax appealing, which is its greenfield and greed belt sites. There is an impact to existing residents which has failed to be taken in to account, which is the view which will be destroyed, this directly impacts over 40 houses that this will back on to and the 100's of other houses that look on to this hill side. This will have a direct impact on the value and appeal of the properties, does the council intend to compensate these residents for the financial impact it will have on them in the future?

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 **APX1008**

Site ref (if applicable): **LP1229**

Person ID: **1183483**

Name: **Miss Deborah Butterworth**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There has been a total lack of informing local residents

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

Sound Reason:

There are plenty of derelict buildings in Halifax that could be re-purposed instead of taking away our green space, the council have not considered the feelings of the community and should look at alternatives.

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 **APX1045**

Site ref (if applicable): **LP1229**

Person ID: **1183889**

Name: **A 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:

See attachement

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/5075790>

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Comment ID **APX1154**

Site ref (if applicable): **LP1229**

Person ID: **1185030**

Name: **Mr Graham Walker**

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 submitted via Cllr Anne Collins

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/5085237>

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Comment ID **APX1162**

Site ref (if applicable): **LP1229**

Person ID: **1185050**

Name: **Frank Hodgson**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Having just received notification on the plans to build houses across from our house in Shay Lane I am writing to object to this taking place. Living on the road side now is very bad with the traffic going past all times of the day and night .it needs someone to live here to know just how bad it is. Anymore traffic on here and i am talking from experience nobody will be safe to cross the road or walk on the pavement even that is very dangerous as they mount the pavement to get passed waitng traffic going into keighley road from Shay Lane. Also the people who own there own houses were told they would not build in that area as the banking going down to the stream was not strong enough to hold up to it. Also what about the countryside and wild life that is there thats going to destroy all that??

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 **APX1246**

Site ref (if applicable): **LP1229**

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 adjacent to permitted waste site EAWML 60760 (M B Wood). No previous issues recorded for this permitted site. However, there is the potential for complaints arising from occupants of any new development. Both these proposed housing developments are also with 1km of Swalesmoor, which is home to a number of waste and installation permits, and waste exemptions. We have over a number of years had long standing odour issues at this location.

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>

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Comment ID **APX219**

Site ref (if applicable): **LP1229**

Person ID: **1062478**

Name: **Mr Keith Midgley**

Organisation:

Agent ID: **1062476**

Name: **Mr Ian Swain**

Organisation: **WBW Surveyors**

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

Legal Compliance Reason:

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

Sound Reason:

The allocation of site LP1229 is supported. The land owner (K Midgley) is willing to make his land available for residential development. The site is very sustainably located. There are no other potential housing sites of such scale that are located so close to the centre of Halifax. Furthermore, the site has excellent connections to public transport routes along Ovenden Road. This will therefore be to the benefit of helping to reduce traffic and congestion within the town. The land is enclosed by existing built development to the north, west and south. Development on the land would be a sensible rounding off the existing settlement. It would not have any significant impact on the open character of the wider countryside. The site lies within Flood Zone 1 and is not at risk of Flooding. Access onto the local highway network is achievable. The agricultural value of the land is limited given its sloping nature. Development on the site

is unlikely to give rise to any unacceptable wildlife or ecological impacts. The land is no longer suitable for its current agricultural use. It is enclosed by existing residential development and the landowner very rarely keeps livestock on the land. This is because the landowner has had numerous dog attacks, and many acts of vandalism and petty theft. He has also had two land rover vehicles stolen. All of this can be documented if required. A new use for the land is therefore required that is compatible with adjacent land uses. It is therefore appropriate to release the land for development, to help meet the Council's housing needs. In summary, providing residential development on the land would not have any unacceptable impacts.

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

Duty to Co-operate Reason:

Suggested Modifications:

N/A

Additional Evidence Link:

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Comment ID **APX293**

Site ref (if applicable): **LP1229**

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: YW Route 275kv two circuit route from Bradford West substation in Bradford to Elland substation 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 **APX758**

Site ref (if applicable): **LP1229**

Person ID: **1183330**

Name: **Ms Janet Atkinson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The site area proposed for development has increased since the initial draft for comments closed in 2017. The areas on the plan for development also include WHN. Areas of extension from the previous publication include land considered potentially unstable. There have been no local consultation meetings made available for all of the people of Ovenden and Boothtown, local MP's have not made efforts to engage all their constituents and many people are still unaware of the impacts of the Local Plan.

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

Sound Reason:

It is not reasonable or true, to dismiss these green field sites as unsuitable for use other than housing development, simply because a farmer has personally failed to make a living from the land. His other claimed personal misfortunes relating to property, are irrelevant to the future use and decisions made over this beautiful hillside. This hillside forms part of the green belt. Intensifying housing in between already heavily built up areas would have negative effects on the overall infrastructures and worsen social problems and tensions. There is also increased risk of pollution to Hebble Brook, flooding and landslips which cannot be ignored. The ongoing studies and investigations/monitoring of EMF's specific to National Grid pylons in the area, should also be taken seriously into account when deciding suitable places for people to live. This natural and ancient green field site and hillside, should be considered for both agricultural uses and for Wildlife Zones incorporated into a schools network - by twinning local primary schools with local farms and farm land. All children, should be given an opportunity to engage with nature and wildlife in North Halifax and learn about biodiversity and the natural world. Engagement with nature and greenfield sites is proven to be of great benefit to our well being and mental health. This includes children. This area is ideal in that it could greatly benefit the young people of Ovenden, Holmfield, Lee Mount and Boothtown. This site is actually rich in wildlife and has a number of native mature trees, which should be retained. Trees mitigate pollution and flood risk. There is high level traffic pollution in the areas

of both Ovenden and Boothtown, due to traffic volumes from nearby Boothtown Road and Ovenden Road plus the area's proximity to the town centre, and along with Keighley Road - these are the only main commuter routes to and from Halifax town centre. To offset carbon emissions and to consider such proximity to Green Belt, the area should be retained for both its aesthetic value and biodiversity, but also for the above consideration to utilize for local people and schools. Children now more than ever, need to engage with the outside world, in peaceful, calming places, where they can not only learn about conservation, but have the opportunity to work, to create wildlife habitats including ponds and in turn not only benefit our vulnerable native species of birds, insects and animals, but better their well being and improving mental health and behavioral problems. Too many young people are being left unexposed to nature and this in turn will affect their mental health in the most important years of their lives, right through to adulthood. North Halifax has potential, to pioneer such land use for the good of the people and the environment. It could be rewilded, the area has great agricultural potential, even bee keeping projects. It should not be dismissed as a primary development area for a few, only to impact negatively on the environment, wildlife and the people who need these vital areas of open space for decades to come. The area would be ruined by extensive housing development.

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

Duty to Co-operate Reason:

In reference to all of the above. I do not fully understand the meaning of 'Duty to Co-operate' and I doubt many who are commenting will either. Therefore I cannot comment as to whether it complies or not.

Suggested Modifications:

It is vital, that there is better people engagement in relation to Local Plan of which there hasn't been. The majority of people in North Halifax are still unaware, of the Local Plan and are as a result underrepresented. It should be mandatory that all local councilors engage without bias, effectively with all their constituents and hold well publicized meetings and Councillors should be open to engagement with constituents to explain Local Plan. This has not happened. I don't believe Calderdale Council have acted fairly by relying on a local newspaper, to ineffectively 'spread the word' about Local Plan and deadlines. I believe residents should have been informed individually by Calderdale council.

Additional Evidence Link:

Comment ID **APX952**

Site ref (if applicable): **LP1229**

Person ID: **1183477**

Name: **Ms Sally Harrop**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Insufficient efforts have been made to consult with people directly affected by the developments. Some still don't know what is happening, and the SCI seems to rely on people knowing about the Local Plan, and having signed up for emails, or buy the Halifax Courier. Letters should have been sent to those most affected. Most of the methods outlined in Section 2.10 and table 3.2 of the SCI do not seem to have been implemented. Those that have been insufficient, put the onus on a resident already knowing about an application, or rely upon out-dated methods (newspapers and site notices).

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

Sound Reason:

There will be increased pressure on local infrastructure and services, especially in conjunction with employment allocation LP1231 and other development along Shay lane and A629, on what is currently agricultural green belt. There are potential safety issues on Shay Lane, as hundreds of school children use Shay Lane on foot at relevant times. The Report states that there will be no significant increase in traffic, which is disingenuous. Each of these sites should not be taken a separate entities "" the combined impact on infrastructure and services will be significant. Provision of local healthcare is already woefully inadequate. According to policy IM7, " Master Planning of Housing Sites Master planning is required for all strategic housing sites with a capacity for 500 or more dwellings. In relation to allocated housing sites below this threshold, the Council will expect the Design and Access Statement to include evidence that the criteria set out under the bullet points in this policy have been taken into account in preparing the application. The production of a master plans for strategic housing sites should involve the all relevant stakeholders, including the Council, infrastructure providers, landowners, developers, the local community, service providers and other interested parties. Master plans should be developed in consultation with the Council prior to the submission of a planning application. Master plans should achieve the following (proportionate to the scale of development): an indicative development layout and phasing and implementation plan; high standards of design that respect the character of the landscape, heritage, adjacent and nearby settlements and built development, reflecting the urban to rural transition with appropriate boundary treatment; make effective use of the site through the application of appropriate densities in terms of scale, height and massing, and its relationship to adjoining buildings and landscape; create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness; plan for integrated development, providing for a mix of housing that addresses the range of local housing needs, and encourages community cohesion; reduce the need for car use and encourage sustainable modes of travel, including provision for public transport, cycle routes, footpaths and bridleways, including the roll-out of 20mph zones across the Borough; a network of permeable and interconnected streets and public spaces which also contributes to the security of the site through appropriate design; measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks; An assessment of the impact of the development on existing and planned infrastructure, and identification of new infrastructure requirements resulting from the development. Measures to ensure timely delivery of new and improved infrastructure. appropriate employment provision and community facilities to serve the new development (including local shops, community halls, schools and health facilities); accessible open space to meet identified local needs and/or increase accessibility to existing open spaces; a green infrastructure strategy, providing an integrated network of green spaces and space for water and associated habitat and biodiversity; facilitate opportunities for local/community led food production either through the provision of dedicated spaces such as allotments, growing space within dwelling curtilages or food based communal landscaping; appropriate measures to mitigate flood risk and ensure that the development is resilient to the potential impacts of climate change; assessment of the potential for energy efficient design including renewable energy schemes; and demonstration of a good understanding and respect for the natural environment, its heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the natural environment and heritage assets will be conserved and enhanced. A management plan should be produced as part of the master-planning process to demonstrate how infrastructure and community assets will be maintained and managed following completion of development. In relation to the two Garden suburb sites identified in the Local Plan, the Council will expect master plans to demonstrate how the design will achieve enhanced public access to high quality open space. The Council will expect subsequent planning and reserved matters applications affecting smaller parcels of land within strategic sites to accord with the principles established through the master planning. In cases where the balance of consideration indicates that the above criteria have not been

satisfactorily addressed the application will be refused. " LP1229 proposes 474 dwellings, which is slightly under the above limit, HOWEVER LP1216 is immediately adjacent to it, and would add a further 197 dwellings using the same access points and local infrastructure and services. Are LP1229 and LP1216 created as separate plots to get around this? On the Site Assessment Report, the site is described as being gently sloping, which is insincere. The site is certainly not all on a gentle slope (5-9%); the Churn Milk Lane end is at least moderate (9-15%), and the whole site had varied steepness. Indeed it is this steepness which keeps being thrown up as making the land of low agricultural value. It seems strange that the agricultural value is seen as low, because of the sloping nature of the site, when hill farmers in Wales, the Lake District and Scotland seem to manage quite well. Accessibility to this site, given the steepness of the slope, will be an issue to people who have disabilities, are old, people with young children, and their needs should be taken into consideration. Increased air pollution is inevitable from increased traffic from this and other close-by developments in an already congested area. This contravenes the Council's own strategy. Air quality is already a national concern. The added congestion on Shay Lane and A629 caused by increased road traffic will reduce air quality even further. Building works will cause further air pollution while the site is under development, which should be controlled. There is a UK BAP priority habitat adjacent to Ovenden Brook, which should be protected. Since pipeline disruption 15 or so years ago, the woodland immediately alongside the beck is locally native (apart from the odd sycamore), having developed naturally from self-seeding, has developed well, provides a wildlife corridor and supports a huge amount of wildlife, including birds, bats, deer, badgers, insects, birds of prey, and hedgehogs among other things. This area should be left undeveloped and with its own stand-off along the whole length. It would be a great shame if this area was cut back with a view to restoring it later, which would result in the immediate loss of habitat, and remove a natural dust- and visual- screen for houses that overlook the site. An addition portion of stand-off, planted to this with similar species would be welcome, but what is there should be retained. It is not clear from the Plan whether anyone from the Council's conservation section has actually seen the beck and its existing trees, rather than just viewed it on a map, given the repeated mantra to plant locally native species when it already has these. Loss of other woodland habitat and hedgerows on the remaining site should be ameliorated by native planting, rather than ornamental planting. The beck currently has native trees growing very close; the notion to 'minimise light pollution ... on the beck' should not include the removal of more trees in this area. Removal of lowland mixed deciduous woodland UK Biodiversity Action Plan priority habitat should be kept to a minimum, and replaced afterwards. It is priority habitat after all. The visual impact for those who directly overlook the site will be hugely detrimental. Added to this is the loss of visual amenity by the proposed new waste plant at Swales Moor, which will be visible to the same houses. The overall report summary is disingenuous. It makes the site sound like it is currently hemmed in by existing urban area, when a quick look at the map shows this is not the case. The Report itself states that the adjacent land is mostly agricultural, with scrubland as well as industrial and residential in Current Land use section, so is inconsistent.

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

Duty to Co-operate Reason:

I can find no evidence of compliance within the Calderdale Local Plan Publication Draft 2018

Suggested Modifications:

see above

Additional Evidence Link:

Comment ID **APX955**

Site ref (if applicable): **Lp1229**

Person ID: **1183464** Name: **Miss Kayleigh Hawley** 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 **APX965**

Site ref (if applicable): **LP1229**

Person ID: **1183499** Name: **Ms Lisa McKnight** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

I am a local resident, and yet, like my neighbours, I was completely unaware of this proposal until the day before the deadline to make online comments. There have been no notices, leaflets, letters or emails raising this proposal. From previous comments I gather there was something in the local paper. The local paper is no longer read by a representative cross-section of the population, and as such is not an adequate or thorough enough means of communicating a proposal "" a development of 447 houses- with such potential wide ranging impact. It certainly does not constitute community involvement or consultation.

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

Sound Reason:

The site proposed for development includes two UK Biodiversity Action Plan Priority Habitats: River Water Body (Ovenden Brook) and Lowland Mixed Deciduous Woodland. In the fields and along the brook are mature trees as well as established planted trees benefitting from 15 years growth. These provide habitats for a range of species, seen regularly by residents "" such as sparrowhawks, owls, roe deer, hedgehogs and the rare black fox, as well as BAP priority species such as pipistrelle bats, water voles and damselflies. The Local Plan itself states that: "Green Belts have a positive role to play in fulfilling the following: to provide opportunities for access to the open countryside for the urban population; to provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure

nature conservation interest; and, to retain land in agricultural, forestry and related uses." And that "Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt." The site is clearly used by animals as a wildlife corridor and the Local Plan, as part of its Climate Change policy states: "Development proposals should contribute to mitigating and adapting to the predicted impacts of climate change by: Creating, protecting and enhancing biodiversity habitats, taking care not to create barriers to the movement of wildlife over the wider landscape" The proposed site, is already affected by three roads with heavy traffic " Shay Lane, Keighley Road and A647 Queensbury Road. This development would increase air pollution, light and sound pollution. The Local Plan states: " Pollution is the presence of, or introduction of, substances or energy (sound energy or heat) into an environment where those things would normally be present in much smaller quantities. Pollution causes adverse health risks and damages amenity and the environment"; The NPPF, whilst encouraging positive planning to support local development, also seeks to protect the environment and community from pollution from new developments and protect new developments from pollution from existing developments." Development has the potential to harm the environment via pollutants to the air, soil or water courses. Such pollution can take many forms to include air pollution, noise pollution, light pollution and river and water pollution. The Local Planning Authority (LPA) will need to consider the impacts of potentially polluting development on amenity and surrounding uses." When Hebden Bridge, Elland and Todmorden were so devastatingly flooded, in this area, the water level in the brook was very high but we were lucky to not be seriously flooded. Would this be the same with the removal of trees and grassland to soak up the rain and protect the banks of the brook? Or would the increased tarmac and concrete result in surface water run off and flooding? These are serious concerns. The Local Plan states: "Flood risk is predicted to increase as a result of climate change and the associated extreme weather events. However, climate change is not the sole factor to take into account, other factors include the capacity of existing infrastructure. The role of Natural Flood Management is an important consideration in reducing flood risk. Sustainable drainage systems and other forms of 'Green Infrastructure' such as green spaces and increased tree cover can assist existing infrastructure in accommodating heavy rainfall and can free up water storage capacity." And as part of its Climate Change policy, it states "Development proposals should contribute to mitigating and adapting to the predicted impacts of climate change by: Protecting and enhancing Green and Blue Infrastructure Networks, acknowledging the benefits these can bring; Minimising flood risk, limiting surface water run off" In summary, this proposal is in direct conflict with other policies outlined in the Local Plan. Further, as a resident, I also share the concerns, raised by National Grid PLC with regard to the electricity pylons, and to safety clearance not being infringed.

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

Duty to Co-operate Reason:

N/A

Suggested Modifications:

I agree with the suggestion made by National Grid PLC that "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." This site, if it is on the market, could instead be used more imaginatively and in keeping with the Local Plan's environment and climate policies. As suggested in other comments, particularly if it were enabled to become even more biodiverse YET its health-enhancing attributes be accessible to the existing Halifax community, and for generations to come.

Additional Evidence Link:

Comment ID **APX971**

Site ref (if applicable): **LP1229**

Person ID: **1183463** Name: **Mrs Karen Trueman-Smith** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

Like the majority of laymen, I have no qualifications or experience as to whether the plan is legally compliant or not. I am therefore unable to comment either way.

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

Sound Reason:

My objection is as a local resident as my home overlooks the farmland. Contrary to claims made by the land-owner, the proposed site is developed mostly to the south, with sparse housing to the west and north. Therefore there is no "rounding off" that makes sense in this case. To do so, would have a significant impact on the open character of the wider countryside. Development of this site would have a major impact on the wildlife and ecological aspects. The land-owner states that the land agricultural value of the land is limited because it is sloped; the sloped aspect was evident when the land was purchased and surely would have been a consideration before purchase? There are regularly horses in the fields belonging to the land-owner and a large barn was recently built on the land as stabling. The land has also been used to provide a campsite to local youth organisations so that children can enjoy the outdoors, wildlife and all that entails. If the land-owner has sustained thefts, dog attacks etc., perhaps he needs to look more closely at the security of his land and buildings as he owns the access road leading to the farmhouse. Perhaps the land-owner could be more inventive if he wishes to make a living from his land, that would retain the green space and wildlife. To develop this land would be a catastrophe. There is no infrastructure for increased schools, doctors, hospital, dentists etc and no plans for such to support a housing development of this size. The loss and damage to the wildlife we see regularly including deer, bats, foxes and birds of prey would be gone forever, never to be replaced. As residents, we have a right to enjoy the green space which has a major impact on health and wellbeing. The increased traffic from this proposed development would put unacceptable pressure on local public transport and roads. The only access to the land is from Shay Lane which already experiences high volumes of traffic from the garage, café, taxi office and Drakes Industrial Estate; all of which are merely yards from the entrance to the access road. We consider that a housing development on this site is unacceptable

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

Duty to Co-operate Reason:

Like the majority of laymen, I have no qualifications or experience that could determine whether the local plan is/is not compliant with the Duty to Co-operate. I am therefore unable to comment either way.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX974**

Site ref (if applicable): **LP1229**

Person ID: **1183463**      Name: **Mrs Karen Trueman-Smith**      Organisation:

Agent ID:                      Name:                                      Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

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 **APX976**

Site ref (if applicable): **LP1229**

Person ID: **1183622**      Name: **Ms Karen Kershaw**      Organisation:

Agent ID:                      Name:                                      Organisation:

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

Legal Compliance Reason:

This is the first I have heard about any such proposal - no mention was made in recent land searches. No consultation has been advised of until yesterday.

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

Sound Reason:

The reasons for the use of the land for residential housing are flawed. The land should remain agricultural. The risks of contamination of the brook. The loss of habitat for wildlife. The increased traffic on a very busy road at peak times.

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

Duty to Co-operate Reason:

The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty. The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan. Where is the evidence of compliance?

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX977**

Site ref (if applicable): **LP1229**

Person ID: **1183622**

Name: **Ms Karen Kershaw**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This is the first I have heard about any such proposal - no mention was made in recent land searches. No consultation has been advised of until yesterday.

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

Sound Reason:

The reasons for the use of the land for residential housing are flawed. The land should remain agricultural. The risks of contamination of the brook. The loss of habitat for wildlife. The increased traffic on a very busy road at peak times.

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

Duty to Co-operate Reason:

The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty. The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan. Where is the evidence of compliance?

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX979**

Site ref (if applicable): **Lp1229**

Person ID: **1183464**

Name: **Miss Kayleigh Hawley**

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:

Local infrastructure hasn't been taken into account. Schools, doctors roads all already full to capacity. The risk of land slips and flooding. Not to mention the abundance of wildlife that use the hillside as their home will be left without natural habitat. Invasion of privacy to the houses already built in the surrounding areas will be appalling.

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 **Lpp1390**

Site ref (if applicable): **LP1229**

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

See attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy SD7 Housing sites: site specific housing objection LP1216 and LP1229 Mill Lane/Old Lane, and Near Royd Ovenden If Green Belt release is to be justified, then poor public transport accessibility, loss of green/open space and consideration of alternative, brownfield sites must be properly addressed. Topography means open space loss is much more significant than site report implies.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp515**

Site ref (if applicable): **LP1229**

Person ID: **1181767**

Name: **Mr Rodney Greenwood**

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:

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

Duty to Co-operate Reason:

Suggested Modifications:

None required

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072667>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Neighbour notification - Lack of notification of proposal and Local Plan process.
2. Community involvement - Lack of community involvement in proposals.

Council's Response:

1/2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

### **Test of Soundness**

Main Issues:

1. Open Space - Loss of open space and impact on health and wellbeing.

2. Land stability - Impact on land stability.
3. Local Road Network - Inadequate local road network, specifically road safety, congestion and impact on Shay Lane / Keighley Road.
4. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools, doctors, hospital, dentists, utilities.
5. Environmental Health - Proximity to waste site EAWML 60760 and Swalesmoor (waste and installation permits and waste exemptions). Odour and noise issues.
6. Green Belt - Loss of Green Belt.
7. Ecology - Impact on wildlife, such as bats, badgers, deer, black fox, water voles and damselflies. Impact on the UK BAP priority habitats (Ovenden Brook and Lowland Mixed Deciduous Woodland).
8. Trees - Loss of trees.
9. Site access - Access is unsuitable for a site of this size. Impact on road safety and congestion.
10. Flooding - Impact on drainage, specifically impact on Strines Beck.
11. Cumulative impact with employment allocation LP1231 and other development along Shay Lane.
12. Landscape – Visual impact of development.
13. Residential Amenity - Loss of amenity for existing dwellings, particularly with site topography.
14. Loss of agricultural / recreational land.
15. Loss of greenfield land.
16. Pollution - Impact on air, noise, light and water pollution.
17. Site Selection - Prioritise brownfield sites in the Halifax area.

Council's Response:

1. Development would not result in the loss of designated Open Space, it is currently designated as greenbelt 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 400m and 1200m catchment of this site to meet the adopted standards and that there are other greenbelt sites performing this function within the 600m catchment. The visual impact of any development should be considered.
2. Although the site is located in an area of designated unstable land, this does not necessarily preclude development. 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. Highways Development Management has commented that a dedicated access onto the A629 may be required particularly if it is also used to serve the adjacent site (LP1216), by way of a new bridge over the

brook, but this may require third party land. Due to the capacity involved, a fully signalised access junction is likely to be required. The number of dwellings may ultimately be reduced should access with sufficient capacity not be appropriate. In terms of supporting information, a layout would be required including detail of how traffic could be accommodated adequately on the local road network and the A629 in particular. Concerns have been raised regarding safety problems, however, any submission would need to include a road safety assessment.

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. Environmental Health has raised serious concerns with the allocation of the site, mainly due to the presence of several farms in and around the site. However, it is anticipated that these will cease operation to allow development of the whole site. Where farms outside the site remain in operation, adequate buffers will be required. The site falls within the Environment Agency search radius of Swales Moor Farm and the Leo Group site. The Council's Environmental Health Section consider that mitigation against odour from Swales Moor Farm would be impractical and noise from the Leo Groups is not considered to be an issue.

6. 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.

7/8. The site is adjacent to the Ovenden Brook, which is a UK Biodiversity Action Plan priority habitat. West Yorkshire Ecology and the Council's Conservation Section (Ecology) have therefore recommended a stand-off from the beck and advised that it is planted with locally native species. Light pollution and disturbance on the beck should be minimised. Any development should also retain and restore hedgerows and plant species-rich native hedgerows on boundaries. The western side of this proposed allocation is lowland mixed deciduous woodland UK Biodiversity Action Plan priority habitat, and this should also be removed from the developable area.

9. Highways Development Management has commented that a dedicated access onto the A629 may be required particularly if it is also used to serve the adjacent site (LP1216), by way of a new bridge over the brook, but this may require third party land. Due to the capacity involved, a fully signalised access junction is likely to be required. The number of dwellings may ultimately be reduced should access with sufficient capacity not be appropriate. In terms of supporting information, a layout would be required including detail of how traffic could be accommodated adequately on the local road network and the A629 in particular. Concerns have been raised regarding safety problems, however, any submission would need to include a road safety assessment.

10. The site lies within Flood Zone 1, and a small part of the site is at risk from surface water flooding. The Council's Flooding consultants (JBA) have recommended that a Flood Risk Assessment is undertaken, considering layout and design. It has also been recommended that there is no increase in development

footprint for the area within FZ3ai. The site is also adjacent to Ovenden Brook. The Council's Flooding & Drainage Section have commented that development of the site is suitable and mitigation could secure the area from flooding.

11. 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.

12. 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.

13. 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 provides adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.

14. The majority of the site 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.

15. 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.

16. Environmental Health has raised serious concerns with the allocation of the site, mainly due to the presence of several farms in and around the site. However, it is anticipated that these will cease operation to allow development of the whole site. Where farms outside the site remain in operation, adequate buffers will be required. The site falls within the Environment Agency search radius of Swales Moor Farm and the Leo Group site. The Council's Environmental Health Section consider that mitigation against odour from Swales Moor Farm would be impractical and noise from the Leo Groups is not considered to be an issue. Although Environmental Health has not raised issue with water pollution or light pollution, West Yorkshire Ecology has requested that a minimum stand-off of 10m from the beck is left and planted with locally native species in order to minimise light pollution and other disturbance.

17. 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:**

1. No evidence that the Council has complied with its duty to co-operate.

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. The woodland immediately alongside the beck should be left undeveloped and with its own stand-off along the whole length. An addition portion of stand-off, planted to this with similar species would be welcome, but what is there should be retained.

2. Loss of other woodland habitat and hedgerows on the remaining site should be ameliorated by native planting, rather than ornamental planting.

3. Removal of lowland mixed deciduous woodland UK Biodiversity Action Plan priority habitat should be kept to a minimum, and replaced afterwards.

4. The land should remain agricultural.

5. Land should be considered for both agricultural uses and for Wildlife Zones incorporated into a schools network.

Council's Response:

1/2/3. West Yorkshire Ecology has requested that a minimum stand-off of 10m from the beck is left and planted with locally native species in order to minimise light pollution and other disturbance. Any development should also retain and restore hedgerows and plant species-rich native hedgerows on boundaries. The western side of this proposed allocation is lowland mixed deciduous woodland UK Biodiversity Action Plan priority habitat, and this should also be removed from the developable area. No modification required.

4/5 The majority of the site 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.

No modification required.

## Document Section: LP1379 - New Housing Site - Halifax

### Representations

Comment ID **APX1174**

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

Person ID: **1183556**

Name: **Ms Olga Miller**

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 an email because I am not familiar with the method, language and terminology used to fill in the objections forms regarding the proposed building of 41 dwellings on Heathmoor Park Road. I moved to the area in July 2013. My objections are as follows: Value of my property will decrease. Heathmoor Park Road is 'rural'. Building more dwellings here will cause urban sprawl and for house prices to depreciate. This is not desirable. There are more vehicles here than when I moved here in 2013. Families have children who have grown up and now own cars. More dwellings will increase the number of cars using Heathmoor Park Road. The road is often congested and the 20 mph signs have made no impact on speeding drivers. Accidents waiting to happen. Moreover, more cars mean increased air pollution - we can't all afford electric cars. The sewers were designed for a quiet, rural neighbourhood. However, when we have heavy rainfall, the sewers overflow. More dwellings will worsen the situation. The Bank is our 'doggy walking' area. Particularly so for the elderly for whom this is the only time many of them can get to meet the other neighbours and get to say 'Hello' and socialise. Children play on the Bank - and more importantly, breathe in clean air. Social housing. Whatever the policy of putting social housing in with private housing in the belief that this will improve the behaviour of many people of undesirable character/behaviour, this is absolute rubbish! In the 1950s applicants for social housing had to prove his/her good character and sign a declaration that they would look after the property as if it was their own. Nowadays, the policy is to house drug addicts, alcoholics, 'neighbours from hell' in areas where people own properties in the belief that behaviour will improve. Utter tosh. People on benefits (long term unemployed by choice, drug addicts in social housing) DO NOT CARE for their homes. People who WORK to pay the mortgage, respect and value their homes. This is obvious in areas of Mixenden, Ovenden and the Furness. My house and car insurance are affordable on Heathmoor Park Road at the moment. The building of social housing and the problems this will bring (vandalism, theft, burglaries, yobbish behaviour, car crime) will increase premiums. Besides, who is going to pay for extra policing?

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 **APX1236**

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

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 **APX29**

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

Person ID: **1178263** Name: **Mr Anthony Lees**

Organisation:

Agent ID: Name:

Organisation:

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

Legal Compliance Reason:

The land for the proposed development is PUBLIC LAND, the public that are directly effected have not been consulted on the sale of the land or the proposed development.

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

Sound Reason:

Looking at the history of North Halifax the large estates have ben in decline, there are currently properties empty in Mixenden that could be utalised rather than building new developements on green field land that is very popular with residents of all ages, through all weather.

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

Duty to Co-operate Reason:

As the local plan has not been communicated effectively to the residents effected I do not beleive that the

plan complies with the duty to co-operate. All information available has been extremely difficult to find and therefore no evidence has been seen for me to be able to confirm the plan is compliant.

Suggested Modifications:

Full public consultation with the residents of Heathmoor Park Road and surrounding areas, with all the relevant information being made accessible

Additional Evidence Link:

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Comment ID **APX30**

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

Person ID: **1178433**

Name: **Mrs Susan Frankland**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There have been no notices published in the local press, no public meetings nor leaflets explaining about the plan. There has been no consideration given to the massive public use of this area for recreational purposes e.g. walking, safe play area for children, dog walking and appreciation of the local wildlife.

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

Sound Reason:

The impact on local infrastructure would be devastating - local residents find it very difficult to obtain a doctor's appointment already. Queuing traffic from Heathmoor Park Road at peak times would be significantly increased. It is very difficult already for families to gain school places in the north Halifax area generally. This area has been classified in the past as green belt.

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

Duty to Co-operate Reason:

The total lack of consultation with the community which this would affect. There have been no notices published, no signage, no signposting to documentation and no invitation to the community involved for discussions.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX499**

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

Person ID: **1182501**

Name: **Mrs Karen Melling**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I do not believe that the local community has had effective communication with the proposals to build on this site. I have never even heard of the LPA statement of community involvement and cannot seem to be able to find this

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

Sound Reason:

The proposal is to build on this site which is designated greenfield and greenbelt land. it has an abundance of nature, from birds, bees, flowers, foxes, badgers, and even deer. Bats have also been observed. The land is currently used by the local community, from dog walkers, to children playing or just people exercising and enjoying the stunning views across the valley. over the last couple of years " fields of flowers" have been planted in this area to encourage the growth of wildflowers. this has been supported by growild uk, incredible edible, lottery funded, kew gardens and Calderdale council. the statement for this states " planting schemes provide new sources of food and home for wildlife which in turn increase biodiversity in the area..... it helps the local community to engage and participate in activities which help protect the environment and offers opportunities for education, improve health and wellbeing." It is vitally important to protect our greenbelt sites, they are being vastly reduced to build new houses and this is not acceptable. in an era when people are living longer and the general population faces increased health challenges and co-morbidities I feel that it is important to protect this small piece of land which is enjoyed by the community as a whole. it is short sighted to even propose to build on this site. there are many other areas which should be considered first. why would we actively look to destroy an area that as previously mentioned is home to a vast amount of nature and is used by many members of the community to aid their physical and mental health wellbeing? in addition I have concerns regarding the access along heathmoor park road if houses were ever to be built. the road itself is simply not wide enough to support houses on both sides of the road. furthermore and any resident will tell you this but we suffer from extremely violent gusts of wind with most houses in this area needing roof repairs at one time or another with my own house having to be repaired numerous times. building houses in this area would not be able to withstand the adverse weather that we experience in this area. I recognise that this will never be something that is highlighted in any feasibility studies as you would have to live in this area to be knowledgeable about this. there are also land drainage issues in certain parts of this land and again unless you are a resident of this area you will not have an accurate picture as to how bad this can be and site surveys may not accurately pick this up. I have concerns regarding contamination of this area.

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

Duty to Co-operate Reason:

I am unsure if the plan complies with the duty to co-operate. i recognise that what i have documented so far may not accurately "fit" into any of the 3 sections documented here with regard to the legalities of the process. i do however believe that it is important to make my views know in a public forum and cannot stress enough how strongly i object to the proposed plan for this site on heathmoor park road

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX527**

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

Person ID: **1182595**

Name: **Charlotte Young**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The proposed plan is unjustified and inconsistent with National policy. Inaccurate information contained within the site assessment: "Following consultation, Safer Cleaner Greener have advised that there are a range of other amenity green space sites in the area" Our green space is used by a wide range of residents for a wide range of activities. These include (but are not limited to) ball games, dog walking, rounders matches, kite flying, socialising, exercising. In practice, the nearest comparable green space is Illingworth Park, Natty Lane. This is approximately 13 minutes away on foot (Google Maps) for an average, able bodied person and requires crossing the main Keighley Road (A649). This walk is at an overall incline of 20 metres (70ft) which would result in it taking significantly longer for a less mobile person with a difficult return journey, if they were capable of undertaking it at all. Illingworth Park is also subject to significant antisocial behavior resulting in persistent problems with broken glass, motorbikes within the grounds both in the play area and on the grassy field; thus isn't safe for unsupervised children or pets. Large groups of youths congregate within the park, resulting in some residents feeling vulnerable and unable to walk their pet alone there in the evening (or afternoon on dark, winter days). This and the fact this green space already services what is now a very large community that live around the park, mean it is not a comparable or alternative space. Other local green spaces are not suitable for the afore mentioned community activities. The land directly adjacent to the A649 is narrow, without barriers and thus not suitable for ball games or for pets to run/chase balls. The park developed for the Cobblestones/Abbey Park Estate is primarily hard surface with only a small green space. Again, due to the building in the area and this being their retained space, it's often very full of those who live in the surrounding estates and isn't suitable for dogs. National Planning Policy Framework (2018) states: Strategic policies 20 . Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 12 for: c)community facilities (such as health, education and cultural infrastructure) 8. Promoting healthy and safe communities 94: It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Residents of the local area have persistently raised concerns this infrastructure has not been appropriately developed alongside thr extensive residential building that has already taken place. The local doctors' surgery has advised the community they are full and being forced to operate over what they consider to be a safe number of patients. A further 40 houses with several residents per house, could not be safely accommodated by the local practitioners or facilities. The local secondary school is also oversubscribed. Since "Trinity Academy" changed their entrance policy for our "local" school, to prioritise those with specific religious attendance patterns within their catchment, over proximity to the school; their incredibly large catchment means many local children are already unable to attend. National Planning Policy Framework (2018) states: Strategic policies 20 . Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 12 for: d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure. Green infrastructure is defined as: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities . Children of all ages can often be seen playing football or rounders, learning to ride bikes,

flying kites, throwing frisbees and chasing about. In summer games can often result in many local families who wouldn't ordinarily interact, playing and socialising together. Children (who are old enough to safely do so) often play ball games unsupervised, precisely because of the proximity to the houses and the open view for parents to check on their wellbeing. It would not be appropriate for many of these children to access another green space without supervision, thus reducing the opportunity to spend time outdoors and exercise. Other residents use the space to walk their dogs, meet and interact with other members of the community - providing an important social element for some those who could otherwise potentially find themselves isolated. Numerous bungalows surround the immediate area and the relatively flat grassy area allows those with mobility issues to also access and enjoy the land. At local meeting, residents overwhelmingly described the space as "like our village green".

National Planning Policy Framework (2018) states: Promoting healthy and safe communities Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs "" for example through the provision of safe and accessible green infrastructure This greenspace promotes social interaction between residents who otherwise would be unlikely to interact. As it is often used as a playing field and walking route, it supports a healthier lifestyle, which addresses local health and well-being needs. Open space and recreation Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities This green space is used for physical activity important for the health and well being of the community. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. This land is not surplus to requirements but actively used by a large number of residents. No equivalent replacement is available, the development is not for sports or recreational provision. ( this guidance is also quoted within Calderdale's local plan as Policy GN6 ). In addition to contradicting national guidance, the proposed build breaches guidance published by Calderdale Council in their Local Plan: Open Space, Sport and Recreation Facilities 16 Open space, sport and recreation facilities form an essential part of Calderdale's environment and play an important role in maintaining the health and wellbeing of its residents. They contribute towards quality of life by improving the quality of the environment and enabling exercise and other pastimes to take place, and they can play a key role in sustainable development. Open spaces often come under pressure for development and this pressure is set to increase in the future. There are limited opportunities to increase the amount of open space, particularly in urban areas, and therefore it is imperative that existing open space is preserved and that it is protected from loss and inappropriate development that would harm its character, appearance or function. Local Green Space 26 The Local Green space designation will not be appropriate for most green areas or open space. The designation should only be used: Where the green space is in reasonably close proximity to the community it serves; Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and Where the green area concerned is local in character and is not an extensive tract of land. The proposed plot meets all the criteria specified to be called green space and is exactly the type of site Calderdale stated it was imperative be protected. This is echoed by the government framework. Policies for managing development within a Local Green Space should be consistent with those for Green Belts. 17 There will be exceptional occasions when it will be appropriate to release open space for development. Uses appropriate to the particular open space area which would bring community benefits may be acceptable such as outdoor sports facilities, interpretation centres, toilets, refreshment facilities, woodlands, allotments, cemeteries, and horticulture. The onus will be upon prospective developers to demonstrate that there would be no adverse

effect in terms of the various functions that the open space fulfills. The extent of Open Space is identified on the Policies Map. Residential development is not meeting the criteria of providing community benefits, nor can developers demonstrate the lack of adverse effect in terms of function. "A Health Impact Assessment (HIA) should be provided for residential developments of 30 or more units" Please advise where this can be located 9 An important element of the Local Plan is to attempt, as far as possible, to provide everyone with equal opportunity to access the opportunities and facilities they need to lead a fulfilling and active lifestyle . Adequate neighbourhood provision will allow all residents to enjoy the same high quality of life and help them realise their potential and contribute to their physical, mental, social and spiritual well being. 10 clarifies this includes green spaces. As highlighted above, building on this plot would be harmful to the residents' physical and social wellbeing by reducing or removing their ability to lead a fulfilling and active lifestyle. A good number of the surrounding properties are bungalows and many residents meet and socialise in this green space. As depression and anxiety are also associated with isolation and reduced physical exercise, there are also potential mental health implications. Green Infrastructure and Natural Environment Table 20.4 Monitoring: Policy GN4 - Landscape Character Outcomes To protect and enhance the Landscape Character of Calderdale. Local distinctiveness and sense of place; Integrity/cohesiveness of landscape character; Landscape quality; Scenic Quality The distinctive and unique view, which stretches from Mixenden to the wind turbines at Ogden, provides a landscape of high scenic quality and a huge sense of space despite the extensive housing development the area has already been subjected to. Many residents who purchased properties in this area comment did so because of the distinct landscape, view and space. Building on this area would completely change the landscape to the local area in a way no prior development in the area has done before. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments; There are numerous species of wildlife residing in the area including a large badger colony, birds of prey, foxes, rabbits, hedgehogs, bats and insects. Using this space for residential purposes directly contradicts this guidance by removing further habitat.

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

Duty to Co-operate Reason:

Suggested Modifications:

Leave this green space (surrounded by greenbelt) land as it stands and explore brownfield land

Additional Evidence Link:

Comment ID **APX533**

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

Person ID: **1182595**

Name: **Charlotte Young**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The proposed plan is unjustified and inconsistent with National policy. Inaccurate information contained within the site assessment: "Following consultation, Safer Cleaner Greener have advised that there are a range of other amenity green space sites in the area" "Our green space is used by a wide range of residents for a wide range of activities. These include (but are not limited to) ball games, dog walking, rounders matches, kite flying, socialising, exercising. In practice, the nearest comparable green space is Illingworth Park, Natty Lane. This is approximately 13 minutes away on foot (Google Maps) for an average, able bodied person and requires crossing the main Keighley Road (A649). This walk is at an overall incline of 20 metres (70ft) which would result in it taking significantly longer for a less mobile person with a difficult return journey, if they were capable of undertaking it at all. Illingworth Park is also subject to significant antisocial behavior resulting in persistent problems with broken glass, motorbikes within the grounds both in the play area and on the grassy field; thus isn't safe for unsupervised children or pets. Large groups of youths congregate within the park, resulting in some residents feeling vulnerable and unable to walk their pet alone there in the evening (or afternoon on dark, winter days). This and the fact this green space already services what is now a very large community that live around the park, mean it is not a comparable or alternative space. Other local green spaces are not suitable for the afore mentioned community activities. The land directly adjacent to the A649 is narrow, without barriers and thus not suitable for ball games or for pets to run/chase balls. The park developed for the Cobblestones/Abbey Park Estate is primarily hard surface with only a small green space. 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It would not be appropriate for many of these children to access another green space without supervision, thus reducing the opportunity to spend time outdoors and exercise. Other residents use the space to walk their dogs, meet and interact with other members of the community - providing an important social element for some those who could otherwise potentially find themselves isolated. Numerous bungalows surround the immediate area and the relatively flat grassy area allows those with mobility issues to also access and enjoy the land. At local meeting, residents overwhelmingly described the space as "like our village green" "National Planning Policy Framework (2018) states: Promoting healthy and safe communities Planning policies and decisions should

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Policies for managing development within a Local Green Space should be consistent with those for Green Belts. 17 There will be exceptional occasions when it will be appropriate to release open space for development. Uses appropriate to the particular open space area which would bring community benefits may be acceptable such as outdoor sports facilities, interpretation centres, toilets, refreshment facilities, woodlands, allotments, cemeteries, and horticulture. The onus will be upon prospective developers to demonstrate that there would be no adverse effect in terms of the various functions that the open space fulfills. The extent of Open Space is identified on the Policies Map. Residential development is not meeting the criteria of providing community benefits, nor can developers demonstrate the lack of adverse effect in terms of function. "A Health Impact Assessment (HIA) should be provided for residential developments of 30 or more units" Please advise where this can be located 9 An important element of the Local Plan is to attempt, as far as possible, to provide everyone with equal opportunity to access the opportunities and facilities they need to lead a fulfilling and active lifestyle . Adequate neighbourhood provision will allow all residents to enjoy the same high quality of life and help them realise their potential and contribute to their physical, mental, social and spiritual well being. 10 clarifies this includes green spaces. As highlighted above, building on this plot would be harmful to the residents' physical and social wellbeing by reducing or removing their ability to lead a fulfilling and active lifestyle. A good number of the surrounding properties are bungalows and many

residents meet and socialise in this green space. As depression and anxiety are also associated with isolation and reduced physical exercise, there are also potential mental health implications. Green Infrastructure and Natural Environment Table 20.4 Monitoring: Policy GN4 - Landscape Character Outcomes To protect and enhance the Landscape Character of Calderdale. Local distinctiveness and sense of place; Integrity/cohesiveness of landscape character; Landscape quality; Scenic Quality The distinctive and unique view, which stretches from Mixenden to the wind turbines at Ogden, provides a landscape of high scenic quality and a huge sense of space despite the extensive housing development the area has already been subjected to. Many residents who purchased properties in this area comment did so because of the distinct landscape, view and space. Building on this area would completely change the landscape to the local area in a way no prior development in the area has done before. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments; There are numerous species of wildlife residing in the area including a large badger colony, birds of prey, foxes, rabbits, hedgehogs, bats and insects. Using this space for residential purposes directly contradicts this guidance by removing further habitat.

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

Duty to Co-operate Reason:

Suggested Modifications:

Leave this green space (surrounded by greenbelt) land as it stands and explore brownfield land

Additional Evidence Link:

Comment ID **APX534**

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:

I have sent emails to councillors but none of them have decency to reply I went to meeting and tried to ask questions but was unable too could someone please contact councillors in question and ask if they would reply to following email thanks So I came tonight and listen to what you said "that you were on our side" regarding the building of social housing in our area so I would like your help in taking the proposed site Heathmoor Park rd off the table as a proposed site before it becomes a legal battle on compensation . So this is what I understand to be law . No persons or authorities are allowed to legally build "have built " or associate with . Any construction that KNOWINGLY would devalue properties adjacent nr by not owed by them selfs . This has nothing to do with views as I know you don't have entitlement to them . Please would you take into consideration when proposing this site that compensation would have to be paid to all properties that would be devalued . This information would need to be written into the legal proposal forms you send to the government . I also notice on the already public forms you have one major

discrepancy that is "distance to train station ? 2 km ? Also that rebuilding the area that was knocked down to put "social housing "back in its place would be completely absurd unless the West Yorkshire police were capable of policing it which according to the 2000/01 statement in the Yorkshire post couldn't do then . So sufficient funds would need to be available as there are less police in this area than there ever has been . Also one other small point that people seem to over look is dentist doctors. Schools . It currently takes 3-4 weeks to see a gp at beechwood rd surgery and dentist not as long but how would it be possible to school the children these houses would bring do the maths all these things need to be written in to proposed land development which I don't see in any reports available at this time . The land does look like a good area to build on but because there's nothing to develop and is owed by "the public" and that is who you work for when all said and done . Please don't think this is me telling you your job this is me stating the facts building social housing in this area will turn the clocks back 20yrs which no one wants . Thank you for reading this long but truthfully email and please could you at least acknowledge you received it as I don't seem to get any reply's from any one . Thank you D.adams

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 **APX6**

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

Person ID: **1176621**

Name: **Mr Roger Broadie**

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 is use of green-belt land for housing which is not justified. The amenity value of this site is huge, particularly the panoramic views that all who use the road and the walking space have, which situate Halifax in it's environment. The views give people a sense of place and a calmness not available when surrounded by housing.

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

Duty to Co-operate Reason:

Suggested Modifications:

This piece of land should be high priority green belt land and should not be allocated as a possible site for housing.

Additional Evidence Link:

Comment ID **APX778**

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

Person ID: **1177644**

Name: **Mr Tim Hoyle**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The local residents have not received any adequate notification about the possible change of use from green belt to development land of their local green space. Everyone i have spoken to only became aware of these plans through either social media or a letter circulated to residents, both within the last 2 months, in fact there were only 2 comments on the local plan initial draft 2017 and one of those is from a retired planning officer who lives locally. As it has been common knowledge for several years that the triangle of land bordered by Field Head Lane, Per Lane and Keighley Road and also the land across the road from the existing Estate on Riley Lane were being considered for housing (they were apparently removed in the consultation august 2017), I assume that LP1379 (our local green space) has only recently been introduced into the plan, to in some way compensate for their removal? I have spoken to a planning officer who is not able to tell me at this stage when it was introduced.

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

Sound Reason:

This piece of green belt is and has been the local green space since the building of the original Abbey Park Estate in late 1960s (approximately 50 years ago) and is constantly in use by children and adults for a range of sporting and other activities. During the whole of this time it has been regularly mown during the summer months, making it ideal for a variety of sports and pastimes for local residents (as is Saville park and the stray at Hipperholme). Having lived in the same house on Heathmoor Park Road for 29 years and brought up sports mad twin sons who are now nearly 23, we have regularly used this recreation land for rugby training, football, cricket, golf, baseball, cycling, kite flying and other pastimes. A few years previously part of this area was planted with wild flowers for the benefit of the residents and to increase the diversity of local flora and its accompanying fauna. The area is already densely populated and needs this area for the recreation of local residents. The local park, within 100 metres of this land, which contained two tennis courts a bowling green, a club house and a kick about area was turned into a housing estate in the early 2000s, no replacement facilities have been built as promised. Heathmoor Park Road is already used as a testing ground by certain "boy racer" types despite the 20 MPH signs. At the moment there are good sight lines across the broad curve in the road adjacent to this land and a limited number of vehicle entrances/exits. Any buildings to the west of Heathmoor Park Road combined with additional vehicle entrances/exits would make this road far more dangerous. This proposed change of designation has not been well thought out and I am sure that this much loved and used piece of green belt should never have been included in the local plan last year and would not have been if local residents had received notification of what was being proposed.

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

Duty to Co-operate Reason:

I am assuming because the local residents have not received any adequate notification about the possible change of use from green belt to development land of their local green space that this proposed development is not compliant.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5073715>

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Comment ID **APX785**

Site ref (if applicable): **lp1379**

Person ID: **1177644**

Name: **Mr Tim Hoyle**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I did not hear about any notification of the proposed change of use of this land from Green belt to development which should have been brought to my attention when the Local plan was changed in 2017.

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

Sound Reason:

I have lived at 200 Heathmoor Park Road all my life (22 years) and used the green space opposite our house for lots of sporting activities with my brother, my Dad and many of the other children who live in the area. My Dad and I have found it ideal for the pair of sports kites that we have I used to play tennis at the tennis courts a bit further on Heathmoor Park Road before the park was built on. No replacement facilities have been built as promised. The local youths refer to the grassed area as "the adventure" Many local people use the perimeter of this green space for walking their dogs and recently the council have planted some banks of wildflowers to add to the diversity of the plants and attract different animals to the area, on occasions I have seen Deer, foxes and bats on our green space. It is impossible to see a Doctor at the local surgery within a week unless it is deemed medically urgent and evidently the local school has a full role. This proposed change of use from green space (and green belt) to housing will change the character of the area and be very detrimental.

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

Duty to Co-operate Reason:

I don't understand this section, but I feel there was no publicity surrounding the local plan in 2017

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX877**

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

Person ID: **1183523**

Name: **Mr Nick Hoyle**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I did not hear about any notification of the proposed change of use of this land from Green belt to development which should have been brought to my attention when the Local plan was changed in 2017.

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

Sound Reason:

I have lived at 200 Heathmoor Park Road all my life (22 years) and used the green space opposite our house for lots of sporting activities with my brother, my Dad and many of the other children who live in the area. My Dad and I have found it ideal for the pair of sports kites that we have I used to play tennis at the tennis courts a bit further on Heathmoor Park Road before the park was built on. No replacement facilities have been built as promised. The local youths refer to the grassed area as "the adventure" Many local people use the perimeter of this green space for walking their dogs and recently the council have planted some banks of wildflowers to add to the diversity of the plants and attract different animals to the area, on occasions I have seen Deer, foxes and bats on our green space. It is impossible to see a Doctor at the local surgery within a week unless it is deemed medically urgent and evidently the local school has a full role. This proposed change of use from green space (and green belt) to housing will change the character of the area and be very detrimental.

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/5074018>

Comment ID **APX882**

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

Person ID: **1183525**

Name: **Ms Barbara Sklodowski**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

After speaking to quite a few local people I find that no residents have been made aware of the plans to include this strip of greenbelt local amenity land in the local plan. I would like to know when this has been put forward?

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

Sound Reason:

I was knocked off my bicycle through no fault of my own by a taxi at the junction of Heathmoor Park Road and Field Head Lane some time ago and have never regained full confidence in road cycling since. This is a particularly bad junction to exit and enter and any increase in traffic and or housing in this area will only make it worse. Our children and their friends have used OUR green space for most of their lives for playing out and sports, presumably future generations of children should have this opportunity. It is also used by

adults for dog walking and general recreation. I regularly walk along the road and enjoy the long distance, views as others do. Why not build social housing on the 2 strips of grassed land at the side of Saville Park one is to the North of Free School Lane above St Judes church and the other roughly south west of Dryclough Lane near Bird Cage, those pieces of land appear to be only decorative and not used for any sports or pastimes. I would have thought some social housing would be appropriate in that area (as they don't appear to have any). Please do not take our only Green space. We were promised a replacement for our nearby sports ground where the houses were built about 10 years ago, it had tennis courts and a bowling green, where is it? It's almost impossible to get a Doctor's appointment at the local surgery. Usually have to get one the week after. This site has always and should always be green belt. It is on the edge of a rural 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/5074020>

Comment ID **APX887**

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

Person ID: **1183528**

Name: **Mr Elliot Hoyle**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Nobody I know had any idea that our greenspace was being considered for a possible housing estate in August 2017, we should have been informed about this so that we could have expressed our concerns.

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

Sound Reason:

The proposed development is completely ridiculous, this is the local green space and sports field which is used by local residents for a variety of things. Children need to have somewhere to play. I learnt to ride my bicycle on this mown grass area and then we could play tennis at the park further down Heathmoor park road until the park was built over by a housing estate. There is a lot of publicity about childhood obesity, why build on recreation areas. This is our green space please leave it alone, why don't you allow a development at Saville Park or on the stray at Hipperholme. I have lived here all my life (nearly 23 years) this idea is disgraceful. It is nearly impossible to get an appointment at the local Doctors. The council has recently put in several banks of wild flowers to enhance the area, why have they suddenly decided to build over this. This development would totally change the semi-rural character of the area Any development to the West of Heathmoor park road would make the road far more dangerous for children who now have good sight lines and if competent are allowed to cross the road to their green space on their own.

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/5074021>

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Comment ID **APX909**

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

Person ID: **1183550**

Name: **Mr Simon Derrington**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I do not believe there has been sufficient public consultation

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

Sound Reason:

I cannot believe that this area has even been PROPOSED for housing development. although I do not currently live directly near to this area I do visit on a daily basis to exercise and look at the fabulous views across the valley. it is stunningly beautiful in all seasons not just on a summers day whilst walking I have observed may species of wildlife such as birds, bees, butterflies and I feel sure bats later in the evening. there is also evidence of moles by observing the many mole hills that are commonly found ! I often talk to other members of the community , many of whom are elderly and either walking their dogs or just simply enjoying the fresh air and environment. this will all be lost of the proposal goes ahead. there are many many other areas which housing can be built on without disturbing an area of natural beauty. I recognise that there is a need for housing in the local area to meet government targets but the council SHOULD NEVER even have proposed this area for potential development. 41 houses may not sound much but it will completely destroy this area and ruin ut for members of the community, wildlife and nature as a whole

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 **APX923**

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

Person ID: **1183560**

Name: **Mrs Jean Derrington**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

not enough public consultation

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

Sound Reason:

this is greenbelt land. it has never been used to build upon so I am at a loss as to why it has suddenly been proposed for potential development. surely this is public land, to be used and enjoyed by the local community? as well as being an area that has much wildlife, wildflowers, shrubs trees etc it is used constantly by members of the local community. in addition people come from miles around to walk their dogs, exercise or just enjoy the scenery. If this disastrous plan was to go ahead what impact will be felt in terms of infrastructure, schools, dentists, the local hospital? none of this seems to have been considered. Keighley road surgery often has at least a 3 week wait to be seen and is often a case of patient heal thyself before you can even be seen by a doctor. adding more houses into this would be a disaster- the local area simply cannot cope with the added people that this housing development would bring. I urge that this proposal is dismissed at the earliest opportunity before it is too late whoever has proposed this obviously does not care about the local community, nature or the environment otherwise this plan would not even have been considered

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

Duty to Co-operate Reason:

lack of consultation

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX927**

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

Person ID: **1183573**

Name: **Mr Mark Farrar**

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:

I have lived in this area for several years and I cannot believe that this piece of greenbelt land is even being considered for development. the local council should be ashamed of themselves for making this decision. this area is used by the local community and in a time when we are told to exercise more- change for life

being a prime example I simply cannot understand when one of the only green spaces in the local community is being highlighted for development, it is simply madness. not to mention the local wildlife and nature and natural hedgerows that are in abundance. why would we actively seek to destroy this. spend 10 minutes in this area and you will see for yourself how much it is used by the local community and marvel and the wild insects and animals that you will see. it will be a travesty of great proportions if this was destroyed and must not be allowed to go ahead

Suggested Modifications:

Additional Evidence Link:

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Comment ID **Lpp1002**

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

Person ID: **1184281**

Name: **W & R Kendall**

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/5078864>

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Comment ID **Lpp1007**

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

Person ID: **1178263**

Name: **Mr Anthony Lees**

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/5078880>

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Comment ID **Lpp1009**

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

Person ID: **1182580**

Name: **Michelle Lees**

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/5078880>

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Comment ID **Lpp1010**

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

Person ID: **1182582**

Name: **Rebecca Lees**

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/5078880>

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Comment ID **Lpp1013**

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

Person ID: **1184297**

Name: **Mrs Audrey Reid**

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/5078886>

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Comment ID **Lpp1069**

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

Person ID: **1182635**

Name: **Mrs Delores Hickox**

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 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/5081626>

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Comment ID **Lpp1092**

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

Person ID: **1183139** Name: **Mrs Joyce Dixon** 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/5082088>

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Comment ID **Lpp1093**

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

Person ID: **1182915** Name: **Mr David Morton** 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/5082100>

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Comment ID **Lpp1094**

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

Person ID: **1182916** Name: **Imogen Hadfield** 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/5082108>

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Comment ID **Lpp1105**

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

Person ID: **1184836** Name: **Betty Pedley** 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/5082362>

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Comment ID **Lpp12**

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

Person ID: **1179079**

Name: **Gillian Bolton**

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/5045362>

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Comment ID **Lpp1296**

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

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 Council owned, narrow linear strip of land. This is not an appropriate housing site. We question the density suggested. If this site comes forward it should be a windfall. The Housing Technical Paper suggests a delivery in year 3 and 4 (2021/21 "" 2021/22). This is based on the Council's Housing Services, considering site is identified in the Calderdale Together Investment Partnership.

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

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

Person ID: **1179078** Name: **Mr Paul Shaw** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID

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

Person ID: **1129942** Name: **Norah Smith** Organisation:

Agent ID: **1185594** Name: **Mr Mark Johnson** Organisation: **Managing Director Johnson Mowat**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

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

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Comment ID **Lpp14**

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

Person ID: **1179075**

Name: **Ms Beverley McGee**

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/5045399>

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Comment ID **Lpp196**

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

Person ID: **1182380**

Name: **Mr B Scully**

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 was shocked to find counsel was considering planning to build 41 social housing site opp. my property. The reason I moved to AFM Prop. was:- I myself built a det house, Page Hill Hx, I had health problems and could not walk far - the steep hill and busy traffic up an down Page Hill. Having searched for 2 years for alternative prop. I found which I thought was ideal house, which needed lots of alterations and repairs. I have lived here for 10 years, I have built this house to a modern standard, an hope to live here for the rest of our lives. All the props along Heathmoor Park Road are owner occopiers and very keen on garden an

prop maintenance. People come from miles around to walk their dogs and admire the beautiful views. When we bought this prop. we was informed that they was no change anybody could build or alter the rural area, as it was Green Belt Area. P.S. Also sites obvious to anybody to build social housing:- 1. Ovenden Way - Grass Land 2. Demol flats - Pellon Lane 3. Old Abbey Park site 4. Land adjacent to Mixenden

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 **Lpp198**

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

Person ID: **1182379**

Name: **Mrs D Leedham**

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 was shocked to find counsel was considering planning to build 41 social housing site opp. my property. The reason I moved to AFM Prop. was:- I myself built a det house, Page Hill Hx, I had health problems and could not walk far - the steep hill and busy traffic up an down Page Hill. Having searched for 2 years for alternative prop. I found which I thought was ideal house, which needed lots of alterations and repairs. I have lived here for 10 years, I have built this house to a modern standard, an hope to live here for the rest of our lives. All the props along Heathmoor Park Road are owner occupiers and very keen on garden an prop maintenance. People come from miles around to walk their dogs and admire the beautiful views. When we bought this prop. we was informed that they was no change anybody could build or alter the rural area, as it was Green Belt Area. P.S. Also sites obvious to anybody to build social housing:- 1. Ovenden Way - Grass Land 2. Demol flats - Pellon Lane 3. Old Abbey Park site 4. Land adjacent to Mixenden

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 **Lpp200**

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

Person ID: **1182393** Name: **Susan Healey** 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 regarding the planning application LP1379 and the selling and building on greenbelt land. I totally object to this and for the reasons below. I have lived up in this area for the last 25 years and have spent many hours on the area mentioned with my children and dogs when they were growing up. I am now doing the same with my grandchildren. Also I have many good friends whilst walking the dogs and have spent many hours socialising on the grassed area. I feel there is no need to use the greenbelt land as there is a lot of ground where social housing has been demolished and not built back on. To name a few Mixenden, Furnace, Abbey Park, Ovenden Way and Sandhall Green. Some land was sold to Barratts and Bellway to build housing on. Is the rest of the spare land owned by together housing left to go up in value and sold to private developers whilst buying greenbelt land much cheaper, and I have been told by neighbours that the Abbey Park site is going to be built on in the next 2 years by private developers. I also have met people that have moved up here for the view which is lovely and should not be spoilt. It has also just been left to rot to rack and ruin no grass cutting just left wild is this another ploy to make us think it is wasted ground.

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 **Lpp201**

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

Person ID: **1182395** Name: **Mrs P Holroyd** 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 regarding the planning application LP1379 and the selling and building on greenbelt land. I totally object to this and for the reasons below. I have lived up in this area for the last 25 years and have spent many hours on the area mentioned with my children and dogs when they were growing up. I am

now doing the same with my grandchildren. Also I have many good friends whilst walking the dogs and have spent many hours socialising on the grassed area. I feel there is no need to use the greenbelt land as there is a lot of ground where social housing has been demolished and not built back on. To name a few Mixenden, Furnace, Abbey Park, Ovenden Way and Sandhall Green. Some land was sold to Barratts and Bellway to build housing on. Is the rest of the spare land owned by together housing left to go up in value and sold to private developers whilst buying greenbelt land much cheaper, and I have been told by neighbours that the Abbey Park site is going to be built on in the next 2 years by private developers. I also have met people that have moved up here for the view which is lovely and should not be spoilt. It has also just been left to rot to rack and ruin no grass cutting just left wild is this another ploy to make us think it is wasted ground.

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 **Lpp239**

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

Person ID: **1182595**

Name: **Charlotte Young**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The proposed plan is unjustified and inconsistent with National policy. Inaccurate information contained within the site assessment: 'Following consultation, Safer Cleaner Greener have advised that there are a range of other amenity green space sites in the area' Our green space is used by a wide range of residents for a wide range of activities. These include (but are not limited to) ball games, dog walking, rounders matches, kite flying, socialising, exercising. In practice, the nearest comparable green space is Illingworth Park, Natty Lane. This is approximately 13 minutes away on foot (Google Maps) for an average, able bodied person and requires crossing the main Keighley Road (A649). This walk is at an overall incline of 20 metres (70ft) which would result in it taking significantly longer for a less mobile person with a difficult return journey, if they were capable of undertaking it at all. Illingworth Park is also subject to significant antisocial behavior resulting in persistent problems with broken glass, motorbikes within the grounds both in the play area and on the grassy field; thus isn't safe for unsupervised children or pets. Large groups of youths congregate within the park, resulting in some residents feeling vulnerable and unable to walk their pet alone there in the evening (or afternoon on dark, winter days). This and the fact this green space already services what is now a very large community that live around the park, mean it is not a comparable or alternative space. Other local green spaces are not suitable for the afore mentioned community activities. The land directly adjacent to the A649 is narrow, without barriers and thus not suitable for ball games or for pets to run/chase balls. The park developed for the Cobblestones/Abbey Park Estate is primarily hard

surface with only a small green space. Again, due to the building in the area and this being their retained space, it's often very full of those who live in the surrounding estates and isn't suitable for dogs. National Planning Policy Framework (2018) states: Strategic policies 20 . Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 12 for: c) community facilities (such as health, education and cultural infrastructure) 8. Promoting healthy and safe communities 94: It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Residents of the local area have persistently raised concerns this infrastructure has not been appropriately developed alongside the extensive residential building that has already taken place. The local doctors' surgery has advised the community they are full and being forced to operate over what they consider to be a safe number of patients. A further 40 houses with several residents per house, could not be safely accommodated by the local practitioners or facilities. The local secondary school is also oversubscribed. Since 'Trinity Academy' changed their entrance policy for our 'local' school, to prioritise those with specific religious attendance patterns within their catchment, over proximity to the school; their incredibly large catchment means many local children are already unable to attend. National Planning Policy Framework (2018) states: Strategic policies 20 . Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 12 for: d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure. Green infrastructure is defined as: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities . Children of all ages can often be seen playing football or rounders, learning to ride bikes, flying kites, throwing frisbees and chasing about. In summer games can often result in many local families who wouldn't ordinarily interact, playing and socialising together. Children (who are old enough to safely do so) often play ball games unsupervised, precisely because of the proximity to the houses and the open view for parents to check on their wellbeing. It would not be appropriate for many of these children to access another green space without supervision, thus reducing the opportunity to spend time outdoors and exercise. Other residents use the space to walk their dogs, meet and interact with other members of the community - providing an important social element for some those who could otherwise potentially find themselves isolated. Numerous bungalows surround the immediate area and the relatively flat grassy area allows those with mobility issues to also access and enjoy the land. At local meeting, residents overwhelmingly described the space as 'like our village green'. National Planning Policy Framework (2018) states: Promoting healthy and safe communities Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs "" for example through the provision of safe and accessible green infrastructure This greenspace promotes social interaction between residents who otherwise would be unlikely to interact. As it is often used as a playing field and walking route, it supports a healthier lifestyle, which addresses local health and well-being needs. Open space and recreation Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities This green space is used for physical activity important for the health and well being of the community. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. This land is not surplus to requirements but actively used by a large number of residents. No equivalent replacement is available, the development is not for sports or recreational provision. ( this guidance is also quoted within Calderdale's local plan as Policy GN6 ). In addition to contradicting national

guidance, the proposed build breaches guidance published by Calderdale Council in their Local Plan: Open Space, Sport and Recreation Facilities 16 Open space, sport and recreation facilities form an essential part of Calderdale's environment and play an important role in maintaining the health and wellbeing of its residents. They contribute towards quality of life by improving the quality of the environment and enabling exercise and other pastimes to take place, and they can play a key role in sustainable development. Open spaces often come under pressure for development and this pressure is set to increase in the future. There are limited opportunities to increase the amount of open space, particularly in urban areas, and therefore it is imperative that existing open space is preserved and that it is protected from loss and inappropriate development that would harm its character, appearance or function. Local Green Space 26 'The Local Green space designation will not be appropriate for most green areas or open space. The designation should only be used: Where the green space is in reasonably close proximity to the community it serves; Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and Where the green area concerned is local in character and is not an extensive tract of land. The proposed plot meets all the criteria specified to be called green space and is exactly the type of site Calderdale stated it was imperative be protected. This is echoed by the government framework. Policies for managing development within a Local Green Space should be consistent with those for Green Belts. 17 There will be exceptional occasions when it will be appropriate to release open space for development. Uses appropriate to the particular open space area which would bring community benefits may be acceptable such as outdoor sports facilities, interpretation centres, toilets, refreshment facilities, woodlands, allotments, cemeteries, and horticulture. The onus will be upon prospective developers to demonstrate that there would be no adverse effect in terms of the various functions that the open space fulfills. The extent of Open Space is identified on the Policies Map. Residential development is not meeting the criteria of providing community benefits, nor can developers demonstrate the lack of adverse effect in terms of function. 'A Health Impact Assessment (HIA) should be provided for residential developments of 30 or more units' Please advise where this can be located 9 An important element of the Local Plan is to attempt, as far as possible, to provide everyone with equal opportunity to access the opportunities and facilities they need to lead a fulfilling and active lifestyle . Adequate neighbourhood provision will allow all residents to enjoy the same high quality of life and help them realise their potential and contribute to their physical, mental, social and spiritual well being. 10 clarifies this includes green spaces. As highlighted above, building on this plot would be harmful to the residents' physical and social wellbeing by reducing or removing their ability to lead a fulfilling and active lifestyle. A good number of the surrounding properties are bungalows and many residents meet and socialise in this green space. As depression and anxiety are also associated with isolation and reduced physical exercise, there are also potential mental health implications. Green Infrastructure and Natural Environment Table 20.4 Monitoring: Policy GN4 - Landscape Character Outcomes To protect and enhance the Landscape Character of Calderdale. Local distinctiveness and sense of place; Integrity/cohesiveness of landscape character; Landscape quality; Scenic Quality The distinctive and unique view, which stretches from Mixenden to the wind turbines at Ogden, provides a landscape of high scenic quality and a huge sense of space despite the extensive housing development the area has already been subjected to. Many residents who purchased properties in this area comment did so because of the distinct landscape, view and space. Building on this area would completely change the landscape to the local area in a way no prior development in the area has done before. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments; There are numerous species of wildlife residing in the area including a large badger colony, birds of prey, foxes, rabbits, hedgehogs, bats and insects. Using this space for residential purposes directly contradicts this guidance by removing further habitat.

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

Duty to Co-operate Reason:

Suggested Modifications:

Leave this green space (surrounded by greenbelt) land as it stands and explore brownfield land

Additional Evidence Link:

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Comment ID **Lpp33**

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

Person ID: **1179745**

Name: **Mrs Kezia Mulhall**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

In relation to the above reference I would strongly ask the council to reconsider the proposal to build on this particular parcel of land. The land in question is known locally as 'the bank' and has for many years been used as a vital amenity by not only the local community but by a wider and diverse collection of people. It has been left to evolve naturally with occasional maintenance by the local council, some grass cutting, and wild flower seed scattering aside, the area is a natural phenomenon. It is used by the majority of the local residents; dog walkers, both young and old, able bodied as well as less abled and vulnerable locals who feel safe in the area at all times of the day. It's used by children both youngsters with parents and carers, and older young adults, for games and get-togethers; for football, cricket, rounders, kite flying, cycling and sledging when the weather permits, and so much more. Walkers and ramblers use the sign posted path and right of way, as part of longer walks and rambles, runners and exercisers use the green area as part of larger routines. Children particularly get to experience first hand the variety of flora and fauna, in a way their counterparts who don't have access to similar spaces lack. There is currently a huge problem with obesity amongst children and money being thrown at schemes to get them active. It therefore seems extremely counter productive to propose to remove the one area of green space they have to play out. My little girl is one of many who love to play there and spend time outside. The area is a wildlife paradise and a natural habitat to a host of birds, both song birds and birds of prey, animals abound, frequent sightings of foxes, rabbits, butterflies, mice, field mice, deer, hedgehogs and bats, besides the local dogs and cats, are common. The area also hosts a diverse variety of trees, shrubs, grasses and flowers, both cultivated and natural, which support the animals and insects, in the area. I believe in the middle, which hasn't been cut for some time, there are at least two sink holes, which have previously been filled in from time to time, and still open up occasionally. This middle section is often waterlogged and extremely muddy at certain times of the year. In the last century, the area was used for quarrying, mining, and then as a landfill area, before being grassed over and allowed to return to a more natural state, and in recent years the local authority has planted wild flower beds, which haven't been as successful as was hoped for. If the proposed 41 houses were to be built, we, as local residents already in occupation, would have at least 2 years of upheaval, with lorries and plant and building workers and the subsequent vehicles, the disruption to an already busy area would be chaotic, with noise and dirt and

inconvenience. We already have a problem with cars going well over the speed limit, and additional housing would just add to the traffic problem, making it a very busy road. Can the local infrastructure support the extra residents. Locals are already struggling to get a GP or dental appointment, local schools both infant and senior are already full to capacity. Whilst we all appreciate that new and affordable housing is essential in the area, the whole of the old Abbey Park land which is on the opposite side of Heathmoor Park Road, is crying out to be redeveloped and we the local residents fully expected that to happen at some point in the future; why utilise a small parcel of land which is treasured and enjoyed by so many, when parcels of brownfield land are available. The extra houses on Heathmoor Park Road, in addition to those at Abbey Park, will completely overrun the area and completely change the dynamic, making it unrecognisable to the current 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

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

Person ID: **1176883**

Name: **Miss Jean Butler**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID

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

Person ID: **1178380**

Name: **Mrs N Johnson**

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:

Ref: LP1379 Heathmoor Park Road, Illingworth Whilst I understand the Council's requirement to identify and free up residential land for development, I believe there are wider issues than planning laws to be considered in granting any such development. My concerns principally cover the social, economic and health issues the proposals raise on the land abutting Heathmoor Park Road, Illingworth. These can be summarised as follows: Schools; The Abbey Park Primary school is already in special measures with a high number of pupils failing to achieve average standards and a significant number with additional special educational needs. If the plans for social housing come to fruition it is highly likely the school will see these numbers increased. The impact of such a development on a school already struggling will affect staffing, stability, consistency and place an impossible burden on it to move out of this position. Doctors: The Keighley Road Surgery is described by CQC (2017) as serving a population in the lower indices of Multiple Deprivation (IMD), whereby there is high levels of correlating health needs. Further development within this area will see a service already creaking at the seams facing an unreasonable challenge to meet the inevitable increased demand for both health and social care services. Amenity land: The removal of this amenity space will cause considerable distress to a number of local residents. Older people currently use the space for strolling and walking dogs without which they may find themselves increasingly isolated (leading to dependency and a requirement for social services). Many do not own vehicles and are unable to use public transport and rely on this nearby space for leisure and health purposes. Children and families regularly use this space and without a suitable amenity space close by there will be a increased problem with petty crime, nuisance and a further burden on an overstretched police service. Social/affordable housing. The Illingworth area is just recovering from crime and social problems caused by the large volume of social housing that dominated the area a number of years ago. The affects of this are not ones that local residents, or indeed the council, would want to see repeated any time soon.

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

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

Person ID: **1178380**

Name: **Mrs N Johnson**

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:

Ref: LP1379 Heathmoor Park Road, Illingworth Whilst I understand the Council's requirement to identify and free up residential land for development, I believe there are wider issues than planning laws to be considered in granting any such development. My concerns principally cover the social, economic and health issues the proposals raise on the land abutting Heathmoor Park Road, Illingworth. These can be summarised as follows: Schools; The Abbey Park Primary school is already in special measures with a high number of pupils failing to achieve average standards and a significant number with additional special educational needs. If the plans for social housing come to fruition it is highly likely the school will see these numbers increased. The impact of such a development on a school already struggling will affect staffing, stability, consistency and place an impossible burden on it to move out of this position. Doctors: The Keighley Road Surgery is described by CQC (2017) as serving a population in the lower indices of Multiple Deprivation (IMD), whereby there is high levels of correlating health needs. Further development within this area will see a service already creaking at the seams facing an unreasonable challenge to meet the inevitable increased demand for both health and social care services. Amenity land: The removal of this amenity space will cause considerable distress to a number of local residents. Older people currently use the space for strolling and walking dogs without which they may find themselves increasingly isolated (leading to dependency and a requirement for social services). Many do not own vehicles and are unable to use public transport and rely on this nearby space for leisure and health purposes. Children and families regularly use this space and without a suitable amenity space close by there will be a increased problem with petty crime, nuisance and a further burden on an overstretched police service. Social/affordable housing. The Illingworth area is just recovering from crime and social problems caused by the large volume of social housing that dominated the area a number of years ago. The affects of this are not ones that local residents, or indeed the council, would want to see repeated any time soon.

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 **Lpp990**

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

Person ID: **1182488**

Name: **Mr David Marsden**

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/5078792>

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Comment ID **Lpp991**

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

Person ID: **1182487**

Name: **Richard & Kerry Slater**

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/5078810>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Neighbour notification - lack of notification of proposal and Local Plan process.

Council's Response:

1. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).

### **Test of Soundness**

Main Issues:

1. Green Belt - Loss of Green Belt.

2. Open Space - Loss of open space and impact on health and wellbeing. Lack of suitable alternatives in the area. The land is not surplus to requirements. Other less-well used areas of open space in Halifax that should be prioritised (Saville Park and Skircoat Green).
3. Ecology - Impact on wildlife, such as bats, deer, moles, foxes and protected birds.
4. Local Road Network - Inadequate local road network, specifically road safety issues, congestion, on-street parking problems.
5. Air Quality - Impact of development on air pollution.
6. Infrastructure - Lack of/pressure on existing amenities, services and facilities, specifically doctors, schools, hospitals, dentists.
7. Residential Amenity – Potential overlooking issues. Loss of privacy and daylighting for existing dwellings.
8. Site Selection - Prioritise brownfield sites rather than greenfield (Areas in Abbey Park, Ovenden and Mixenden), or stalled developments. Other less-well used areas of open space in Halifax that should be prioritised (Saville Park and Skircoat Green).
9. Landscape -Visual impact of development on character of the area.
10. Loss of greenfield land.
11. Flooding - Land drainage issues.
12. Land contamination - Concerns over contaminated land.
13. Design issues due to exposed location vulnerable to strong winds.
14. Land stability - Two sink holes within the site filled with asbestos. Site previously used for quarrying, mining (radon) and landfill.
15. Deliverability - capacity of the site questioned.
16. Housing mix - Uneven distribution of social housing in the area.

#### Council's Response:

1. 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 currently designated as Open Space. Following consultation, Safer Cleaner Greener have advised that there are a range of other amenity green space sites in the area, and the need for open space

to be provided as part of the development will be assessed when proposals are put forward and considered in context with other developments being proposed in the area. The visual impact of any development should be considered.

3. The site may support lowland meadow or lowland acid grassland UK BAP habitats, and therefore a botanical survey would be required as well as removing the areas of less improved grassland from the indicative developable area. The site also lies within the Wildlife Habitat Network, and the site will need to provide locally native hedgerow to western boundary to minimise damage to adjacent heathland.

4. Highways Development Management advise that access is achievable from Heath Moor Park Road given existing levels. Mitigation may be required at the Heath Moor Park Road / A629 junction to prevent unacceptable impacts on A629. Mitigation may also be required at Field Head Lane / A629 priority junction.

5. Environmental Health has been consulted on the potential allocation of this site for development with no issues relating to air quality being raised. The Council's response to issues relating to air quality is set out in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air quality Action Plan 2018.

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. 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 provides adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.

8. 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.

9. 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.

10. 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.

11. The site lies within Flood Zone 1, but due to its size, development could increase surface water run off. A Flood Risk Assessment is therefore required. The Flooding and Drainage Section have commented that land drainage issues have been reported in the close vicinity of the site. The local area has history of surface water flooding. Concerns have been raised regarding the boggy nature of the site, therefore a hydrological

assessment of the site is required. Development and mitigation could secure the area from flooding.

12. The Council's Environmental Health Section has raised the potential issue of land contamination on the site. Any development should be accompanied by an appropriate contaminated land assessment, with any mitigation measures identified.

13. Designing buildings for exposed locations vulnerable to strong winds is not specifically a matter for the site allocations process. This issue would be addressed during a building control application where roof pitches and structure stability can be reviewed.

14. 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.

15. 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.

16. Any forthcoming application would be expected to adhere to the Council's housing policies, including affordable housing, housing mix and housing for independent living.

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

Main Issues:

1. No evidence that the Council has complied with its duty to co-operate.

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. Leave this green space (surrounded by greenbelt) land as it stands and explore brownfield land

2. The site should be utilised as a nature trail.

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.

No modification required.

2. The site has been identified in the Calderdale Together Investment Partnership - a partnership with Together Housing to deliver 500 affordable homes across the district. The site is therefore an important part of the Council's proposed delivery vehicle to improve housing delivery and meet identified housing need.

No modification required.

## Document Section: LP1429 - New Housing Site - Halifax

### Representations

Comment ID **APX1214**

Site ref (if applicable): **LP1429**

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:

Comment ID **APX435**

Site ref (if applicable): **LP1429**

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 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 **APX678**

Site ref (if applicable): **LP1429**

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:

18 to 24 Holdsworth Road, to the east of this site, and Holdsworth Hall and its outbuildings to the north, are Grade II Listed Buildings. 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 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. The measures put forward in the Heritage Impact Assessment to mitigate/enhance the significance of the Listed Buildings need to be effectively tied into the Plan. 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 LP1429 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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Comment ID **Lpp1114**

Site ref (if applicable): **LP1429**

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. Site LP1429 "" Reference to tennis courts The current wording of Policy SD7 confirms that planning applications will need to address the issues in the Site Assessments Reports (Appendix 1 of Local Plan). In terms of Site LP1429, several 'Site Specific Considerations' are identified. The Diocese is concerned that one of the considerations confirms there will be a need to consider the impact of the loss of tennis courts on provision in the area because this suggests the authority does not understand the historic use of the site. The Diocese also considers this reference to be misleading, particularly to third parties who may not be aware of the how the site has previously been used. The Diocese contends this reference might mean some statutory consultees, such as Sport England, may not support any redevelopment of the site for housing until alternative provision is provided elsewhere and this would be an unfortunate position, which should be avoided. In this regard, one of the arguments The Diocese has made in previous representations is reiterated below. There are several reasons why it is incorrect to indicate that there are tennis courts at the Former St Catherine's High School in active use. Firstly, any outdoor sports facilities, including tennis courts on one of the former playgrounds, at the school ceased when in closed in 2013. Secondly there is nothing within the Calderdale Open Space, Sport and Recreation Study: Strategy and Action Plan (2006) (OSSRS) to suggest the site, either in whole, or in part, functions as an outdoor sports facility(s). Thirdly the OSSRS 2015 Update is silent on this matter regarding the site. Finally, the South-West end of the Former St Catherine's Catholic High School comprises two former playgrounds and a single grassed area which was used for socialising space for pupils (Paragraph 2.2 refers); it is therefore incorrect to indicate these areas as 'tennis courts' or any other 'outdoor sports facilities'. Therefore, the reference within the Site Assessment Report to 'Consider impact of loss of tennis courts on provision in the area' is neither effective nor justified and accordingly, is not sound. On this basis, The Diocese suggests the following wording should be deleted in the Site Assessment Report: '- Consider impact of loss of tennis courts on provision in the area' Site LP1429 "" Reference to 10m buffer Another of the Site Specific Considerations confirms that a 10m buffer should be maintained around the perimeter of the site. The Diocese does not support this because it is overly prescriptive, particularly when the same Report also identifies that a Protected Species Survey will be required, amongst other technical assessments, to support and inform any potential planning application. The Diocese has no objection to the requirement to prepare and submit a Protected Species Survey because such an approach is in

accordance with good practice, national and international legislation, especially where bats are suspected, or known, to exist in proximity. However, the Diocese considers site specific mitigation measures, which would include any buffers to provide roosting or foraging habitat for protected species, should not be confirmed until baseline information has been collected. It is suggested that an ecologist will be better placed to identify the most suitable function for any buffer and its scale after they have carried out a Phase I Ecological Appraisal, and subsequent Protected Species Survey(s) (if necessary), because this work will have established what species are present, if any. Removing reference to a buffer of a specific size, but retaining the potential need for a buffer, would be a more flexible approach. This would also be in accordance with national planning policy, as reflected by Paragraph 174 of the Revised NPPF, which suggests plans should protect and enhance biodiversity. To avoid being too prescriptive, The Diocese suggests the wording in the Site Assessment Report should be amended to read as follows: '- Reduce developable land by providing a buffer of 10m around the site and around the woodland within the site. Retain the vegetation within these buffers and supplementary plant with locally native shrubs.' Site LP1429

Indicative density The Site Assessment Report identifies an indicative density for the site of 30 dwellings per hectare (dph) yet Site LP1481 next door has an indicative density of 36 dph. The Diocese does not support the former because there are no technical reasons why the same density cannot be achieved across both sites. The current approach is not justified. The Diocese suggests the Site Assessment Report is amended to read as follows: Indicative density (dph) 30 36 Indicative capacity 83 99 For consistency, The Diocese suggests the wording in the table of Policy SD7 should be amended to read as follows: Site Ref LP1429 Supporting Information Location Former St Catherine's High School, Holdsworth Road, Holmfirth, Halifax, HX2 9TH Size (Ha) 2.76 Indicative Developable Area 2.76 Indicative Capacity 83 99 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>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Open Space - Challenge to requirement to consider loss of tennis courts. The courts are no longer in use. Objection to loss of open space.
2. Ecology - Challenge to requirement of buffer zone for woodland within the site.
3. Deliverability - Capacity of site requires amending.

4. Heritage - Impact on 18-24 Holdsworth Road and Holdsworth Hall. Recommendations in HIA should be 'required' in order to be effective.

**Council's Response:**

1. The site boundary has been amended in order to retain the open space areas to the south of the site. The Open Space Study has indicated that the outdoor sports facilities are still in use. The proposed development site and the unallocated south west corner are currently designated as Primary Housing. The development site includes an informal recreation area but no formal sports facilities. The unallocated south west corner includes two former tennis courts. These tennis courts were not included in the Calderdale Playing Pitch Strategy and Action Plan published in 2017, however the strategy found that the majority of courts in the area were of poor quality and recommended that court quality was improved where possible and that local demand for tennis in the area should be explored. The Council's Safer, Cleaner, Greener Section Open Spaces considers that the site is suitable for residential development if other sports facilities in the area are improved.

2. The current ecology Site Specific Consideration is not correct and is not related to the ecological constraints on this site. The Council is therefore agreeable to removing the site specific consideration that relates to the provision of a 10m buffer around the site.

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'<sup>7</sup> published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

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.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

1. Amend capacity of the site to 99 dwellings
2. Remove reference to tennis courts in Site Specific Considerations
3. Amend wording of Site Specific Consideration with regards to ecology.
4. Implementation of the mitigation measures set out in the Heritage Impact Assessment.

## Council's Response:

1. 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.

No modification required.

2. The site boundary has been amended in order to retain the open space areas to the south of the site. The Open Space Study has indicated that the outdoor sports facilities are still in use. The proposed development site and the unallocated south west corner are currently designated as Primary Housing. The development site includes an informal recreation area but no formal sports facilities. The unallocated south west corner includes two former tennis courts. These tennis courts were not included in the Calderdale Playing Pitch Strategy and Action Plan published in 2017, however the strategy found that the majority of courts in the area were of poor quality and recommended that court quality was improved where possible and that local demand for tennis in the area should be explored. The Council's Safer, Cleaner, Greener Section Open Spaces considers that the site is suitable for residential development if other sports facilities in the area are improved.

No modification required.

3. The current ecology Site Specific Consideration is not correct and is not related to the ecological constraints on this site. The Council is therefore agreeable to removing the site specific consideration that relates to the provision of a 10m buffer around the site.

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.

No modification required.

## Document Section: LP1481 - New Housing Site - Halifax

### Representations

Comment ID **APX1215**

Site ref (if applicable): **LP1481**

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:

Comment ID **APX436**

Site ref (if applicable): **LP1481**

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 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 **APX679**

Site ref (if applicable): **LP1481**

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:

18-24 Holdsworth Road opposite this site are Grade II Listed Buildings. 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 and setting of the listed buildings. Large scale development directly abutting the northeast boundary of the site could over dominate the listed building in the streetscene. 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 measures put forward in the Heritage Impact Assessment to mitigate/enhance the significance of the Listed Buildings need to be effectively tied into the Plan. 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 LP1481 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 **Lpp1112**

Site ref (if applicable): **LP1481**

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. Site LP1481 - Size of site The current wording of Policy SD7 suggests that the boundaries of all the housing allocations are shown on the Policies Map. However, in terms of Site LP1481, the entire site is coloured orange (1.56 ha) whereas only part (1.05 ha) is identified in the table of Policy SD7. There is also an inconsistency with the Sustainability Appraisal (SA); the Site Assessment for Site LP1481 (p175) considers the sustainability credentials of the entire site (1.56 ha). This inclusion and assessment demonstrates that including the whole of Site LP1481 in the housing allocation would be justified and thus sound. A protected Open Space, Sport and Recreation Facility adjoins Site LP1481 (and Site LP1429) on its south side. This designation is coloured turquoise on the Policies Map and does not overlap or include any part of Site LP1481 (or Site LP1429). Accordingly, including the whole of Site LP1481 in the housing allocation would also be effective and positively prepared. If the whole of Site LP1481 is not allocated for housing, the balance of the site, some 0.51 ha, would neither be protected for open space, sport or recreational purposes. It is also likely to continue to be unused and make a limited impact to the visual amenity of the area. Notwithstanding this, it would remain inside the settlement boundary so would be an acceptable location in principle for residential development. But if the balance of the site ever came forward for a speculative residential development, it is likely to represent a piecemeal development because if housing has been developed on the rest of the site (as well as Site LP1429), it would be relatively inaccessible. In contrast, including the whole of Site LP1481 in the housing allocation would enable a comprehensive development to be delivered. This is therefore another reason in favour of allocating all of Site LP1481 for housing. In previous representations, The Diocese has suggested that Site LP1481 is included in an extended housing allocation of Site LP1429 to ensure the maximum recreational opportunities for the new housing are realised. For example, it was suggested that the redgra could be replaced with a grassed open space, park or playground, which could be more widely used, enhancing its accessibility by making it available to members of the public and thereby making it a more attractive proposition to the local community. Such an approach would be sound by being consistent with national planning policy, specifically, Paragraph 92 of the Revised NPPF which suggests that policies should plan positively for the provision of open space, amongst other things. This is an additional reason why The Diocese continues to support both sites as housing allocations. To avoid any ambiguity, The Diocese suggests the wording in the table of Policy SD7 should be amended to read as follows: Site Ref: LP1481

Supporting Information Location Former St Catherine's High School Grounds, Holdsworth Road, Halifax Size (Ha) 1.05 1.56 Indicative Developable Area 0.90 1.41 Indicative Capacity 32 51 See attachment

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084179>

Comment ID **Lpp1117**

Site ref (if applicable): **LP1481**

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:

It is noted that the purpose of this Sustainability Appraisal (SA) is to provide an addendum to the SA of the Calderdale Local Plan Initial Draft, August 2017. Site LP1481 scores negatively against Objective 4; To encourage increased participation in cultural, leisure and recreation activities. It appears to have been scored negatively against this objective because the report alleges the site is Public Open Space (POS) and partly greenfield. The references to the site being POS are wholly incorrect for reasons explained in earlier representations but repeated below. Firstly, Site LP1481 is not designated for this purpose on the Current UDP Proposals Map nor on the Draft Policies Map. Secondly there is nothing within the Calderdale Open Space, Sport and Recreation Study: Strategy and Action Plan (2006) (OSSRS) to suggest the site, either in whole, or in part, functions as a POS. Thirdly the OSSRS 2015 Update is silent on this matter regarding the site. This score is also inconsistent with how Site LP1429, which neighbours Site LP1481, was assessed in the 2017 SA. It scored positively against Objective 4 and it was considered there was an: 'Overall positive impact as the site meets the access to cultural facilities criteria, is within an area that meets the Access to Natural Greenspace Standards, and is adjacent to Public Open Space.' It is suggested that this assessment also applies to Site LP1481. Site LP1481 is like Site LP1429 in that it is also not designated, protected or earmarked for a specific land use or purpose. The Diocese therefore suggests that the Site LP148 score against Objective 4 is changed from 'Negative' to 'Positive'; this would change the overall scoring of the site such that it would score 'Positive' against 7 of the objectives, 'Uncertain' against 6 of the objectives and 'Negative' against 0 of the objectives. 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>

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Open Space - Challenge to requirement to consider loss of tennis courts. The courts are no longer in use. Objection to loss of open space.
2. Heritage - Impact on 18-24 Holdsworth Road. Recommendations in HIA should be 'required' in order to be effective.
3. Site size - Request to increase size of site and capacity.
4. Sustainability Appraisal - The results of objective 4 of the SA relating to cultural facilities, greenspace standards and public open space is incorrect.

Council's Response:

1. The site was identified in the Open Space Study as a playing pitch. However, this area is not now used as a sports field by the schools in the area. The Council's Safer, Cleaner, Greener Section Open Spaces consider that the site is suitable for residential development if other sports facilities in the area are improved.
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. The developable area of the site is considered to be appropriate based on the constraints of the site and the recommendations from our consultees.  
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.

4. The site's allocation is considered consistent with the Council's Sustainability Appraisal methodology.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Remove reference to tennis courts in Site Specific Considerations
2. Amend wording of Site Specific Consideration with regards to ecology.
3. Implementation of the mitigation measures set out in the Heritage Impact Assessment.
4. Size (Ha) 1.05 changed to 1.56  
Indicative Developable Area 0.90 changed to 1.41  
Indicative Capacity 32 changed to 51
5. Amend results of objective 4 of the Sustainability Appraisal.

Council's Response:

1. There is no reference to tennis courts in site specific considerations.  
No modification required.
2. There is no reference to an ecology site specific consideration in the site summary report only the provision of SuDS and green roofs in relation to flooding and drainage issues.  
No modification required.
3. 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.  
No modification required.
4. The developable area of the site is considered to be appropriate based on the constraints of the site and the recommendations from our consultees.  
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.  
No modification required.
5. The site's allocation is considered consistent with the Council's Sustainability Appraisal methodology.

No modification required.

## Document Section: LP1486 - New Housing Site - Halifax

### Representations

Comment ID **APX1237**

Site ref (if applicable): **LP1486**

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>

Comment ID **Lpp1297**

Site ref (if applicable): **LP1486**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper

suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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 **Lpp1350**

Site ref (if applicable): **LP1486**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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. Open Space - Loss of open space.

Council's Response:

1. The site currently performs the function of an amenity open space. An assessment of open space in the area shows that there are currently sufficient alternative amenity open spaces within the catchment of this site to meet the adopted standards. However, the Council's Safer, Cleaner, Greener Section have raised concerns regarding the allocation of some of these existing amenity spaces (LP1486, LP1487, LP1488 and LP1489), and the impact on the provision for children's play. However, it is considered that there is a potential site which has not been allocated (Hunter Hill Road/Balkram Road) which would be a good site to improve to compensate for the loss of the amenity open space sites. There is potential for two more pieces of play equipment, bins, seats and a goal end on the grassed area.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1487 - New Housing Site - Halifax

### Representations

Comment ID **APX1238**

Site ref (if applicable): **LP1487**

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>

Comment ID **Lpp1299**

Site ref (if applicable): **LP1487**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper

suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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 **Lpp1351**

Site ref (if applicable): **LP1487**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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. Open Space - Loss of open space.

Council's Response:

1. The site currently performs the function of an amenity open space. An assessment of open space in the area shows that there are currently sufficient alternative amenity open spaces within the catchment of this site to meet the adopted standards. However, the Council's Safer, Cleaner, Greener Section have raised concerns regarding the allocation of some of these existing amenity spaces (LP1486, LP1487, LP1488 and LP1489), and the impact on the provision for children's play. However, it is considered that there is a potential site which has not been allocated (Hunter Hill Road/Balkram Road) which would be a good site to improve to compensate for the loss of the amenity open space sites. There is potential for two more pieces of play equipment, bins, seats and a goal end on the grassed area.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1488 - New Housing Site - Halifax

### Representations

Comment ID **APX1239**

Site ref (if applicable): **LP1488**

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>

Comment ID **Lpp1300**

Site ref (if applicable): **LP1488**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper

suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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 **Lpp1352**

Site ref (if applicable): **LP1488**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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. Open Space - Loss of open space.

Council's Response:

1. The site currently performs the function of an amenity open space. An assessment of open space in the area shows that there are currently sufficient alternative amenity open spaces within the catchment of this site to meet the adopted standards. However, the Council's Safer, Cleaner, Greener Section have raised concerns regarding the allocation of some of these existing amenity spaces (LP1486, LP1487, LP1488 and LP1489), and the impact on the provision for children's play. However, it is considered that there is a potential site which has not been allocated (Hunter Hill Road/Balkram Road) which would be a good site to improve to compensate for the loss of the amenity open space sites. There is potential for two more pieces of play equipment, bins, seats and a goal end on the grassed area.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

## Document Section: LP1489 - New Housing Site - Halifax

### Representations

Comment ID **APX1240**

Site ref (if applicable): **LP1489**

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>

Comment ID **Lpp1302**

Site ref (if applicable): **LP1489**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper

suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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 **Lpp1353**

Site ref (if applicable): **LP1489**

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 collection of 4 sites (LP1486, 1487, 1488, 1489) which are currently open space within a housing development. We question the suitability of all the sites, which would cumulatively impact on the open space in the locality and the provision of children's play (as identified by the Council in the site specific text relating to these sites. The Housing Technical Paper suggests delivery from these sites from year 10 - 14 (2027/28 "" 2031/32).

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. Open Space - Loss of open space.

Council's Response:

1. The site currently performs the function of an amenity open space. An assessment of open space in the area shows that there are currently sufficient alternative amenity open spaces within the catchment of this site to meet the adopted standards. However, the Council's Safer, Cleaner, Greener Section have raised concerns regarding the allocation of some of these existing amenity spaces (LP1486, LP1487, LP1488 and LP1489), and the impact on the provision for children's play. However, it is considered that there is a potential site which has not been allocated (Hunter Hill Road/Balkram Road) which would be a good site to improve to compensate for the loss of the amenity open space sites. There is potential for two more pieces of play equipment, bins, seats and a goal end on the grassed area.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

Council's Response:

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

### Representations

Comment ID **Lpp1441**

Site ref (if applicable):

Person ID: **1182876**

Name: **Mr Craig Whittaker MP**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

See attached

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp260**

Site ref (if applicable):

Person ID: **1182636**

Name: **Ms Christine Taylor**

Organisation: **Administrative Assistant  
Todmorden Town Council**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

CALDERDALE DRAFT LOCAL PLAN FORMAL CONSULTATION AND TOWN COUNCIL'S RESPONSE At the Development Committee meeting on 12 th September 2018 the Local Plan was discussed. As a result I have been asked, by the Committee, to write to you stating Members' objections to the geographical and geological issues in relation to the proposed house building sites and the access to employment sites including the lack of provision in Todmorden.

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. Underdevelopment of the Upper Calder Valley including Todmorden.

Council's Response:

1. The explanation of the distribution strategy is set out in BP06 LPWP Report - Distribution of Growth.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

Council's Response:

## Document Section: LP0053 - New Housing Site - Todmorden

### Representations

Comment ID

Site ref (if applicable): **LP0053**

Person ID: **952494**

Name: **Mrs Susan Wadsworth-Ladkin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I don't see any indication of consideration being given to the wildlife who use this area of land. This land is used by Canada and feral Ebden geese for roosting and nesting purposes in spring, as well as deer, ducks and moorhens. There are also repeat visits by herons. The trees which are on the land are required to be kept and added to due to their roots being the way the canal bank does not slide into the water. The land is also boggy and unsafe for building. The trees help with soaking up the water run off from the land above, which is quite severe whenever there is rain, and Todmorden is NOT renown for being the dry end of the valley. Provision to stop increased water run off causing flooding for the householders on the opposite side of the canal is required. This area is already in a red flood zone and if the soakaway properties of this land and the tree and brush cover is lost then many people are likely to be even more at risk of flooding than we already are. This has been seen to have happened further down the Calder Valley when Calderdale council planners allowed building to be carried out on the land between the River Calder and Calder and Hebble navigation Park Road, Elland. Since that happened there has been serious and repeat floods all along Park Road, inundating houses and businesses causing increased insurance costs and loss of property. The roads coming out of this land cannot accommodate parking, entry and exit for vehicles for this many extra houses, they are neither wide enough nor built for this much extra traffic. Again, referring back to my initial paragraph, the wildlife in this area will be all but wiped out due to this plan and the increased flooding for housing, businesses and the transport system for this area of Todmorden will be increased many fold.

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

The land indicated is just not suitable for a build of this scale and density.

Additional Evidence Link:

Comment ID

Site ref (if applicable): **LP0053**

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 a buffer, however would also like to see PEA and protected species surveys requested, along with sensitive landscape plan (including SuDs) to achieve 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 **APX22**

Site ref (if applicable): **LP0053**

Person ID: **1176905**      Name: **Mr Martin Cook**      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 would like to register my objections to the proposed development site on the land off Key Sike Lane. The development of this land would cause a number of issues with transport, environment and most significantly flood risk. As outlined in the National Planning Policy Framework documentation paragraphs 150 to 185; these are some key areas that must be considered when looking at development and planning. Firstly, paragraph 155 states that LPAs must "proactively engage" with the local community. Given this document is hidden away on this website without any direct contact being made with local residents I believe you currently fall well short of what can reasonably be considered "proactive". More importantly are the impacts of development on the proposed site. Paragraph 152 of the NPP Framework states that "significant adverse impacts on any of the dimensions listed should be avoided". A development on this site would cause adverse impacts in three main areas; One of these is transport. Transport will be a major issue; the site is located above the canal where access is made of a single track canal bridge. The area is already heavily populated and further traffic over this narrow access point will cause further issues of congestion. A greater concern would be the increased traffic levels in an area that is heavily populated

with children. Paragraph 162 of the National Planning Policy states that "capacity of infrastructure for transport" must be considered and in this case it is clear that the infrastructure is not possible given the constraints of the road and conservation of the canal bridges. Further adverse impacts are on the environment. The wooded area on which you propose to build has an abundance of wildlife. This includes many nesting birds, bats, owls and also breeding deer. Given the Badger Wood development has already impacted this area over the previous years it seems highly unreasonable to suggest destroying what natural habitat remains along the canal bank in this area. The presence of the canal only further enhances the viability for many animals to survive and breed in this area. The most serious significant impact is that of increased flood risk. Again highlighted in paragraphs 156 - 166 of the NPP Framework. To build on land uphill of the canal would undoubtedly increase the risk of flooding to the houses opposite the canal. These are properties (Derdale street, Der Street, Richmond Street etc...) that have already faced flooding on numerous occasions in previous years. The risk of flash flooding in this location cannot be overlooked as it has frequently been the case and adding further surface run-off will increase this risk. There would also be a dangerous increase in the possibility of the canal breaking its banks as surface run off would directly lead to the canal. This would be additional to the hill/spring water that already flows into the canal below Badger Wood, just before the proposed new site. The lack interception of rainfall with the removal of the trees and shrubs that currently occupy the hillside and canal bank would exacerbate this issue further still as they would no longer retain any of the rainfall or hill waters that flow down. It is clear that this proposed site does not have the traffic links or the capacity to hold housing without causing significant issues to the levels of traffic and the environment. Not to mention putting an already flood vulnerable area at greater risk. I implore the council to look for more suitable sites that this proposed development.

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

Duty to Co-operate Reason:

Suggested Modifications:

This area is unsuitable for development of housing for the reasons outlined.

Additional Evidence Link:

Comment ID **APX5**

Site ref (if applicable): **LP0053**

Person ID: **1176582**

Name: **Mrs Kara Bayley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The site is listed as 'brownfield' but I can see no justification for this. It was woodland containing marshy areas and a brook which fed the canal up until about 2 years ago when the developers on Badger Wood paved it and diverted the brook. As far as I'm aware, they had no permission to do this, and I know the council was notified about the work by my neighbour, who was told it was permissible. The impact on the local wildlife has been noticeable. I also would like to note that the canal is no longer fed by the reservoirs as it used to be and often struggles for water supply. This is one more hit to our beloved canal and may have effects beyond that which have been investigated immediately to this site. There are numerous deer, foxes and various birds (both waterfowl and otherwise) who will be tremendously affected beyond what

they have already if this building site is allowed to be further developed. Your own sustainability report acknowledges this, and it is not a risk that should be countenanced in return for 'uncertain' outcomes.

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

Sound Reason:

I don't believe all the potential consequences have been sufficiently 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:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Ecology – Impact on wildlife including deer, foxes and various birds and a Preliminary Ecological Appraisal and Protected Species Report are required along with a sensitive plan to achieve net gain in biodiversity and no fragmentation of Calderdale Wildlife Habitat Network.
2. Site Status - Listed as brownfield but was woodland containing marshy areas and a brook which fed the canal before developers on Badger Wood paved it and diverted the brook.
3. Rochdale Canal - No longer fed by reservoirs as it used to be and often struggles for water supply and development may have effects beyond those investigated.
4. Flooding - Increased risk of flooding through surface water flooding. Increase in the possibility of the canal breaking its banks with surface run off being directly into it.
5. Land stability - Impact on stability of the canal if trees are removed.
6. Local Road Network - Inadequate local road network, specifically capacity including single track canal bridge, road safety issues and parking.

Council's Response:

1. West Yorkshire Ecology have said the site is likely to be acceptable as long as the design of the development would avoid buildings which cast shade over the water and minimise light pollution and

disturbance to the canal. Yorkshire Wildlife Trust goes on to say that an ecological buffer should be established along the northern and western sides of the site in order to reduce disturbance impacts on the Local Wildlife Sites and woodland habitats. Such could include vegetation planting to complement these areas, which should be managed for biodiversity. They also advise that a bat sensitive light scheme is employed on the site in order to avoid impacts on foraging and commuting bats. The Council's Conservation Section (Habitats) supports the above comments and recommends that a 10m buffer on the south, west and north boundaries is provided and planted with native trees and shrubs. Whilst this can be achieved on the west and north boundaries, the southern boundary is already developed and provision of a buffer is not possible.

2. A site visit confirmed the land is in poor condition (abandoned caravans, building materials & vehicles). There has been some recent excavation work on the site facilitating what appears to be a new access. The site is considered to be brownfield.

3/4. 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. SuDS should be provided through green and blue Infrastructure if the site is developed. Water supply issues regarding the Rochdale Canal have not been raised by the Council's Flooding and Drainage section nor the Environment Agency following consultation.

5. 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.

6. Highways Development Management have stated that the site is accessible as long as site access can be provided to adoptable standards with connecting new footways with existing footways on Eldon Street.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. Remove site allocation LP0053 from the Local Plan.

2. Preliminary Ecological Appraisal and Protected Species Report are required along with a sensitive plan to achieve net gain in biodiversity and no fragmentation of Calderdale Wildlife Habitat Network.

Council's Response:

1. No change required - 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. West Yorkshire Ecology have said the site is likely to be acceptable as long as the design of the development would avoid buildings which cast shade over the water and minimise light pollution and disturbance to the canal. Yorkshire Wildlife Trust goes on to say that an ecological buffer should be established along the northern and western sides of the site in order to reduce disturbance impacts on the Local Wildlife Sites and woodland habitats. Such could include vegetation planting to complement these areas, which should be managed for biodiversity. They also advise that a bat sensitive light scheme is

employed on the site in order to avoid impacts on foraging and commuting bats. The Council's Conservation Section (Ecology) supports the above comments and recommends that a 10m buffer on the south, west and north boundaries is provided and planted with native trees and shrubs. Whilst this can be achieved on the west and north boundaries, the southern boundary is already developed and provision of a buffer is not possible. The aforementioned consultees do not request a preliminary Ecological Appraisal nor a Protected Species Report.

No modification required.

## Document Section: LP0640 - New Housing Site - Todmorden

### Representations

Comment ID **APX1104**

Site ref (if applicable): **LP0640**

Person ID: **1128479**

Name: **Mr Mark Tyrer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The proposal for this site has been through the appropriate public consultations.

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

Sound Reason:

The proposal to build a large number of houses on this site is unsound for the following reasons The site is mostly steeply sloping yet appears to have been considered by Planning to be flat, which has given an erroneous calculation of its capacity. Unacceptable increase in traffic - access to the site would be via 3 conjoined roads; Hallroyd Road, Stansfield Hall Road and Victoria Road. These are residential access roads, yet have become an unofficial Todmorden bypass. They are now widely used as a rat-run to avoid congestion in Todmorden Centre on the A646. This despite the fact that the route has a single lane railway bridge controlled by traffic lights and is steep, width reduced by domestic parking and has sharp bends. Victoria Road is also permanently reduced to single lane by domestic parking. It is significant that a modest expansion of the Dance Studio on Victoria Road was refused planning permission in 2017 on the grounds that any increase in traffic was unacceptable. The plan to increase traffic on these roads with that produced by a further 53 houses is irresponsible, runs counter to Calderdale's previous traffic assessment and is unworkable. A further problem is caused by the weight restriction on the railway bridge (7.5 tonnes), which would mean much of the construction traffic would have to access the site via Victoria Road. Several other proposed sites for housing also require access via these three conjoined roads, which would exacerbate further the problems outlined above. Inadequate access road "" access to the site is via a steep, single lane road with poor sight lines to traffic ascending Stansfield Hall Road. It is barely adequate for the 21 households it currently serves and is quite inadequate for a further 56. Unstable nature of the site "" The underlying geology of the site is shale in thin layers that are liable to slippage when wet. The steeply sloping parts of the site increase the vulnerability to slippage. Not only would this affect new build on this site, but would also hazard the properties flanking Stansfield Hall Road There are three pieces of evidence corroborating this vulnerability to slip; A survey carried out for one the properties on the Hollins advised that the British Geological Society confirmed the ground was liable to slippage. Construction of the new build "Hillside" had to be interrupted for remedial work to the hillside before it could continue. The site mirrors closely in geology and topography the Park Road site on the opposite bank of the stream called Oak Hill Clough. This site has a history of landslip (most recently on Boxing Day 2016). That site was refused permission for housing development by Calderdale in Aug 1991 and July 1992, because of land instability, a decision upheld by the Planning Inspectorate in July 1993. The Council also has records of the 1976 fiasco when work on a remedial school had to be abandoned because of landslip. Although there are not yet obvious signs of slippage on LP0640, this is probably because the site has not been disturbed by heavy plant and excavation. The stable foundations of nearby houses is no guarantee of stability of

LP0640, because areas of shale in the locality can be interspersed with underground ridge of gritstone.

5) Harm to the rural character of the town "" A recurrent theme from Calderdale's consultation on the Local Plan is that one of the town's assets that is valued by vast majority of its inhabitants is the rural nature of the town. This is largely due to the green spaces between built up areas and the visibility of the surrounding hills between buildings. This site is visible from the town centre as one of the green areas breaking up areas of development. Such is its contribution to the town's character is that it was seriously considered for designation as "Green Space" in the previous Unity Development Plan. The large scale housing development currently proposed would destroy this asset. Alternative suggestion The brownfield Adamroyd Mill site, which has a lapsed planning permission for 45 houses, with easy access via the A646, has now become available since it has been removed from the Local Plan. Not only can this site provide a better alternative to LP0640 on all counts (no intensification of traffic on residential roads; better access, level site, no harm to rural character of the town) but also gives the opportunity to solve the bottleneck of domestic parking on Victoria Road.

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

Duty to Co-operate Reason:

The LPA has neither responded to representations from local people nor has entered into dialogue with them. The impression I have gained from the many participation meetings I have attended is that they have been "box ticking exercises" For example, there have been numerous representations from local people on LP0640 on issues such as; a) the presumption that it is a flat site that can accommodate 50 + houses - no one from the Spatial Planning team can have taken the trouble to make the journey from Halifax to correct this glaring error b) the already periodic high density traffic on Stansfield Hall Road - not even a traffic counter has been placed on the route over the 3 years of planning consultation.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081662>

Comment ID **APX2**

Site ref (if applicable): **LP0640**

Person ID: **1118292**

Name: **Mr John Stobbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Totally unacceptable for the use of this land for a housing development. There are many issues such as land slippage, poor access and nearby road is already overused and dangerous. This land was previously labelled as a wildlife corridor so what has changed ?

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

Sound Reason:

Totally unacceptable for the use of this land for a housing development. There are many issues such as land slippage, poor access and nearby road is already overused and dangerous. This land was previously labelled as a wildlife corridor so what has changed ?

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 **APX204**

Site ref (if applicable): **LP0640**

Person ID: **1181778**

Name: **Mr Barry Cook**

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 will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The site is a haven for flora and fauna, with a large number of shrubs of all types around the field edges. The field is on a steep hill. I feel that this will need considerable landscaping and earth moving to make it at all suitable for house building / access roads etc. I feel that these changes could make the area and the surrounding areas susceptible to flash flooding as in times of heavy rain water will pour down the hillside. If the field was ever built on, then I feel that there could be serious issues regarding drainage and flooding. I feel that any essential landscaping for a housing development will spoil the area considerably.

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

Duty to Co-operate Reason:

Access to this site will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The site is a haven for flora and fauna, with a large number of shrubs of all types around the field edges. The field is on a steep hill. I feel that this will need considerable landscaping and earth moving to make it at all suitable for house building / access roads etc. I feel that these changes could make the area and the surrounding areas susceptible to flash flooding as in times of heavy rain water will pour down the hillside. If the field was ever built on, then I feel that there could be serious issues regarding drainage and flooding. I feel that any essential landscaping for a housing development will spoil the area considerably.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX351**

Site ref (if applicable): **LP0640**

Person ID: **1115311**

Name: **Mrs Lydia Green**

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:

The proposed development is not fit for purpose. The immediate road network both on Victoria Road and Stansfield Hall is highly congested by local and other resident parking and through traffic is very heavy, particularly if there are local road issues when it is used as a rat run. Speed limits are not adhered to and rarely monitored. Additional traffic to the volume suggested by the very large number of dwellings proposed would add significantly to this problem and cause misery both for local residents and those suggested to live in the area. Accidents must rise due to the on street and pavement parking eventually as crossing the road is often dangerous due to unsighted traffic travelling at speed on the wrong side of the road. The risk to existing housing of disturbing the site proposed is also significant. Any local building disturbs both loose structure of hillside and shifting water courses. There are existing problems in the area already with unidentified and unsolvable water running off the site. There were significant problems historically on a proximate similar site which resulted in large land slippage. The risk should be thoroughly investigated and mitigated before planning granted. Victoria Rd is not suitable for the very large number of dwellings proposed by the dual proposals both on The Hollins and land in front of Woodlands. The combination of impact from such large developments should be considered altogether, this is small area accessed by over congested local roads, heavily marred by lack of parking.

Additional Evidence Link:

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Comment ID **APX39**

Site ref (if applicable): **LP0640**

Person ID: **1114619**

Name: **Mr Ian Tootell**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Can it be legally compliant when there is NO chance for people in Todmorden to comment as there is the nearest place is Hebden Bridge. Or is it yet again a ploy to get the plan through the back door.

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

Sound Reason:

How can the plan be sound when previous comments on this parcel of land have been ignored. Who has submitted the site report? How can the site report be impartial?

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 **APX42**

Site ref (if applicable): **LP0640**

Person ID: **1120665**

Name: **Dr Judy Kendall**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There is an unresolved and persistent water ingress to property and potential further risk that could be caused by very large development to houses below, There are still problems here which are under ongoing investigation by local council dept. The landowner is not liable so we will have to front any costs to cope with changes to water course in future. The land quality on this side of valley has to be a risk when considering water management. Also traffic round the bend at the bottom of the lane leading up to the Hollins and the Mount has been very heavy and dangerous lately due to works at Lidl. We need a traffic survey at rush hour times and weekends to be conducted as a condition before proposed developments here and in neighbouring areas are considered, such as the proposed additional development on Woodlands Rec. Has the plan taken full consideration of the likelihood of landslips if this development goes ahead? I see no evidence in the notes here.

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

Sound Reason:

There is an unresolved and persistent water ingress to property and potential further risk that could be caused by very large development to houses below, There are still problems here which are under ongoing investigation by local council dept. The landowner is not liable so we will have to front any costs to cope with changes to water course in future. The land quality on this side of valley has to be a risk when considering water management. Also traffic round the bend at the bottom of the lane leading up to the Hollins and the Mount has been very heavy and dangerous lately due to works at Lidl. We need a traffic survey at rush hour times and weekends to be conducted as a condition before proposed developments here and in neighbouring areas are considered, such as the proposed additional development on Woodlands Rec. Has the plan taken full consideration of the likelihood of landslips if this development goes ahead? I see no evidence in the notes here.

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

Duty to Co-operate Reason:

There is an unresolved and persistent water ingress to property and potential further risk that could be caused by very large development to houses below, There are still problems here which are under ongoing investigation by local council dept. The landowner is not liable so we will have to front any costs to cope with changes to water course in future. The land quality on this side of valley has to be a risk when considering water management. Also traffic round the bend at the bottom of the lane leading up to the Hollins and the Mount has been very heavy and dangerous lately due to works at Lidl. We need a traffic survey at rush hour times and weekends to be conducted as a condition before proposed developments here and in neighbouring areas are considered, such as the proposed additional development on Woodlands Rec. Has the plan taken full consideration of the likelihood of landslips if this development goes ahead? I see no evidence in the notes here.

Suggested Modifications:

Resolve the persistent water ingress to properties and potential further risk that could be caused by very large development to houses below, Council to continue to investigate and resolve ongoing problems in this area. Set up provisions so home owners are not liable so we will have to front any costs to cope with

changes to water course in future. Full proper investigation of land quality on this side of valley in relation to risk when considering water management. Also traffic round the bend at the bottom of the lane leading up to the Hollins and the Mount has been very heavy and dangerous lately due to works at Lidl. We need a traffic survey at rush hour times and weekends to be conducted as a condition before proposed developments here and in neighbouring areas are considered, such as the proposed additional development on Woodlands Rec. Full investigation of the likelihood of landslips if this development goes ahead, and obligatory provision of prevention of this risk, with clear outline of liability of council and building companies.

Additional Evidence Link:

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Comment ID **APX461**

Site ref (if applicable): **LP0640**

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 **APX554**

Site ref (if applicable): **LP0640**

Person ID: **1118973**

Name: **Ms Nadine Pittam**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry

that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and i worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way . You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that i have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the brown sites and tidy up the appearance of Todmorden at the same time.

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

Sound Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of

surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and i worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way . You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that i have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the brown sites and tidy up the appearance of Todmorden at the same time.

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

Duty to Co-operate Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall

Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and I worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way. You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that I have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the brown sites and tidy up the appearance of Todmorden at the same time.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX555**

Site ref (if applicable): **LP0640**

Person ID: **1110095**

Name: **Ms Nadine Pittam**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and i worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way . You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that i have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we

can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the brown sites and tidy up the appearance of Todmorden at the same time.

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

Sound Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and i worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way . You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that i have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the

brown sites and tidy up the appearance of Todmorden at the same time.

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

Duty to Co-operate Reason:

There is a pond of water in the middle of the field every year throughout the winter months and i worry that whoever suggested this site only saw it in one of the dry summer months. We regularly get a lot of surface water running down the hill which can be quite a torrent of water at the joining with Stansfield Hall Road. We get flooding in our cellar after heavy rain; the hillside just cannot hold all the run off or absorb it quick enough, it just gets totally saturated. Please come and visit me this winter if you need to see for yourself. I worry that you will be creating more flooding for the residents of Tod lower down the hillside/valley bottom. I would like a detailed explanation of what 'mitigation' you propose for all your flooding issues, please? Victoria Road is already very congested due to the single file access where residents park. I don't think it's a good idea to bring more traffic to that area. There is a dance school on this road and i worry that a child will be knocked down and killed. In winter when it snows and when snow is forecast, I have to leave my car at the foot of our hill, parked on Stansfield Hall Road, with a lot of other residents cars. It gets very crowded and difficult to manoeuvre due to single file passing in snowy conditions. There's no room for another 56 cars ( or more if the new homes have 2 cars per household) to also park their cars here at this time. Stansfield Hall Road is used as a cut through from the Halifax Road to the Burnley Road to avoid centre of Tod. I regularly see walkers coming along the Hollins to admire the views of the town. They use our hill and road as an access to the Calderdale Way . You need to spend the Community Infrastructure levy that you get from any developments in Todmorden in the local area and not in other parts of the valley, ie Halifax. I have no confidence that the schools and health services can keep pace with 799 new households. I am also concerned about the sewerage and waste water management; Yorkshire water has no plans to improve sewerage systems and there seems no joined up thinking about drainage in the area. At the meeting with Craig Whittaker, we heard that the new Lidl supermarket was making arrangements for all its clean rainwater run-off to be added to the dirty sewerage water thereby becoming dirty water unnecessarily. I regularly see deer using the field plus all the other smaller wildlife not as visible to my ageing eyes. The field forms part of a green corridor through the town of Tod allowing animals and bees to do their thing to maintain Tod as the tourist place that it is. The field was grazed by horses up until recent years and is still used for the hay every year. There is an obvious risk of landslip and the Hollins houses falling into the field; you only need to consider what happened when they started building the house, 'Hillside', on the hill up to the Hollins and building work had to be stopped due to the wall collapsing and the land had to be shored up by massive boulders. This was for just one house, not 56! There has also been a recent landslide along the valley side/ same rock strata, in 2015, when land fell away behind Meadow Bottom, which shares a boundary with the Hollins field. My neighbours had a survey on their property which alerted us to the fact that there is a general movement of the whole hillside, along the south valley side in this area. I was glad to hear Carol Michelle, our local councillor, talking at the meeting at the cricket club held by Craig Whittaker on 21-08-17, and telling us that she has visited every site of the proposed plans and that she believes "we need the houses to be in safe places". I drive to Manchester to work; the roads have become more congested in the 10 years that i have lived in Tod; the valley is narrow and would not accommodate a dual carriageway and that would spoil the area for visitors who are trying to escape to the countryside and relax. I disagree with your suggestion that journey time to the nearest hospital is under 30 minutes; I had to drive my partner to Huddersfield A&E and it took 45 minutes. I know it would cost money to clean up some of the brown sites due to toxicity/ asbestos etc. but it would be worth the investment to re-use the land for houses and remove the current eye-sore, thereby improving the experience for our tourists. I believe we have to look at the bigger picture and not just a knee-jerk reaction to London based MPs. If we use our green belt, we can never get it back. If we use our green belt, we can never get it back. Let's work harder to use the brown sites and tidy up the appearance of Todmorden at the same time.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX583**

Site ref (if applicable): **LP0640**

Person ID: **1182786**

Name: **Ms Shelley Burgoyne**

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 very definitely a flood risk if this site is built on. The field proposed has always had a drainage problem. It is unsuitable building land. Hollins Road is liable to flash flooding. I feel that the loss of the recreational space for residents, children and young people would have an adverse impact of wellbeing. This is a space that has been used for years and years for young people to play outside; safely, but not under the direct supervision of adults. The loss of trees to the area would be devastating, to noise pollution as well as the overall greening of Todmorden. The road and access is an issue. This would create more congestion on an already over used access road on Victoria Road or Hallroyd Road. Parking is commonly taking up space and makes the road narrow and dangerous. Children are at risk. I have lived on Woodlands Avenue for 33 years.

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 **APX599**

Site ref (if applicable): **LP0640**

Person ID: **1110287**

Name: **Mr Lance Crossley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I have insufficient knowledge of the law to be able to comment definitively but must assume that the Council has complied with legal requirements in this respect.

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

#### Sound Reason:

In spite of many previous comments in the earlier consultation about the many reasons why this site is unsuitable it continues to be included in the plan. These can all be seen in the earlier consultation but to briefly reiterate these consist of unstable land, serious water drainage issues, difficult access with the possibility of the current owner of the access point land being unwilling to allow access, and the increasing amount of traffic along Hallroyd Road/Woodlands Avenue/Stansfield Hall Road and Victoria Road. Regarding the suitability of the site for development there is no evidence that it has been positively assessed for stability and is capable of being developed. Whilst there is reference to its steep slope and undulations or unstable land these have not been included in the overall assessment summary. Since the land at the foot of Park Road, just a matter of metres away from this site, had building abandoned many years ago due to the land conditions, which must be similar, it is most surprising that more consideration to this possible problem has not been given. Existing buildings already suffer an element of movement which would surely be worsened by any development. I believe that failing to properly assess the site is in violation of the National Planning Policy Framework requirements and that major issues will come to light should any development commence. Consequently the Local Plan must be considered unsound for this site. Whilst there is (hopefully!) no risk of flooding from the usual cause of the River Calder overflowing there is an issue with excess water coming down the hillside. This saturates the site and causes a small lake in heavy rain (sometimes with ducks and geese!) to form. This is a major problem for the lower properties on Stansfield Hall Road but the higher properties on The Hollins are also affected and have water ingress issues into cellars too. Development of the site would reduce even further its already overstretched ability to absorb water meaning the excess, besides affecting existing properties would then end up in the river and add to the general flooding issues for the town centre. The suggested mitigation would be inadequate because disturbance to the site would have unpredictable consequences and thus cannot be fully mitigated. The previous assessments of sites along this route seem to have only considered the increase in traffic from each site in isolation and not the cumulative effect, which, of course, would be much greater. This is unacceptable when the current level of traffic is already frequently at capacity, with the blind bends and single lane sections already having been referred to in other comments. Access to this site is regarded as requiring mitigation to lessen the impact on the road network. But the suggested number of houses on this site would be 53 (!!!) which would add perhaps 80 more vehicle movements and access is on a blind bend. How can that be mitigated? Not possible in my estimation and thus the Local Plan is unsound in this respect. This site has long been considered part of a wildlife corridor (throughout my lifetime as far as I am aware and I am 69) and this has not changed, but would do so detrimentally should the site be developed. Additionally the site provides an aspect above the town centre and a special feature when viewed from Centre Vale Park and from the opposite hillside. Again this inherent value would be lost should the site be developed. This is relevant as around 70% of participants in a survey conducted during the process of the Neighbourhood Plan stated that what they most treasured about the town was its rural aspect, and this is not just of importance to residents but also to visitors. This element seems to have been overlooked in the assessment of this site. And finally "" why oh why has the former Adamroyd Mill site on Victoria Road been excluded? This has a lapsed planning permission for, from memory, around 45 dwellings, and was included in the original draft plan for the reduced number of, again from memory, 25 dwellings. Why the reduction in numbers when the Council is desperate to maximise numbers and why was it then removed completely? It seems like an obvious choice to include. The only downside would be the additional numbers of vehicles which would be generated but since approximately half would be accessing Burnley Road, right by the site, and not using the rat run the impact would be less than some other suggested sites.

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

#### Duty to Co-operate Reason:

Yes, but with reservations. In my estimation the Council has cooperated by virtue of publishing its Plan and

inviting comments but has failed to address previously raised valid points of contention with the appearance of simply ignoring them.

Suggested Modifications:

I do not consider this site to be capable of being compliant and fit for inclusion in the Local Plan.

Additional Evidence Link:

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Comment ID **APX604**

Site ref (if applicable): **LP0640**

Person ID: **1123844**

Name: **Ms Helen Parker**

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 part of purchase of our house in The Hollins, March 2017, we commissioned a survey - This noted "The British Geological Survey has assessed the area of search as having high potential for natural ground instability". In the previous consultation, I raised concerns that the proposed development could worsen this instability, with severe consequences for neighbouring properties. I am commenting again as I see no evidence that this has been acknowledged or addressed.

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

Duty to Co-operate Reason:

Suggested Modifications:

Further investigation into subsidence issues

Additional Evidence Link:

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Comment ID **APX694**

Site ref (if applicable): **LP0640**

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 Fountain Public House and the two attached cottages, to the west of this site, and Hollins Farmhouse, to the east, are Grade II Listed Buildings. The Heritage Impact Assessment considered that the site is situated at a higher level immediately to the east of the listed buildings. Development on the western edge of the site will affect the setting of the listed building. 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 LP0640:- (a) Amend the fifth 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 west of the site shall be retained and enhanced to screen the new development from the nearby Listed Buildings" (c) Reduce the extent of Site LP0640 to exclude the area identified in the Heritage Impact Assessment on the eastern side of the allocation as being of 'High Sensitivity'

Additional Evidence Link:

Comment ID **APX707**

Site ref (if applicable): **LP0640**

Person ID: **1117983**

Name: **Mrs Karen Whitehead**

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 evidence Calderdale MBC have assessed the need for a detailed Geo technical survey and potential for landslip on this site. An adjacent site was rejected on the grounds of landslip after a proper Geo technical survey in 1993. There is evidence of abandoned construction. The cellars of houses below

the area regularly flood and Calderdale have not assessed the risk for this properly. The suggested number of houses would mean 80 or more vehicular movement. The cumulative impact of this plus other developments on this road would be significant. Mitigation required would be unsustainable. The local plan is unsound on this point. The potential of cumulative impact has been ignored.

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

Duty to Co-operate Reason:

Suggested Modifications:

Thorough Geo technical survey Traffic assessment Assessment of cumulative impact over all three sites proposed in area

Additional Evidence Link:

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Comment ID **APX715**

Site ref (if applicable): **LP0640**

Person ID: **1126720**

Name: **Mrs Jane Musson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

My concerns are the following:- Land slippage common to this side of the valley and ongoing drainage problems. Access- Potential for accidents as already a large volume of traffic using this route as a cut through to avoid Todmorden town centre. There are three blind bends on this route. This area is a local green space and wildlife site including deciduous woodland and a grade 2 listed building. This site is visible from the train and the park.

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:

Traffic monitoring and air pollution tests have not so far been carried out in the area of the proposed site. LP0640

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX716**

Site ref (if applicable): **LP0640**

Person ID: **1183153**

Name: **Mr & Mrs & Ms Jonathan & Heather & Arlette**

Organisation: **Robert Halstead Chartered**

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 agree with the Council's proposed allocation and consider the plan to be sound for the following reasons: Positively prepared: The residential capacity of 52 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 (Todmorden) Good access to local amenities including shops, schools and other local facilities Good access to local public transport networks Effective: The site is in joint ownership with both parties 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 Development of the site would not give rise to significant impact on the strategic highway network Any impact from developing the site on Ecology and Listed Buildings 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:

Comment ID **APX801**Site ref (if applicable): **LP0640**Person ID: **1183459**Name: **Mrs Julie Hollis**

Organisation:

Agent ID: **1181073**Name: **Cllr Andy Hollis**

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:

Highways: Planners have shown no awareness of the fact that this site is just one of three planned for a road that is used as a short cut between Burnley Road and Halifax Road as a means for motorists to avoid town centre congestion. The three potential sites (LP0901 / 0640 / 1637) would add at least 94 more dwellings and therefore, at 1.5 cars per dwelling, 141 more cars than at present. Nor do planners appear to

have noticed that there are 7 roads and 4 culs de sac leading on to the road, bringing many more cars with them. The road from Hallroyd Road to Victoria Road (referred to as Victoria Street by planners "" an indication of their eye for detail) is single track at both ends: with lights and a one-way bridge at one end and on-street parking at the other. Planners recognise the need to 'improve' and/or 'mitigate' Victoria Road, but they make no suggestions as to how. Since the maximum load the bridge can carry is 7.5t, all construction lorries would have to approach the site from Victoria Road, which would be potentially dangerous. Access: This would be difficult and would cause chaos for those living on The Hollins and The Mount. Land: The site is adjacent to an area which has experienced many landslips over the years. In 1976 Calderdale wasted £40,000 of taxpayers' money by purchasing land off Park Road to build a school. The building quickly collapsed. In 1992 they tried again on the same site, this time with housing. Fortunately, Dr Frank Howell from Manchester University, paid for by local residents, carried out a full geotechnical survey and The Planning Inspectorate rejected the application (T/APP/A4710/A/92/216955/P2). Nevertheless, Calderdale suggested the identical site for 83 dwellings in 2016, before withdrawing it. LP0640 is referred to as 'Billy's Front'. 'Billy's Back', behind The Hollins, has experienced several landslips. Before any development can go ahead on this site it is absolutely necessary that a proper geotechnical survey be carried out in order to analyse any developed slip circles. Boreholes will need to be at least 10m deep and groundwater pressure will need to be analysed. It would then be possible to calculate the forces on different sectors of the material above the slip circle and to determine how stable it is.

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

Duty to Co-operate Reason:

Suggested Modifications:

The Adamroyd Mill site should have been considered. As a brownfield site with years of planning permission it seems bizarre to exclude it.

Additional Evidence Link:

Comment ID **APX809**

Site ref (if applicable): **LP0640**

Person ID: **1110215**

Name: **Mrs Lydia Rowland**

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 evidence that Calderdale MBC has taken into account the need for a detailed Geotechnical survey and potential for Land Slippage on this site. There is no indication in the Local Plan Site Assessment that the site has been positively assessed for stability or is capable of being developed. There is no planning history upon which the Local Plan can rely. In the Site Assessment Main Report the 'Physical Constraints' do include Steep Slope/ Undulations or Unstable Land, (RAG RED) but none of these aspects are included in the overall assessment summary. There is need for a proper Geotechnical Survey so that physical evidence of suitability for development is shown. A measurement of Ground Water pressure

would make it possible to calculate the forces on different sectors of the material above the slip circle and to determine how stable it is. If this is not done then the requirement for demonstrating soundness has not been met. From the site assessment there appears to be no awareness of historic land movement across this whole area to the north of the through road, although Planning Officers were physically handed mapping evidence which clearly shows a pattern of land slippage on this hillside (2015). Please also note that an adjacent site was rejected on grounds of land instability after a proper geotechnical survey (Ref T/APP/A4710/a/92/216955/P2) in 1993. Attempts to build on this land in 1976 had to be abandoned because of land instability caused by this attempt to build. The evidence of abandoned construction is still there to be seen. It should also be noted that in the winter and periods of wet weather a pond forms on the site, thus stopping the water from flowing down the hill and increasing the flood risk. The Planning Inspectorate will know that 1993 must be regarded as recent in geological terms and this is even without considering the impacts of climate change on these areas over 25 years and in the future. Failing properly to assess the site is therefore in violation of the National Planning Policy Framework requirements in that major constraints to development will emerge as soon as any site preparation is commenced. To this extent, on this site, the Local Plan must be regarded as Unsound. FLOODING The Site Assessment acknowledges that there are major constraints with regard to flooding. The cellars of houses below this area (along Stansfield Hall Road) regularly flood and they require pumps in their basements. In winter and wet weather a pond forms on the site. The suggested mitigation required would be inadequate because disturbance to this site will have unpredictable consequences and therefore cannot be fully mitigated. The mitigation suggested from the potential flooding from Oak Hill Clough has no relevance and will have no impact on stopping flooding to this site. This appears to be a technical error in assessing mitigation. To this extent, on this site the Local Plan must be considered unsound. ACCESS HIGHWAYS IMPACT "" There is evidence that this not been assessed. Potential for Cumulative Impact is ignored for sites LP0901, LP0641 and LP1637 when commented on by Highways on an individual basis. Their written comment is either absent or 'N/A'. This means that the potential for 'cumulative impact' has been ignored both individually and when considering the three sites which are in close proximity and use the same road (i.e the continuous road leading through Hallroyd Road over the single track, traffic light controlled railway bridge, Woodlands Avenue, Stansfield Hall Road and Victoria Road 'Cumulative' applies to all three sites "" making 94 new dwellings and therefore at 1.5 cars per dwelling a potential 141 more cars than at present. At present there are approximately 79.5 cars linked to dwellings from Victoria Road to the access point to Bradnor House Site. It should be also taken into account that Site No LP1637 (Bradnor House) is dependent upon development of Site LP1544 (Gully House). This stated in the site report. It therefore mean not an additional 25 dwellings along the road but 48 and associated 35 approximately additional cars. Added together this makes 176 cars along this already busy and dangerous road. Single Track "" this short cut between Halifax Road and Burnley Road becomes in effect a single track at certain points owing to a single track railway bridge on Hallroyd Road and on-street parking on Woodlands Avenue, Stansfield Hall Road and Victoria Road. Cut through Road -The single road from the access onto Hallroyd Road from the main A646 Halifax Road, to Victoria Road access to Burnley Road, A646 is commonly used to avoid the Todmorden Town Centre and displaces the traffic. Travellers from Halifax to Burnley and vice versa frequently use this as the only through road to avoid Todmorden Town Centre. This is not just at peak times. There is no evidence that a traffic survey has ever been done on this road. This additional and very great amount of daily traffic has not been taken account of in the written evidence produced by Highways. Access onto the Highway "" the proposal is for three NEW access points within a 300 metre stretch. There are three blind corners within this transit. The potential for accidents is much increased and has not been assessed by the Highways Authority AIR QUALITY ASSESSEMENT C alderdale MBC has refused the official request from Todmorden Town Council for an Air Quality Assessment in the centre of town. The congestion and number of cars coming through the road for the proposed sites will be increased. This will lead to deterioration in air quality. There is no evidence that CMBC have taken this into account or intend to do so. Additionally "" The only access to Site LP064 is regarded as 'requiring mitigation' to lessen the impact on the road network. However the suggested number of houses (53) would mean that potentially

80 more vehicle movements would be accessing this site. It is on a bend adjacent a Grade Two listed entrance. It is a steep, single track road with no pedestrian footway on the link to the Calderdale Way and considerable widening of the road would be needed to make this safe for such an additional large number of vehicles and pedestrians accessing their homes. The Mitigation required would be unsustainable and therefore the Local Plan is unsound on this point. LANDSCAPE AND AMENITY The site contributes significantly to visual amenity in Todmorden as a whole area. It provides an aspect above the town centre and a special feature when viewed from the Centre Vale Park and the opposite side of the valley. This must be considered as having inherent value which will be lost entirely should the site be developed as the Local Plan proposes. As part of a survey conducted during the process of the Neighbourhood Plan, c. 70% of participants declared that what they most treasured about Todmorden was its rural aspect. This visual amenity does not appear to have been taken into account when assessing this site.

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

Duty to Co-operate Reason:

Previous comments setting out the objections listed in the Do you Consider the plan to be Sound section appear to have been ignored. I and many others endorsed the inclusion of site LP0649 (Former AdamRoyd Mill site) as this is a brownfield site and close to the centre of town and would not cause the significant highways impact and does not have the potential for land slippage, however this has been removed from the local plan and would be a much better solution than sites LP0901, LP0641 and LP1637

Suggested Modifications:

To determine whether the Local Plan is sound in my opinion the following would be required: Full Geotechnical Survey analysing any developed slip circles using bore holes, sometimes 10 metres deep and deploying piezometers (at least two) or an equivalent so that physical evidence of suitability for development is shown. Measurement of Ground Water pressure to understand the forces on different sectors of the material above the slip circle to determine how stable it is Cumulative assessment of the highways impact of sites LP0901, LP0641 and LP1637 Re-examination of the suitability of site LP0649 former AdamRoyd Mill

Additional Evidence Link:

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Comment ID **APX894**

Site ref (if applicable): **LP0640**

Person ID: **1183509**

Name: **Mr Jonathan 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:

No Geotechnical survey carried out, no checks on the stability of the site, no awareness of historic land movement although this was provided to the planning officers . Adjacent site refused planning in 1993 after geotechnical survey carried out and previous attempts to build on the same site were abandoned due to land instability. Potential flooding issues as the houses on Stansfield Hall Rd already flood. The road

access is not adequate, it is on a narrow, steep hill and a blind bend where parked cars already restrict the road to single width. It is by a pair of Grade 2\* listed gate piers, there is no pedestrian footway. It will be even worse if the other proposals for the area are allowed. Impact on the landscape - the proposed development will be seen from the other side of the valley spoiling the visual amenity of the area.

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

Duty to Co-operate Reason:

Calderdale has not cooperated actively or constructively with local residents as they have not had the opportunity to comment on LP1637.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX897**

Site ref (if applicable): **LP0640**

Person ID: **1183328**

Name: **Mr Richard Mulhearn**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The website provided to access the proposal was initially very difficult to access; it appears that this has been acknowledged by the granting of an extension of the deadline for comments on the plan. This poor approach to procedure is further evidenced by the fact that there was no proposal for allocation at the previous stage of the local plan. There has been a rush to propose this site, it appeared late on the plan, thus not adhering to legally compliant procedures. The cumulative impact of this poor procedure makes this plan not legally compliant.

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

Sound Reason:

I would also like to ask directly and receive information on the question: Has a full geotechnical survey been undertaken and if so where is it available for inspection? This will almost certainly identify new issues and impacts with this plan, which will be a repeat of those that have effected this area of the valley in recent history, where landslips have occurred and damaged property and access to existing sites. If such (anticipated) issues arise not only will there be problems for the proposed sites, but all of those existing around them. Therefore, what plans/funds does the local authority (and any site developer) have in reserve to deal with such difficult scenarios? Access to the site: There is existing congestion from the main roads at both ends, a single-track railway bridge with restricted load at one and the other between terrace rows with double parked cars and many stop/reverse manoeuvres. A question to consider "" If approved, how will all the works/construction vehicles even get to this site based current levels of congestion? Add to this the long term impact of the numbers of cars owned by new residents for the proposal of this site and those close by. This is a residential road being put under traffic level pressure associated with a main road. It is already evident how poorly this road copes, and the cumulative effect of additional housing and the resultant increase in traffic levels would bring extensive and expensive issues for the local authority. Environment: This green space although not used as a leisure/activity space provides valuable

environments for local flora and fauna and visually lends character to the visual aspect of the town. By eradicating such spaces are they not damaging the community, health and wellbeing of local residents?

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

Duty to Co-operate Reason:

Communication and cooperation has been poorly planned and executed, I would question how this fulfills the duty to Cooperate

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX934**

Site ref (if applicable): **LP0640**

Person ID: **1183529** Name: **Mrs Eleanor Mulhearn** 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:

Serious traffic issues already affect this area. Drivers exceed the speed limit in this area, as it is increasingly used as a rat-run to avoid Todmorden centre, the two main roads and ongoing repairs on these roads. The road adjacent to the proposed site (Victoria Road, joining Woodlands Avenue and Halroyd Rd, has increased safety issues which should be considered due to blind corners / resident parking. Also due to local resident parking, the issue of congestion is significant at the Victoria Rd exit, leading up to Woodlands Avenue. An additional 50+ houses would exacerbate the existing traffic issues / pedestrian safety (this area is used heavily by pedestrians, including the play park and the pedestrian train bridge). This greenfield site supports an abundance of wildlife, including protected species (bats).

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

Duty to Co-operate Reason:

The area seems unsuitable for building.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX964**

Site ref (if applicable): **LP0640**

Person ID: **1182685** Name: **Mr Andrew Waller** 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 feel the need for a detailed Geotechnical survey has not been taken into account for this site along with a lack of detail regarding the potential for land slippage. the site assessment itself mentions the physical constraints for developing this land which appear to be missing from the summary. Land adjacent to this site has previously been rejected on the grounds of land instability after a geotech survey ref T/APP/A4710/a/92/216955/P2. the suggested access to this site is directly adjacent to a grade 2 listed entrance along a single track road that has little potential for a pavement. vehicles exiting this road can often fail to be aware of vehicles and pedestrians exiting this grade 2 entrance. more vehicles will only add to this danger. there has also been no mention of the cumulative effect of all 3 sites along this single road between Hallroyd road, woodlands avenue, stansfield hall road and into victoria road. only single site assessment has been made but i strongly believe that the cumulative effect of an additional 94 dwellings discharging vehicles onto this road would be a serious danger to the existing overcrowded roads.

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 **Lpp1083**

Site ref (if applicable): **LP0640**

Person ID: **1162379**

Name: **Cllr Carol Machell**

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:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081774>

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Comment ID **Lpp1087**

Site ref (if applicable): **LP0640**

Person ID: **1117738**

Name: **Mr Anthony Roberts**

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?: **Yes**

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082058>

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Comment ID **Lpp560**

Site ref (if applicable): **LP0640**

Person ID: **1116160**

Name: **Mrs Helen Stobbs**

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:

1. There is no evidence that the Local Plan Site Assessment has positively assessed the stability of the land

to be developed. A Geotechnical survey should be undertaken to assess suitability for development. There is no evidence of this taking place. The geology of the immediate area surrounding the site has historically suffered from slippage and movement. Building development has had to be abandoned and properties have had remedial work to secure the structures from further movement in the land surrounding the site. A Geotechnical survey to measure ground water and patterns of land slippage would be necessary to support the soundness for the proposed site LP0640 to be included in the Local Plan. 2. There is no evidence of a comprehensive study of traffic on the main access route to the proposed site. The access to The Hollins from the A646, Burnley Road is via Victoria Road and Stansfield Hall Road is one cars width in many places due to residential and business parking. Access to The Hollins from the A646, Halifax Road is via Hallroyd Road is one lane over the railway bridge which has a weight limit making it unsuitable to heavy vehicles. This route to proposed site(s) is used as a bypass road to avoid Todmorden town centre. The 20mph speed limit is not adhered to. Sharp bends and fast driving make this residential area very busy and dangerous for pedestrians and drivers. Monitoring how many vehicles use this residential area as a short cut as well as access to homes may give concern that the railway bridge is under strain from excessive amounts of traffic as well as being limited by weight of vehicles driving over it. Accidents are a concern. This year a car driver came around the bend at Woodlands Avenue (just after the entrance to Stansfield Hall) driving at considerable speed, the car hit the kerb on the opposite side of the road it was travelling on. The force of impact sent the vehicle back on to the correct side and through the fencing hitting a tree which slowed the vehicle to a halt adjacent to the children's playground. The incident happened in the morning in good conditions. This incident could have ended in a fatality or serious injury quite easily. Parking for existing housing is already a problem on access routes. Most houses in the area were built before cars were used or owned. New developments with allocation for housing being 1.5 cars will only exacerbate a difficult situation. Many households have more than the allocation. Overspill parking is not feasible as existing roads are already busy with parked cars. During bad weather vehicles have difficulty navigating ice and snow on the steep approach to The Hollins and The Mount. Car owners have to use Stansfield Hall Road to park which is already well used by its occupants for parking as few have drives or garages. The proposal of 53 dwellings on this one site would greatly increase the amount of vehicles using existing roads. There is no evidence that Highways can deliver a safe system for road users and residents. There would be three new access points for Local Plan Sites LP0901 (Woodlands Avenue) LP0640 (The Hollins) LP1637 (Bradnor House) within a short distance, all on or near sharp bends in this busy stretch of road. Access to LP0640 and LP1637 are single track roads and both do not have pedestrian footpaths. There is no evidence of the Highway suitability at Victoria Road and how the adoptable access would provide a safe approach to The Hollins. Traffic increase on this busy road would undoubtedly affect the air quality area around the proposed development(s). A documented comprehensive Traffic Assessment has not taken place. This should include number of vehicles using the road system at all times day, accidental risk assessment and air quality monitoring. 3. There is no evidence that the Wildlife Corridor status of this open space and Historic importance of the landscape in relation to the adjacent Grade 11 Listed buildings has changed since the last plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

1. Evidence of a comprehensive Geotechnical survey to assess the suitability of the hillside land of LP0640 assessing ground water pressure and potential for land slippage. 2. Evidence of a Highway survey to monitor air quality and assess suitability of road infrastructure to accommodate proposed site allocations and how improvement would be made to Victoria Road and the access route to The Hollins. 3. Evidence showing how mitigation of loss to the ecology of the environment will be done and justification for possible loss of the Historical landscape.

Additional Evidence Link:

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Comment ID **Lpp926**

Site ref (if applicable): **LP0640**

Person ID: **1128035**

Name: **Mr Sean Rowland**

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 evidence that Calderdale MBC has taken into account the need for a detailed Geotechnical survey and potential for Land Slippage on this site. There is no indication in the Local Plan Site Assessment that the site has been positively assessed for stability or is capable of being developed. There is no planning history upon which the Local Plan can rely. In the Site Assessment Main Report the 'Physical Constraints' do include Steep Slope/ Undulations or Unstable Land, (RAG RED) but none of these aspects are included in the overall assessment summary. There is need for a proper Geotechnical Survey analysing any developed slip circles using bore holes, sometimes 10 metres deep and deploying piezometers (at least two) or an equivalent, so that physical evidence of suitability for development is shown. A measurement of Ground Water pressure would make it possible to calculate the forces on different sectors of the material above the slip circle and to determine how stable it is. If this is not done then the requirement for demonstrating soundness has not been met. From the site assessment there appears to be no awareness of historic land movement across this whole area to the north of the through road, although Planning Officers were physically handed mapping evidence which clearly shows a pattern of land slippage on this hillside (2015). Please also note that an adjacent site was rejected on grounds of land instability after a proper geotechnical survey (Ref T/APP/A4710/a/92/216955/P2) in 1993. Attempts to build on this land in 1976 had to be abandoned because of land instability caused by this attempt to build. The evidence of abandoned construction is still there to be seen. The Planning Inspectorate will know that 1993 must be regarded as recent in geological terms and this is even without considering the impacts of climate change on these areas over 25 years and in the future. Failing properly to assess the site is therefore in violation of the National Planning Policy Framework requirements in that major constraints to development will emerge as soon as any site preparation is commenced. To this extent, on this site, the Local Plan must be regarded as Unsound. FLOODING The Site Assessment acknowledges that there are major constraints with regard to flooding. The cellars of houses below this area (along Stansfield Hall Road) regularly flood and they require pumps in their basements. The suggested mitigation required would be inadequate because disturbance to this site will have unpredictable consequences and therefore cannot be fully mitigated. The mitigation suggested from the potential flooding from Oak Hill Clough has no relevance and will have no impact on stopping flooding to this site. This appears to be a technical error in assessing mitigation. To this extent, on this site the Local Plan must be considered unsound. ACCESS HIGHWAYS IMPACT "" There is evidence that this not been assessed. Potential for Cumulative Impact is ignored for three close sites (LP0901, LP0640, LP1637) when commented on by Highways on an individual basis. Their written comment is either absent or 'N/A'. This means that the potential for 'cumulative impact' has been ignored both individually and when considering the three sites which are in close proximity and use the same road (i.e. the continuous road leading through Hallroyd Road over the single track, traffic light controlled railway bridge, Woodlands Avenue, Stansfield Hall Road and Victoria Road). 'Cumulative' applies to all three sites

"" making 94 new dwellings and therefore at 1.5 cars per dwelling a potential 141 more cars than at present. At present there are approximately 79.5 cars linked to dwellings from Victoria Road to the access point to Bradnor House Site. It should be also taken into account that Site No LP1637 (Bradnor House) is dependent upon development of Site LP1544 (Gully House). This stated in the site report. It therefore means not an additional 25 dwellings along the road but 48 and associated 35 approximately additional cars. Added together this makes 176 cars along this already busy and dangerous road. Single Track "" this short cut between Halifax Road and Burnley Road becomes in effect a single track at certain points owing to a single track railway bridge on Hallroyd Road and on-street parking on Woodlands Avenue, Stansfield Hall Road and Victoria Road. Cut through Road - The single road from the access onto Hallroyd Road from the main A646 Halifax Road, to Victoria Road access to Burnley Road, A646 is commonly used to avoid the Todmorden Town Centre and displaces the traffic. Travellers from Halifax to Burnley and vice versa frequently use this as the only through road to avoid Todmorden Town Centre. This is not just at peak times. There is no evidence that a traffic survey has ever been done on this road. This additional and very great amount of daily traffic has not been taken account of in the written evidence produced by Highways. Access onto the Highway "" the proposal is for three NEW access points within a 300 metre stretch. There are three blind corners within this transit. The potential for accidents is much increased and has not been assessed by the Highways Authority Air Quality Assessment Calderdale MBC has refused the official request from Todmorden Town Council for an Air Quality Assessment in the centre of town. The congestion and number of cars coming through the road for the proposed sites will be increased. This will lead to deterioration in air quality. There is no evidence that CMBC have taken this into account or intend to do so. The only access to Site LP0640 is regarded as 'requiring mitigation' to lessen the impact on the road network. However the suggested number of houses (53) would mean that potentially 80 more vehicle movements would be accessing this site. It is on a bend adjacent a Grade Two listed entrance. It is a steep, single track road with no pedestrian footway on the link to the Calderdale Way and considerable widening of the road would be needed to make this safe for such an additional large number of vehicles and pedestrians accessing their homes. The Mitigation required would be unsustainable and therefore the Local Plan is unsound on this point. LANDSCAPE AND AMENITY The site contributes significantly to visual amenity in Todmorden as a whole area. It provides an aspect above the town centre and a special feature when viewed from the Centre Vale Park and the opposite side of the valley. This must be considered as having inherent value which will be lost entirely should the site be developed as the Local Plan proposes. As part of a survey conducted during the process of the Neighbourhood Plan, c. 70% of participants declared that what they most treasured about Todmorden was its rural aspect. This visual amenity does not appear to have been taken into account when assessing this site.

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

Duty to Co-operate Reason:

Suggested Modifications:

See previous section regarding soundness.

Additional Evidence Link:

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Comment ID **Lpp956**

Site ref (if applicable): **LP0640**

Person ID: **1130213**

Name: **Mr Keith Hopewell**

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:

LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put these sites forward must know the outcomes of the previous planning applications in the vicinity and the grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should these sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. This proposal is not sound as there is clear evidence that an adjoining site was abandoned when it was proven to be totally unsuitable for building. A geographical survey is imperative as a basic first stage before any consultations take place.

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

Site ref (if applicable): **LP0640**

Person ID: **960418**

Name: **Mrs Carol Hopewell**

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:

Please find attached our comments regarding the proposed housing developments in Todmorden. The

specific areas being :- LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put these sites forward must know the outcomes of the previous planning applications in the vicinity and the grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should theses sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. The Hollins site This proposal is not sound as there is clear evidence that an adjoining site was abandoned when it was proven to be totally unsuitable for building. A geographical survey is imperative as a basic first stage before any consultations take place.

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 **Lpp978**

Site ref (if applicable): **LP0640**

Person ID: **1184071**

Name: **P & B Kierman**

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:

## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. Inadequate community involvement. Concerns that comments from last consultation were not taken into consideration.
2. Format of consultation was not effective.

#### Council's Response:

1/2. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement and is detailed in the Consultation Statement (Regulation 22).  
The Regulation 22 Consultation Statement 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.

### **Test of Soundness**

#### Main Issues:

1. Topography - Site has been assessed as flat but is steeply sloping in parts.
2. Local Road Network/Site Access - Inadequate local road network, specifically road safety, congestion, on-street parking, poor visibility, consideration of cumulative impacts and weight restriction on the railway bridge. Inadequate site access.
3. Land Stability - Land liable to slippage. Land instability has affected development of nearby land.
4. Landscape – Negative impact on rural character of the town.
5. Deliverability - Site capacity has been overestimated.
6. Flooding – Surface water run off already a problem. Development will increase risk of flooding. Suggested mitigation is inadequate.
7. Ecology - Impact on wildlife, including Protected Species and wildlife corridor.
8. Drainage - Current issues with drainage from the site impacting existing properties will be exacerbated.
9. Infrastructure - Lack of/pressure on existing utilities, schools, health services.
10. Accessibility - Journey times are significantly underestimated.
11. Green Belt - Loss of Green Belt. Utilise brownfield sites first.

12. Open Space - Loss of open space, visual amenity and impact on wildlife. Impact on health and well-being.

13. Pollution - Impact on air and noise pollution.

14. Heritage - Proximity to listed building. Recommendations in HIA should be 'required' in order to be effective.

Council's Response:

1. Topography of site has been assessed as being steep slope/undulations or unstable land and not as flat.

2. Development Management Highways state that the site is developable however improvements may be needed on Victoria Road and the Hollins.

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 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.

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'<sup>7</sup> published in 2000. These have been used in assessing the housing allocations in order to determine indicative site capacity.

6. The site is over 1ha and is located in Flood Zone 1. As such, a Flood Risk Assessment will be required. The Council's Flooding and Drainage Section has suggested that SuDS should be provided through green and blue Infrastructure if the site is developed.

7. West Yorkshire Ecology recommend mitigation to avoid recreational pressure on the feeding areas of SPA birds should the site be allocated. This could be achieved through site specific policies. In relation to this, the Council's Conservation Section (Ecology) has stated that native trees and shrubs should be planted and non native species removed on the Western boundary. They go on to state that a 5m buffer of native shrubs should be planted on the southern boundary. Additionally, they recommend the removal of Lowland Mixed Deciduous Woodland from Developable Area.

8. The site is over 1ha and is located in Flood Zone 1. As such, a Flood Risk Assessment will be required. The Council's Flooding and Drainage Section has suggested that SuDS should be provided through green and blue Infrastructure if the site is developed.

9. 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.

10. 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.

11. 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.

12. In terms of Open Space, Safer Cleaner Greener have commented that there are a range of other natural/semi-natural sites in the area however the impact of development on the open character of the area and its visual amenity should be assessed. 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.

13. Environmental Health has been consulted regarding the allocation of the site for housing and has raised no issues with regards to impact on air and noise pollution.

14. 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. Investigate and resolve existing drainage and subsidence issues.
2. Amend the fifth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment".
3. Add the following Site Specific Consideration:- "The mature tree belt to the west of the site shall be retained and enhanced to screen the new development from the nearby Listed Buildings".
4. Reduce the extent of Site LP0640 to exclude the area identified in the Heritage Impact Assessment on the eastern side of the allocation as being of 'High Sensitivity'.
5. Assessment of cumulative impact of development sites.
6. Traffic Assessment.
7. Remove the site from the Local Plan.

8. Evidence of a comprehensive Geotechnical survey to assess the suitability of the hillside land of LP0640 assessing ground water pressure and potential for land slippage.

9. Evidence of a Highway survey to monitor air quality and assess suitability of road infrastructure to accommodate proposed site allocations and how improvement would be made to Victoria Road and the access route to The Hollins.

10. Evidence showing how mitigation of loss to the ecology of the environment will be done and justification for possible loss of the Historical landscape.

Council's Response:

1. The site is over 1ha and is located in Flood Zone 1. As such, a Flood Risk Assessment will be required. The Council's Flooding and Drainage Section has suggested that SuDS should be provided through green and blue Infrastructure if the site is developed.

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.

No modification required.

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.

No modification required.

3/4. The site is less than 100m from a listed building and West Yorkshire Archaeological Advisory Service has advised that the setting of the building will need to be respected. 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. The recommendations of the HIA have been considered as site specific policies and are considered to be sufficient.

No modification required.

5. The cumulative impact of development has been fully assessed as part of the site assessment process as detailed in the Site Allocations Assessment Methodology (EV51.1).

No modification required.

6. Following consultation with Highways Development Management, a Transport Assessment detailing pedestrian connectivity and parking on approach roads is required before the site is developed.

No modification required.

7. No change required - 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.

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.

No modification required.

9. Environmental Health has been consulted regarding the allocation of the site for housing and has raised

no issues with regards to impact on air and noise pollution. Notwithstanding this, a Transport Assessment will need to be provided and agreed before the site is developed.

No modification required.

10. Detailed mitigation schemes regarding ecology and the historic environment are considered matters for the planning application stage.

No modification required.

## Document Section: LP0651 - New Housing Site - Todmorden

### Representations

Comment ID **APX298**

Site ref (if applicable): **LP0651**

Person ID: **1115066**

Name: **Mr David Gregson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This plan depends on an access to the site which is in private ownership in its ENTIRITY. This is private land, gardens, grass verges and TPO'd trees which are owned by 18 residents of Stoney Royd Lane without which the "Upgrade" could not be achieved. I am confident that residents of Stoney Royd Lane would not agree to the use of their private property to accommodate this plan, just as they have not been willing to do so when approached on previous occasions. We consider this plan to be not legally compliant because no consultation with Stoney Royd Lane residents was made by Calderdale for the use of their private properties in this plan. Inachievability reasons are set out below in "Soundness" Section. For these reasons, we think this site should be withdrawn from the town plan.

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

Sound Reason:

As stated above the plan depends on an access to the site which is in private ownership in its entirety. This is private land, gardens, and verges which are owned by the residents of Stoney Royd Lane without which the required "Upgrade" could not be achieved. To submit a plan which is based on such extensive use of private land to achieve access is beyond credibility and its legality must surely be in question. The lane itself is supported on the river side by a dry-stone wall with a 12 ft drop into the river Calder. The lane in part is 11 ft 9" from the river edge to the garden wall with no footpaths. The site itself is not as it appears on a map - it is in fact a steep field which drops from the top down to Stoney Royd Lane in excess of 100 ft. At the back of the site is the railway cutting. Under this land are many culverts and land drains which carry water from under the railway to lower levels and which has caused flooding onto the lane and into the houses on many occasions. The lane is on the Environment Agency Flood Alert list. British Rail have recently carried out extensive remedial work to a large Victorian Culvert which runs under the railway line and down the site. The culvert had collapsed and the likely cause thought to have been movement of the land. British Rail have also done remedial work recently to the railway lines due to bending of the line caused by past and ongoing land movement. If this land was disturbed, we fear that resulting damage to the culverts and drains would be inevitable and we would seriously fear for our safety. This fear comes from our personal experience of the nature of the previous flooding which has been like dam bursts with huge deluges of water. Furthermore, we would quite clearly be even more susceptible to flash flooding. On 4 separate occasions, planning applications have been refused on this site. The last one was deemed necessary by Calderdale to be defended at the Appeal Centre at Bristol. Since that time, apart from a collapsed river wall and road on Stoney Royd Lane and several floods down the lane, what has changed for Calderdale to advocate a policy of development on this site. Calderdale Way runs along Stoney Royd Lane which is a quiet leafy lane with a river, grass verges and gardens used by many walkers and ramblers. This source of enjoyment for the general public would cease to exist if it was turned into a highway.

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

Duty to Co-operate Reason:

Suggested Modifications:

Not seeking modification as I consider the plan unworkable

Additional Evidence Link:

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Comment ID **APX380**

Site ref (if applicable): **LP0651**

Person ID: **1182220**

Name: **Mrs Sheila Gregson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The access designated by the Calderdale Town Plan is given as Stoney Royd Lane. This is a privately owned lane by the residents and is, in places, as little as 11ft 6" wide with no footpaths. This access cannot be brought to adoptable standard without taking the lane/drives/gardens/verges/footpaths and mature trees belonging to the resident owners. As illustrated before in previous applications, this would be entirely unacceptable to the residents. I believe that the naming of Stoney Royd Lane as the access on this plan cannot be legal.

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

Sound Reason:

For reasons give above, this is not a credible plan and should be withdrawn. The land, in fact, is a very very steep hillside down which water has flooded On numerous occasions down onto Stoney Royd Lane and onto Burnley Road where water ingress into peoples homes has occurred. British Rail have been carrying out extensive work to the railway lines at the back of the site due to land movement and slippage. Disturbance of this land would have severe consequences for our properties below. Stoney Royd Lane has the river Calder running along it and is protected by a dry stone wall. The lane would not carry any more weight than it currently does as demonstrated by a recent collapse of the lane and river wall into the river.

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

Duty to Co-operate Reason:

I do not consider the plan complies with the Duty to Co-operate because no consultation with private owners of the designated access has taken place.

Suggested Modifications:

The plan for this site should be withdrawn therefore modifications are not relevant.

Additional Evidence Link:

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Comment ID **APX388**

Site ref (if applicable): **LP0651**

Person ID: **1182047** Name: **Mr Stuart Bartley** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

My land on Stoney Royd Lane is featured on the plan as part of the access to the site. This is MY private land and I have no intention of allowing it to be used for development. I do not know why Calderdale should be allowed to put forward a plan which uses a persons private land WITHOUT any consultation.

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

Sound Reason:

This site is very steep and there has been frequent heavy flooding and land slippage over the time that I have lived here. The railway line at the top of the site has moved and British Rail have been working to remedy this. They have also had to repair a large Victorian culvert which collapsed recently and caused flooding down the lane. I am sure that there would be disastrous consequences from any building on this hillside due to the many land drains and culverts. The Lane is part of Calderdale Way and provides a very pleasant experience for the many walkers, ramblers and cyclists who use it. The supporting wall for the river Calder which runs along the lane, is dry stone in nature and not strong enough to support traffic from another 63 dwellings. There is nowhere the lane is wide enough for two cars to pass one another but for the current number of houses, the lane is adequate.

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

Duty to Co-operate Reason:

There has been no consultation by Calderdale with reference to the use of my private property.

Suggested Modifications:

No modification could be made to this plan as the access doesn't belong to the site and because of this, I think the plan should be withdrawn.

Additional Evidence Link:

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Comment ID **APX483**

Site ref (if applicable): **LP0651**

Person ID: **1182462** Name: **Mrs Joan Rawson** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

There has been no consultation with me as the householder about the Council proposing to adopt Stoney Royd Lane which is privately owned. To allow the huge volume of traffic inevitable with so many houses

they would have to take land at least up to my garden wall including the verge and footpath and the trees in my grass verge have Tree Preservation Orders on them.

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

Sound Reason:

I do not believe the plan is sound because the full extent of the numerous problems with this site have not been properly considered. In addition to the access problems and need to widen the lane described above, there are issues with the steepness of the land, within a few metres of my house the land in the proposed site is level with my bedroom. The hillside is moving I can see increasingly more of the railings along the railway which runs along the top of the proposed site. There are many drains riddling the site and there is already a problem with surface water flowing into gardens. Any disturbance of the land will cause serious issues for the houses on Stoney Royd Lane at the bottom of the field.

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

Duty to Co-operate Reason:

I believe there has been insufficient consultation with householders affected by the proposed site.

Suggested Modifications:

Removal of the proposed site is the only realistic modification.

Additional Evidence Link:

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Comment ID **APX489**

Site ref (if applicable): **LP0651**

Person ID: **1182482**

Name: **Mrs Corinne Roberts**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Stoney Royd Lane is a privately owned land and would be unsuitable for access without widening the lane which would entail taking away private gardens, verges, footpaths , and mature protected trees. This is totally unacceptable. For this reason the plan is not legally compliat

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

Sound Reason:

The land outlined in the plan is steep and unstable. The residents of Stoney Royd Lane have already suffered numerous floods due to a collapsed Victorian culvert which carried water under the railway and the land in question from a steep Clough on the other side of the railway. The prospect of 60 plus houses on this land would likely lead to drainage problems and further land movement. There would also be safety issues in the case of large numbers of extra traffic using the lane which is part of the Calderdale Way and used frequently by walkers and cyclists.

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

Duty to Co-operate Reason:

No consultation has taken place with local residents and the publication of the plan took place during the summer holidays when many residents were away.

Suggested Modifications:

This plan is totally unsuitable and should be withdrawn.

Additional Evidence Link:

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Comment ID **APX624**

Site ref (if applicable): **LP0651**

Person ID: **1125400**

Name: **Joanna Gill**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There has been no consultation about the adoption of Stoney Royd Lane with the householders who own the road over which it is proposed to access site LP0651. Furthermore, to cope with the huge increase in traffic caused by 62 houses the existing narrow road will have to be widened by taking grass verges, footpaths, and parts of drives and gardens from those householders. The plan showing Site LP0651 does not cover the full length of Stoney Royd Lane to its junction with the busy A646. Nor does it give the correct impression of the number of households involved and the extent of the work required if Stoney Royd Lane is to be upgraded.

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

Sound Reason:

Access "" The narrow, privately owned, Stoney Royd Lane is bounded by the river on one side and houses on the other. The only way to widen it is to take grass verges, footpath and parts of drives and gardens. Trees with preservation orders are situated in some of the grass verges. Safety "" The river wall is vulnerable and unable to sustain such a huge volume and weight of traffic. In addition to the Rights of Way which dissect the site, Stoney Royd Lane, which is part of the Calderdale Way, is already used by large numbers of walkers, and runners. Footpaths will be imperative for their protection so even more land will have to be taken from householders. The many cyclists using the lane will be vulnerable from the amount of traffic generated by an additional 62 houses and associated traffic. Steepness "" nowhere on the proposed allocation does it make clear the steepness of the land involved. There will be no privacy at the back of the existing houses especially in bedrooms which will be looked into by any proposed development. The steepness also exacerbates the complex drainage and stability issues of this site. The feasibility of the site has not been objectively assessed, the many problems are simply described as 'Constraints'. The allocation document also says numerous basic reports and investigations are required before the site can be considered for development and, even then, further conditions are already specified. Given all these issues I do not believe the inclusion of this site is justified or sound, it is clear there are huge problems.

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

Duty to Co-operate Reason:

No consultation with property owners about 'upgrade' of Stoney Royd Lane as already detailed. Public consultation in August and September at holiday times, and there has been no opportunity to meet planners in Todmorden.

Suggested Modifications:

This site should be withdrawn from the Draft Plan for the reasons above, there are no other adequate modifications.

Additional Evidence Link:

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Comment ID **Lpp115**

Site ref (if applicable): **LP0651**

Person ID: **1182220**

Name: **Mrs Sheila Gregson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The access designated by the Calderdale Town Plan is given as Stoney Royd Lane. This is a privately owned lane by the residents and is in places as little as 11ft 6' wide with no footpaths. This access cannot be brought to adoptable standard without taking the lane/drives/gardens/verges/footpaths and mature trees belonging to the resident owners. To think that this would be agreeable to the residents is fantasy. I think that naming Stoney Royd Lane as the access on this plan cannot be legal.

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

Sound Reason:

For reasons given above, this is not a credible plan and should be withdrawn. This land is in fact, a very very steep hillside down which water has flooded on numerous occasions down onto Stoney Royd Lane and onto Burnley Road where water ingress into peoples home occurred. British Rail have been carrying out extensive work to the railway lines at the back of the site due to land movement and slippage. Disturbance on this land would have dire consequences for our properties below. Stoney Royd Lane has the river Calder running along it and is protected by a dry stone wall. The lane would not carry any more weight than it currently does as demonstrated by a recent collapse of the lane and river wall.

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

Duty to Co-operate Reason:

I do not consider that duty to cooperate has been applied because no consultation with private owners of the designated access has taken place.

Suggested Modifications:

The plan for this site should be withdrawn therefore modifications are not relevant.

Additional Evidence Link:

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Comment ID **Lpp128**

Site ref (if applicable): **LP0651**

Person ID: **1182047** Name: **Mr Stuart Bartley** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

My land on Stoney Royd Lane is featured on the plan as part of the access to the site. This is MY private land and I have no intention of allowing it to be used for development. I do not know why it should be acceptable for Calderdale to put forward a plan which uses a persons private land without consultation.

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

Sound Reason:

The site is very steep and there has been frequent flooding and land slippage over the time that I have lived here. The railway line at the top of the site has moved and British Rail have been working to remedy this. They have also had to repair a large Victorian culvert which collapsed recently and caused flooding down the lane. I am sure that there would be disastrous consequences from any building in this field due to the many land drains and culverts. The lane is part of Calderdale way and is a very pleasant walk for the many walkers, ramblers and cyclists who regularly use it. The supporting wall for the river Calder which runs along the lane is of a dry stone nature and not strong enough to support traffic from another 63 dwellings. There is nowhere where the lane is wide enough for two cars to pass one another but for the houses on Stoney Royd Lane at present, this is adequate.

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

Duty to Co-operate Reason:

There has been no consultation from Calderdale with reference to the use of my private property.

Suggested Modifications:

No modification could be made to this plan as the access doesn't belong to the site and because of this, I think this plan should be withdrawn.

Additional Evidence Link:

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Comment ID **Lpp262**

Site ref (if applicable): **LP0651**

Person ID: **1115066** Name: **Mr David Gregson** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

The inclusion of Stoney Royd Lane as the sole access to the site is mentioned for the first time on the final draft. The lane is privately owned in its entirety by the 18 different owners and no consultation was ever attempted by Calderdale regarding the use of our private property. It is a source of bewilderment that

Calderdale can include this property in this plan and its LEGALITY must surely be in question.

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

Sound Reason:

Stoney Royd Lane at its narrowest is 11ft 6' and its widest is 13ft 6' and is bordered by the river Calder. To make this to adoptable standard to take the traffic for an extra 63 houses and pedestrians, would require two footpaths and a carriageway for two way traffic. This would require a minimum width of 29ft which is not logistically possible to achieve in any way. To imagine that a width of 11ft6' can be magically expanded to 29ft is fantastical.

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

Duty to Co-operate Reason:

Calderdale have made no attempt to consult any one of the 18 residents who privately own the stated access to the site. If such consultation had been attempted, it would have become patently clear that residents would not accept the use of their land as has been demonstrated in the past when they have been approached by private builders to do this.

Suggested Modifications:

No modification could be made to make this plan workable and it should therefore , be withdrawn.

Additional Evidence Link:

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

1. Neighbour notification - lack of agreement with owners of Stoney Royd Lane.

Council's Response:

1. A need for third party land is not mentioned in the site assessment generally nor the Highways Development Management consultation response. Notwithstanding this, 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 vast majority of sites have been confirmed as available. The availability of only a small proportion is unknown, and these have been positioned in the later years in the trajectory as it is anticipated that these are likely to be picked up by the market given the housing need in the Borough.

### **Test of Soundness**

Main Issues:

1. Site Access - Inadequate local road network, specifically capacity and road safety issues. Constraints on widening including protected trees.
2. Land Stability/Flooding – increase in surface water flooding. Impacts on neighbouring properties.

Contains land drains and culverts.

3. Rights of Way – Development would reduce its amenity value and create road safety issues.

4. Planning History – previous development applications not permitted.

5. Residential Amenity - Overlooking and loss of privacy for existing dwellings.

6. Deliverability – Third party land required to obtain access may impact on deliverability.

#### Council's Response:

1. Highways Development Management consider that with mitigation the site may be developable but at high infrastructure costs, due differing levels. Stoney Royd Lane would need to be upgraded to adoptable highway standards over at least 100 metres or there is possible access from Keswick Close.

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.

The site is predominantly located in Flood Zone 1 but with smaller areas in Flood Zones 2, 3a and 3ai. There is also risk from surface water flooding. Development of the site therefore requires a Flood Risk Assessment including layout and design, to be completed. SuDS should be provided through green and blue infrastructure if the site is developed.

3. Where sites contain public footpaths, schemes will be expected to incorporate this in their layout, or if ultimately necessary, arrange for a suitable diversion.

4. Each planning application is judged on its individual merits taking account of the local and national planning policy and guidance in place at the time of the application. Additionally, different applications may involve different proposals for development. Even if previous planning applications have been refused on a site, changes to policy and changes to the proposal itself may make future applications acceptable.

5. 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.

6. Highways Development Management consider that with mitigation the site may be developable but at high infrastructure costs, due differing levels. Stoney Royd Lane would need to be upgraded to adoptable highway standards over at least 100 metres or there is possible access from Keswick Close. A need for third party land is not mentioned in the site assessment generally nor the Highways Development Management consultation response.

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

Main Issues:

Council's Response:

#### **Suggested Modifications**

1. Remove site LP0651 from the Local Plan

Council's Response:

1. No change required - 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.

## Document Section: LP0659 - New Housing Site - Todmorden

### Representations

Comment ID **APX1107**

Site ref (if applicable): **LP0659**

Person ID: **1128479**

Name: **Mr Mark Tyrer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The proposal for this site has been through the appropriate public consultations.

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

Sound Reason:

The proposal to build 17 houses on this site is unsound mainly because of poor and possibly dangerous access on to the Halifax Road via Woodhouse Road The Site was considered for housing in the 1980's. A particular issue was the difficult access on to the Halifax Road, with poor sight lines past the housing terrace on the Todmorden side corner of Woodhouse Road. There appears to be no way of solving this problem without demolishing this terrace of houses.

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/5081664>

Comment ID **Lpp608**

Site ref (if applicable): **LP0659**

Person ID: **1114304**

Name: **Mr Noel Hudson**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I have insufficient knowledge of planning law and as such I assume Calderdale Council have fully complied with their legal requirements in the preparation of this Proposed Local Plan.

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

Sound Reason:

I have the following concerns. 1. The site is not "brown fill" and as far as I can recall has never been so. In the first draft of the plan the site was listed as open space. The site has been used as allotments and small holding and is certainly designated open space. Why has the designation change from the first draft? The site should be retained as open space for public use. 2. The potential loss of valuable habitat for bats, otters, birds and other wildlife. I have seen badgers and foxes on this site. 3. The site is very steep and potentially there is the risk of land slippage. The council have identified this site for housing without first completing a geological/ topographical survey. 4. The impact on Education within Calderdale. Increased demand for school places at the local Castle Hill Primary school with potential overcrowding and reduced resources. 5. The increased capacity on the infrastructure, especially on the water and sewerage system, which could pose issues with surface water flooding. 6. The proposed access from Hill Street off Halifax Road has site line restrictions onto Halifax Road due to the existing terraced housing, which increases the accident risk.

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

Duty to Co-operate Reason:

Only with regard to the council publishing the plan and inviting consultation/ comments. With regard to the site in my opinion they have failed to redress the valid points I raised when in the consultation from the first draft in August 2017.

Suggested Modifications:

I do not consider this site suitable for development for the reasons I have highlighted.

Additional Evidence Link:

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Comment ID **Lpp940**

Site ref (if applicable): **LP0659**

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?:

Legal Compliance Reason:

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

Sound Reason:

Insufficient consideration of potential for enhancement 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 developer to enhance the river corridor ecosystems as a part of the development proposals. Consider a requirement of public access to the river as a part of the development proposals to increase engagement in line with policy 10.14. Consult with the Calder Rivers Trust on development proposals.

## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Site Access - Site access is unsuitable for a site of this size due to poor and possibly dangerous access to Halifax Road via Woodhouse.
2. River Calder - Insufficient consideration of potential for enhancement of the River Calder.
3. Open Space - Loss of open space previously used as allotments and small holding.
4. Site Status – Not brownfield.
5. Ecology - Impact on wildlife including bats, otters, badgers, foxes and birds.
6. Land Stability - Site very steep and potential risk of land slippage.
7. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. schools.
8. Drainage – increased pressure on drainage system has potential to cause surface water flooding.

Council's Response:

1. Development Management consider that site access may be possible for a limited number of dwellings from Hill Street but junction of Hill Street and A646 has restricted visibility due to existing terraces either side of junction.
2. The site is adjacent to the River Calder which is a UK BAP Priority Habitat; West Yorkshire Ecology recommends a 10m stand off from the river which should be planted with locally native trees in order to protect otters and bats. This form of mitigation is supported by the Council's Conservation Section (Ecology) stating that such mitigation will also prevent disturbance and light spillage.
3. The Open Space Study rates the site as being of low quality and low value but recommends retention of the site. Following consultation, Safer Cleaner Greener have stated that there is a shortage of Allotments/Community Gardens in the area. However, given that the site is in private ownership and future use of the site as allotments cannot be guaranteed, it is considered unreasonable to filter the site on open space grounds.
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 within the Natural England consultation zone for residential development due to the proximity to the South Pennine Moors SPA/SAC/SSSI. However, the impact on SPA birds is considered unlikely due to surrounding development. The site is adjacent to the River Calder which is a UK BAP Priority Habitat; West Yorkshire Ecology recommends a 10m stand off from the river which should be planted with locally native trees in order to protect otters and bats. This form of mitigation is supported by the Council's Conservation Section (Ecology) stating that such mitigation will also prevent disturbance and light spillage.

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. 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.

8. In terms of flood risk, consideration needs to be given to site layout and design which should be done through a Flood Risk Assessment. In addition, some areas of the site may have surface water issues. As such, the Council's Flooding and Drainage section has stated that SuDS should be provided through green and blue infrastructure if the site is developed. A Hydrological Assessment should be completed.

## **Duty to Co-operate**

Main Issues:

Council's Response:

## **Suggested Modifications**

1. River Calder - Require developer to enhance river corridor ecosystems as a part of development proposals. Consider requirement for public access to river as a part of development proposals. Consult with Calder Rivers Trust on development proposals.

2. Remove site LP0659 from the Local Plan.

Council's Response:

1. The site is adjacent to the River Calder which is a UK BAP Priority Habitat; West Yorkshire Ecology recommends a 10m stand off from the river which should be planted with locally native trees in order to protect otters and bats. This form of mitigation is supported by the Council's Conservation Section (Ecology) stating that such mitigation will also prevent disturbance and light spillage. No further mitigation has been suggested by these consultees.

No modification required.

2. No change required - 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.

## Document Section: LP0901 - New Housing Site - Todmorden

### Representations

Comment ID **APX1106**

Site ref (if applicable): **LP0901**

Person ID: **1128479**

Name: **Mr Mark Tyrer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The site was not included in the 2017 consultation. This is the first time the proposal has been made public.

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

Sound Reason:

The proposal is unsound for the following reasons; Access to the site is via the conjoined roads Hallroyd Road/Stansfield Hall Road/ Victoria Road. These are residential access roads, yet have become an unofficial Todmorden bypass. They are now widely used as a rat-run to avoid congestion in Todmorden Centre on the A646. This despite the fact that the route has a single lane railway bridge controlled by traffic lights and is steep, width reduced by domestic parking and has sharp bends. Victoria Road is also permanently reduced to single lane by domestic parking. It is significant that a modest expansion of the Dance Studio on Victoria Road was refused planning permission in 2017 on the grounds that any increase in traffic was unacceptable. The plan to increase traffic on these roads with that produced by 53 houses on LP0640, plus 25 on LP1637 plus 16 on LP0901 is irresponsible, runs counter to Calderdale's previous traffic assessment and is unworkable. A further problem is caused by the weight restriction on the railway bridge (7.5 tonnes), which would mean much of the construction traffic would have to access the site via Victoria Road. I understand there are stability issues with the site. Properties on Woodlands show signs of movement. I understand there are issues with drainage. I remember major drainage work in the 1980's, which residents say was unsuccessful in solving the drainage problems. The field is a well-used recreational area, with a playground and some woodland. The field is used as an informal football field by children from an area larger than the adjacent houses. In the summer it is also used for family picnics. Residents claim it is the last remaining public green space in the town apart from Centre Vale Park.

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

Duty to Co-operate Reason:

This site appears to have been included as an afterthought to the Local Plan. There has been no opportunity for local people to comment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081666>

Comment ID **APX126**

Site ref (if applicable): **LP0901**

Person ID: **1181310** Name: **Mrs Diane Kelly** 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:

RE Proposed plans to build on Dennis's field, near Woodlands Avenue, Stansfield Hall Road, Todmorden I can only assume that the proposed buildings are the affordable housing to help young couples get a foot on the property ladder and sheltered housing and rentals. Again I can only point out that for the affordable housing they would have to be under £75000 and even that is still not cheap to have to pay back. I should also say that they will only be affordable once as when put on the market by their owners they will be wanting to make a profit on the sale. Please find my views on the above: As a resident of Woodlands Avenue I am only too aware of the drainage problems along Stansfield Hall Road/Hallroyd Road which runs directly behind my house. Every time there is a heavy downpour the road begins to flood due to seemingly un-blockable drains. When the weather is really bad, the water rises up onto the pavement and down into the yards on the row. The residents then have to bail out and divert the water down the side and onto the front of the row. Before anymore buildings are put up, this drainage situation will need a complete overhaul. Whenever there's any kind of traffic chaos due to accidents, flooding or even motorway closures in the centre of Todmorden the main route between Burnley Road and Halifax Road is on the road that runs behind my house. For more houses to be built in the area, this road will need widening. More houses will mean more everyday traffic from new residents to their visitors and deliveries. The entrance onto Dennis's field is in between two bends and across from houses with on street parking. Obviously the new builds will have enough parking for two cars per house but there has to be parking enough for residents already in the area. With parking spaces fast becoming a problem the flow of traffic on that road is poor with cars constantly having to give way. Then with the usual gridlock that stems from the roundabout in the centre of Todmorden outwards along Rochdale Road, Burnley Road and Halifax Road the extra traffic over Stansfield Hall Road/Hallroyd Road would be backing up too, in both directions, with motors trying to get onto the main roads. With more buildings the town will need more police, fire and ambulance service and, another reason why Stansfield Hall Road/ Hallroyd Road would need widening, would be so that these services could get by on that stretch without being held up as per my concerns in no. 2. Dennis's is a natural and necessary sponge that helps to soak up the rain water. Surely brown sites would make more sense to build on rather than ruining more green belt and potentially causing more flooding. I expect that the trees on the field would need felling prior to building however Calderdale have in the past sent letters out to local residents stating that it's an offence for anyone to fell the trees and anyone found to be doing so would be prosecuted. Children play on Dennis's as they have done for years and years. They regularly come to the rec from within half a mile away. It is set back from the road and for the most part, the children that use it don't need to cross a main road to get to it. It is their space. Families go there for picnics and local primary schools sometimes use it. The kids play footy and cricket, run about playing games that they have made up taking up the role of whichever TV/film character is 'in'. They laugh and shout without upsetting the grown ups and they exercise through play which is something that the government and Calderdale Council have spent lots of money on in promoting both in schools and out. Surely it would be hypocritical of Calderdale Council to even consider building on such an important place of childhood activity.

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 **APX203**

Site ref (if applicable): **LP0901**

Person ID: **1181778**

Name: **Mr Barry Cook**

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 lived on Woodlands Avenue for 33 years. Access to this site will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The current use of the field as a playing field plus play area is a very important public 'green space' for the well being of the local people of all ages. The field and play area are very well used with large numbers of children coming from all over the area including the Stansfield Road area and accessing the site via the footbridge. The Stansfield Road area is a large area of terraced Victorian housing which rely on the site as its only easily accessible and safe public green area. It is vital for local people's well being that they have access to public 'green space' area like this. Public green spaces like this should be preserved for the good and well being of the local community re. recreation, access to nature and for 'gentle' social leisure activities. The site is a haven for flora and fauna, with a large number of trees and shrubs of all types including some very old and historic trees. The site is frequented by numerous birds, including a variety of tits, wrens, song and mistle

thrushes, greater spotted woodpecker, jays and sparrow hawks. I believe that the children and adults visiting the field greatly benefit psychologically from the natural world on offer in this public space. I know that I do. The Incredible Edible group planted 25 fruit trees on the edge of the field as a Community project about 8 years ago. The current residents of Woodlands Avenue tend these to ensure that they grow well and crop well. I feel that the trees give pleasure to many of the visitors to the field. The field at present acts as a sponge in times of heavy rain. The area around the site is susceptible to flash flooding as in times of heavy rain water will pour down the nearby hillsides. The field helps to 'slow the flow' of water and acts as a natural holding tank which slowly releases water after rain. If the field was ever built on, then I feel that there could be serious issues regarding drainage and flooding. The site is next to a railway line which can at times be very busy and noisy.

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

Duty to Co-operate Reason:

I have lived on Woodlands Avenue for 33 years. Access to this site will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The current use of the field as a playing field plus play area is a very important public 'green space' for the well being of the local people of all ages. The field and play area are very well used with large numbers of children coming from all over the area including the Stansfield Road area and accessing the site via the footbridge. The Stansfield Road area is a large area of terraced Victorian housing which rely on the site as its only easily accessible and safe public green area. It is vital for local people's well being that they have access to public 'green space' area like this. Public green spaces like this should be preserved for the good and well being of the local community re. recreation, access to nature and for 'gentle' social leisure activities. The site is a haven for flora and fauna, with a large number of trees and shrubs of all types including some very old and historic trees. The site is frequented by numerous birds, including a variety of tits, wrens, song and mistle thrushes, greater spotted woodpecker, jays and sparrow hawks. I believe that the children and adults visiting the field greatly benefit psychologically from the natural world on offer in this public space. I know that I do. The Incredible Edible group planted 25 fruit trees on the edge of the field as a Community project about 8 years ago. The current residents of Woodlands Avenue tend these to ensure that they grow well and crop well. I feel that the trees give pleasure to many of the visitors to the field. The field at present acts as a sponge in times of heavy rain. The area around the site is susceptible to flash flooding as in times of heavy rain water will pour down the nearby hillsides. The field helps to 'slow the flow' of water and acts as a natural holding tank which slowly releases water after rain. If the field was ever built on, then I feel

that there could be serious issues regarding drainage and flooding. The site is next to a railway line which can at times be very busy and noisy.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX278**

Site ref (if applicable): **LP0901**

Person ID: **1181962**

Name: **Dr John Zavos**

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 is not appropriate for development. It currently provides much needed green space for people of all ages. The field is well used as a space to walk and play. Children appreciate not just the play park but the field as well. The site also provides a habitat for local wildlife, including deer that I have seen crossing the space in the early morning. The field is also the site of an Incredible Edible-planted fruit orchard which is tended as a communal resource by local residents. The mature trees around the field provide vital sound and sight cover from the railway for local residents. Additional housing would put pressure on parking, which is already at capacity on Stansfield Hall Road and Victoria Road.

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 **APX279**

Site ref (if applicable): **LP0901**

Person ID: **1181965**

Name: **Dr Christina MacRae**

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 writing in order to express my concerns about the proposed housing development on this land. Although, the council has rated this as not being flood-prone, I would like this to be re-assessed, as Woodlands Avenue in times of flash flooding has a drainage problem as water comes down from Hallroyd Road, onto Stansfield Road and then down onto Woodlands Avenue and to the grazing land below. This land often is marshy, as well as othe far side of the rec adjacent to the grazing field. There is a spring that comes out into the grazing field adjacent to the proposed building site. All the houses on Woodlands Avenue are built with drains at the front in the cellars, and in times of water ingress, water can pass through the cellars from the hillside to the valley side. I feel that the ecology of the Stansfield Hall, and the terraced housing on Woodlands Avenue is delicate and that there could be risks associated with building/foundations etc. I also feel that the loss of the recreational space for residents, and in particular children, and young people would have an adverse impact of wellbeing. This is a space that has been used for years and years for young people to play outside; safely, but not under the direct supervision of adults. Evidence increasingly shows us that these kinds of open-spaces are increasingly under threat and this is being linked with an increase in mental health problems in children and young people. I do think that the far end of the space could be better used and I would very much like to see a large section of the entire land being given over to allotments, which because of the water-prone nature of the land would need to consist of raised beds. Indeed, a focus on improving the vegetation and greening of this site would be beneficial in light to the increasing impact of extreme climate in the valley. Incredible Edible Todmorden planted an orchard of apple and plum trees on the slope between Woodlands Avenue and the rec. and this orchard is now maintained by the residents of Woodlands Avenue, and provides a shared sense of responsibility and community. I am extremely worried about the loss of woodlands that is being proposed. If the housing were to go ahead I would urge the council to reconsider the number of houses in order to keep this wild life corridor. We see owls, and deer regularly in this land and it is a haven for birds of all sorts. The woodlands also provide a green corridor that insulates houses from the noise of the railway. Again, this leads me to encourage the Council to rethink this site in terms of its green potential in the form of both open-space, but also its potential for allotments. My final concern about this development is in relation to the access point on Stansfield Hall Road. This a just below a tight and blind bend, and this road increasingly is becoming a rat run to cut out traffic going through town. This access is potentially dangerous, especially in an area where young children live and play.

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): **LP0901**

Person ID: **1118292**

Name: **Mr John Stobbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This area of land has been a play area for many years and is constantly used throughout the year. It is also an area of natural beauty that would have a detrimental affect on this location if built on.

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

Sound Reason:

This area of land has been a play area for many years and is constantly used throughout the year. It is also an area of natural beauty that would have a detrimental affect on this location if built on. It is also in the same area as site LP0640 and one of the main areas of concern was the road needing improving on Victoria rd and near Stansfield Hall. I do not understand why this has not also been highlighted as it is the same road.

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 **APX360**

Site ref (if applicable): **LP0901**

Person ID: **1182295**

Name: **MS Asha Curry**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

See below.

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

Sound Reason:

As a resident of woodlands avenue i strongly object. Firstly the access to these properties would be hugely dangerous. There is already a parking problem around the current houses and many people use stansfield road as a bypass for Todmorde and drive extremely fast. There are also two blind bends. Secondly there is a major flood risk. The field proposed is generally marshy and used as an overflow for flash flooding. Parts of woodlands avenue already suffer with flooding at these times and this would increase the risk. Thirdly this is a much used area of land by th local community. Dog walkers and childre use the fields to a huge extent. Fourthly there is a lot of flora and fauna which would be adversely affected by any building here. I think it would be highly dangerous and have a huge negative impact on the local community to consider building on this land.

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

Duty to Co-operate Reason:

There has been very little consultation about this planning. It has been hidden away on this website and

wasn't mentioned at past meetings.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX377**

Site ref (if applicable): **LP0901**

Person ID: **954162**

Name: **Ms Janet Knudsen**

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 piece of land is unsuitable for housing for the following reasons: drainage/flood risk - during spells of heavy rain, the water gushes down the hillside, through Woodlands Avenue and into this field; it becomes very boggy but prevents the water from continuing down to the railway line and the houses beyond access - the roads running between Halifax Road and Burnley Road, via Hallroyd and Victoria Roads are already narrow and heavily congested; they have already been classed as unsuitable for heavy vehicles the field is a much used and loved recreational space - many children play here safely without needing to cross major roads; current government thinking is that such play areas/green spaces are important for the mental health and well being of our youngsters wildlife - the field and adjacent woodland is a haven for wildlife subsidence - the houses on Woodlands Avenue have all moved since they were first built and this apparently is the historic reason why further houses were not constructed on this land green spaces - as well as children using the field, many adults find it a convenient place to enjoy nature, exercise their dogs etc; not everybody is fit enough to walk up the surrounding hills

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

Duty to Co-operate Reason:

Suggested Modifications:

I do not think that this plan can be adjusted to make it sound. In my opinion, the land is unsuitable for housing for the reasons stated above.

Additional Evidence Link:

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Comment ID **APX389**

Site ref (if applicable): **LP0901**

Person ID: **1182382**

Name: **Professor Erik Knudsen**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

It could be argued, legally, that the Local Authority are deliberately being discriminatory by making it so difficult to find the planning notice on the web site, thereby making it particularly difficult for people with a combination of reduced IT skills and limited mobility, such as many elderly people, from participating in this consultation. While this may not fall foul of Section 35 of the Town and Country Planning Regulations Act of 2012, it may not comply with various other equality and disability legislation. There should be a direct link to active plans on the authority's home page in order to make "reasonable provision" for access.

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

Sound Reason:

Notwithstanding the issues raised in the plan under 'Constraints', there are a number of other serious issues that need to be identified in relation to the soundness of the plan: **TRANSPORT - Victoria Road.** Victoria Road is seriously congested with parked cars and extensive traffic leading to several estates and residential areas, such as Ashenhurst, Meadow Bottom and Woodlands. Adjacent to Victoria Road there is a brownfield site that is quite likely to be developed for housing, so we are expecting the traffic along Victoria Road to become unbearably congested. To add housing in the proposed site would significantly worsen a bad transport situation that is already destined to become worse. **TRANSPORT - Holroyd Road.** Traffic coming up Halroyd Road from Halifax Road will significantly increase and will have to negotiate an old rail bridge with traffic lights, which will cause considerable congestion. The bridge can only carry 7.5t and further up where the road bends and passes parked cars on both ends of Woodlands Avenue will become seriously congested and dangerous. **NATURE AND WELLBEING.** Dennis' Field provides the last remaining publicly accessible green space in Todmorden outside of Centre Vale Park. It is well used by local residents and the playground provides much needed playing areas for children. Given that central government policy and Public Health England emphasise the need for both the elderly and the young to exercise more, it would seem completely counter to target this singular greenfield site. Central government also recently announced plans to grow a further 100 million trees across the north of England, including Calderdale, and it would seem perverse to then cut down the few public trees in Todmorden that exist outside Centre Vale Park. **SUBSIDENCE AND FLOODING.** Over 100 years ago, there were attempts to build on Dennis' field, but these plans were abandoned because of serious subsidence and drainage issues. While building technology might have developed since then, the underlying issue remains. Many of the houses in Woodlands Avenue slipped around 100 years ago and the presence of an underground river that also flows under Dennis' field will not have reduced the subsidence predicament; a situation that will only become more precarious with global warming. This will lead to increased subsidence risk not only for the new housing, but for existing housing on Woodlands Avenue.

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

Duty to Co-operate Reason:

Suggested Modifications:

This land is not suitable for housing.

Additional Evidence Link:

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Comment ID **APX535**

Site ref (if applicable): **LP0901**

Person ID: **1181310**

Name: **Mrs Diane Kelly**

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:

RE Proposed plans to build on Dennis's field, near Woodlands Avenue, > Stansfield Hall Road, Todmorden. >> I can only assume that the proposed > buildings are the affordable housing > to help young couples > get a foot on the property ladder and sheltered housing and rentals. > Again I can only point out that for the affordable housing they would > have to be under £75000 and even that is still not cheap to have to > pay back. I should also say that they will only be affordable once > as when put on the market by their owners they will be wanting to > make a profit on the sale. >> Please find my views on the above: >> 1. As a resident of Woodlands > Avenue > I am only too aware of the drainage > problems along > Stansfield Hall Road/Hallroyd Road > which runs directly > behind my house. Every time there is a heavy downpour the road > begins to flood due to seemingly un-blockable drains. > When the weather is really bad, the > water rises up onto the > pavement and down into the yards on > the row. The residents > then have to bail out and divert the > water down the side and > onto the front of the row. Before > anymore buildings are > put up, this drainage situation will > need a complete > overhaul. >> 2. Whenever there's any kind of > traffic > chaos due to accidents, flooding or > even motorway closures > in the centre of Todmorden the main > route between Burnley > Road and Halifax Road is on the road > that runs behind my > house. For more houses to be built > in the area, this > road will need widening. More houses will mean more everyday > traffic from new residents to their visitors and deliveries. The > entrance onto Dennis's field is in between two bends and across from > houses with on street parking. Obviously the new builds will have > enough parking for two cars per house but there has to be parking > enough for residents already in the area. > With parking spaces > fast becoming a problem the flow of > traffic on that road is > poor with cars constantly having to > give way. Then with > the usual gridlock that stems from the roundabout in the centre of > Todmorden outwards along Rochdale Road, Burnley Road and Halifax Road > the extra traffic over Stansfield Hall Road/Hallroyd Road would be > backing up too, in both directions, with motors trying to get onto > the main roads. >> 3. With more buildings the town will > need more police, fire and ambulance > service and, another > reason why Stansfield Hall Road/ > Hallroyd Road would need > widening, would be so that theses > services could get by on > that stretch without being held up as per my concerns in no. > 2. >> 4. Dennis's is a natural and > necessary sponge that helps to soak up the rain water. > Surely brown sites would make more > sense to build on rather > than ruining more green belt and > potentially causing more > flooding. I expect that the trees > on the field would > need felling prior to building however Calderdale have in the past > sent letters out to local residents stating that it's an offence for > anyone to fell the trees and anyone found to be doing so would be > prosecuted. >> 5. Children play on Dennis's as > they > have done for years and years. They > regularly come to the > rec from within half a mile away. It > is set back from the > road and for the most part, the > children that use it don't > need to cross a main road to get to > it. It is their > space. Families go there for picnics and local primary schools > sometimes use it. The kids play footy and cricket, run about > playing games that they have made up taking up the role of whichever > TV/film character is 'in'. > They laugh and shout without upsetting the grown ups and they > exercise through play which is something that the government and > Calderdale Council have spent lots of money on in promoting both in > schools and out. Surely it would be hypocritical of Calderdale > Council to even consider building on such an important place of > childhood activity.

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 **APX565**

Site ref (if applicable): **LP0901**

Person ID: **1182719**

Name: **Mr Matthew Ludlam**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I agree wholeheartedly with the recommendation for the land off Woodlands Avenue to stay as public open space

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX582**

Site ref (if applicable): **LP0901**

Person ID: **1182786**

Name: **Ms Shelley Burgoyne**

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 feel that the loss of the recreational space for residents, children and young people would have an adverse impact on well-being for all local residents, including those who live in the town who do use this site a lot. This is a space that has been used for years and years for young people to play outside; safely,

but not under the direct supervision of adults. Evidence increasingly shows us that these kinds of open-spaces are increasingly under threat and this is being linked with an increase in mental health problems in children and young people. There is very definitely a flood risk on Woodlands Avenue and houses have suffered this. The field proposed has always had a drainage problem even though major drainage work was done 30 years ago. It is unsuitable building land. Incredible Edible Todmorden planted an orchard of apple and plum trees on the slope between Woodlands Avenue and the rec. and this orchard is now maintained by the residents of Woodlands Avenue, and provides a shared sense of responsibility and community. This community project is a very important development for everyone's mental health and is a good way to develop community relations with residents from all round the area on both sides of the railway line. This site is used by everyone. The loss of trees to the area would be devastating, to noise pollution as well as the overall greening of Todmorden. The road and access is an issue. Parking is commonly taking up space and makes the road narrow and dangerous. Children are at risk. I have lived on Woodlands Avenue for 33 years.

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

Duty to Co-operate Reason:

I feel that the loss of the recreational space for residents, children and young people would have an adverse impact on well-being for all local residents, including those who live in the town who do use this site a lot. This is a space that has been used for years and years for young people to play outside; safely, but not under the direct supervision of adults. Evidence increasingly shows us that these kinds of open-spaces are increasingly under threat and this is being linked with an increase in mental health problems in children and young people. There is very definitely a flood risk on Woodlands Avenue and houses have suffered this. The field proposed has always had a drainage problem even though major drainage work was done 30 years ago. It is unsuitable building land. Incredible Edible Todmorden planted an orchard of apple and plum trees on the slope between Woodlands Avenue and the rec. and this orchard is now maintained by the residents of Woodlands Avenue, and provides a shared sense of responsibility and community. This community project is a very important development for everyone's mental health and is a good way to develop community relations with residents from all round the area on both sides of the railway line. This site is used by everyone. The loss of trees to the area would be devastating, to noise pollution as well as the overall greening of Todmorden. The road and access is an issue. Parking is commonly taking up space and makes the road narrow and dangerous. Children are at risk. I have lived on Woodlands Avenue for 33 years.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX602**

Site ref (if applicable): **LP0901**

Person ID: **1182719**

Name: **Mr Matthew Ludlam**

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 saddened, though not surprised, that the land off Woodlands avenue has appeared in the redrawn local plan. It has the major advantages for a council with targets to meet of being publicly owned already and relatively cheap to prepare for housing compared to brownfield sites. Having been forced to research the matter, I now know that it also has the advantages of its physical dimensions (i.e. above the site size threshold for allocation) plus Calderdale Council's failure to develop the site to generate the maximum amenity benefit for the local community means there are currently no active, organised user groups to be disenfranchised. I understand therefore the temptation for a cash-strapped council with targets to hit to bring forward this land for housing allocation. However, these are very poor reasons to recommend development on what is an outstanding amenity green space and a thus-far neglected jewel in the crown of Calderdale Council's leisure estate. What grounds do I have for making such a bold claim? Dennis' Field is one of just two locations in the upper Calder Valley with the potential to offer year-round usable outdoor space for ball games "" the only other site is White Lee Recreation Ground in Mytholmroyd. All other greenspace kickabout areas in Calderdale are either located in the flood plains of the valley bottom or perched high in the relatively inaccessible hamlets that fringe the moor. Please see the attached evidence "" Aerial Image of Local Area "" which clearly shows the field and its unique character as a flat play space in a steeply sided river valley. As such, the existing Open Space RAG recommendation that there is "Some loss which is not required or can be replaced elsewhere" is incorrect and should be revised. I believe strongly that the recommendations provided in the original site assessments should stand and the site should be retained as recommended in the open space survey. The two parcels of land - LP0901 and LP0902 - together form a valuable natural and semi natural urban green space. The redrawn proposal will eliminate both the natural and semi natural character of the site and will ensure a major loss of amenity value. As such, any detailed cost benefit analysis would find against proposing this land for housing, particularly when there are so many other sites in the town that are suitable for development "" the other sites on the filtered list have the capacity for more than a thousand dwellings. There is no justifiable case to make for damaging the character of the area for the relatively scant reward of 16 homes "" this is not the best use of the land, indicated by the relatively poor returns in terms of housing density that can be achieved on the site. I will now provide precise reasons why the revised recommendations for LP0901 and LP0902 are unfit for purpose and should be rejected. The site report does not consider that the need for open space by the local community will be even greater if the other high-density developments contained within the plan are given the go ahead. Please see the attached evidence showing the proximity of LP1637 and LP0640 where a further 78 homes are planned for the Hallroyd Area. The site will also be the closest amenity green space for the 41 new homes proposed for LP0658 and LP0659. The recommendation for site LP0902 is that it's best use is for allotments. The redrawn recommendation for site LP0901 is that all of its mitigation efforts will take place on site LP0902 thus damaging both parcels of land and significantly reducing the amenity value that these combined locations currently enjoy. The site assessments make no mention of the single biggest user group "" people enjoying a daily dose of exercise walking their dogs. As a result, no mitigation efforts are proposed. This is beyond an oversight and is obviously unacceptable. The proposed siting of the playpark at the far end of the site on LP0902 will severely degrade the ability of children from the houses below the bridge to access it. There is a major difference to being 'just over the bridge' to being 'over the bridge, along by the railway line and out of sight behind those new houses'. CMBC Safer, Cleaner, Greener was wrong to accept these proposals in their current form and should publish a written explanation of their grounds for doing so. The amenity value of the space is partly a result of its unique character as both a green play space and a natural location "" the provision of housing will eliminate its character as a natural location. Dennis' Field isn't just a field"; it has outstanding amenity value and should not be proposed for housing. The site is a genuine communal area, providing an easily accessible and safe outside leisure spot for the residents of the hillside and the valley bottom thanks to the adjacent railway footbridge. Todmorden has a clear physical and social divide and this site off Woodlands Avenue has great value as a shared space open to all. Spaces such as these build community cohesion and generate value in their own right. How much value is a reasonable question and it's a difficult one to

answer, but consider how much it would cost the council to get hold of such a prime flat leisure space in an easily accessible location? The local plan should earmark this area for further development, but in a way that generates the most value and makes the most of its unique assets. These measures would be: The provision of allotments on LP0902 as proposed in the original site review (thus supporting Incredible Edible's existing efforts to create an orchard on the site) Improving the drainage of the flat kickabout area to ensure all-year usage Improving the approach (especially lighting) via the footbridge to reduce safety concerns for unaccompanied children I will finish these comments by stating there will be wide-spread opposition to the local plan within Todmorden if this site is put forward. I was only made aware this week that the site is now being proposed for housing in what appears to be a desperate attempt to hit targets for affordable housing. There has been insufficient notification of the Council's change in recommendation. A major campaign will be launched to protect this valuable piece of space if the plan goes forward in its current form and will necessitate a local referendum on the neighbourhood plan, which will undoubtedly be lost "" no Todmorden resident is going to vote for this piece of land to be housed over. On both political and practical grounds, this proposal does not pass an analysis of costs versus benefits and should not go forward into the final version of the Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

The original site assessments and recommendations should be re-adopted.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5066758>

Comment ID **APX708**

Site ref (if applicable): **LP0901**

Person ID: **1117983**

Name: **Mrs Karen Whitehead**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

People have not been given the chance to comment. This site was not proposed for allocation as it as not included in 2017 consultation.

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

Sound Reason:

No indication of land being fit for development. There are rumours that this land was initially large scale landfill and risk of land slippage as most properties on Woodlands Avenue show signs of movement. Loss of green space and local amenity for children would be significant. Vehicular access and cumulative impact of all the three sites proposed within the area.

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

Duty to Co-operate Reason:

Lack of consultation

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX742**

Site ref (if applicable): **LP0901**

Person ID: **1183252**

Name: **Mr Neil Neil Sowerby**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I am flummoxed by how this additional site crept into consideration when it did not form part of the original consultation plan. It's as if someone, feeling threatened by attention being given to a site nearer their own home suggested this a viable alternative. It isn't.

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

Sound Reason:

It has proved to be an important green recreational space, rare so close to the town centre, main park aside, and used by families both sides of the railway line, significantly by the Asian children. Its recent part-use as a well-maintained Incredible Edible community orchard complements the long-established woodland, all of which seem to be under threat if any housing plan goes ahead. As with the nearby Hollins site there are drainage and mine subsidence complications, which were taken into serious consideration when previous plans decades ago were considered. It does seem nothing like the same level of inspection has gone into the current plan. The loss of such a green amenity just for the provision of 16 houses seems ludicrously out of kilter when there are brownfield sites across the area where large scale development would enhance the site. The sneaked in Woodlands Rec plan strikes me as a desperate attempt to hit quotas. Calderdale should be ashamed. The vital amenity question aside, the overwhelming objection to such out of scale development concerns TRAFFIC and ACCESS. Increasingly the whole stretch between the single track Hallroyd Bridge and the hazardous bottlenecks along over-parked Victoria Road has become palpably dangerous. There are blind bends and cars constantly having to reverse to allow oncoming traffic to pass. Recently giving way for the third time in as many minutes reversed into a van on my blindside. It might have been a child. This route can take no more. And it's not just about the current period when a constant stream of cars seeks a shortcut to avoid roadworks on Halifax Road. Even before the density of traffic has trebled over the past decade (we have lived on the right angle corner of Woodlands Avenue and Stansfield Hall Road for 35 years) with consequent pollution, both air and noise. The addition of further cars, run by new residents, can only exacerbate the chaos.

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

Duty to Co-operate Reason:

I am happy to agree with Matthew Ludlam's conclusion that "the site should be retained as recommended in the open space survey. The two parcels of land - LP0901 and LP0902 - together form a valuable natural and semi natural urban green space. The redrawn proposal will eliminate both the natural and semi natural character of the site and will ensure a major loss of amenity value." The Woodlands field should not go forward into the consultation plan. There has been insufficient notification of the Council's change in

recommendation anyway. And I also believe, that the Hollins scheme, for major reasons of environmental unsuitability and access, should be dropped.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX744**

Site ref (if applicable): **LP0901**

Person ID: **1183274**

Name: **Mr David Marshall**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Procedure has not been followed. There was no proposal for allocation at the previous stage of the local plan. This site has been pushed through under the radar to hit government targets but without adhering to legally compliant procedures.

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

Sound Reason:

Has a full geotechnical survey been undertaken and if so where is it available for inspection? The houses directly behind the site suffer from subsidence and ongoing movement, how ill these existing properties be effected by disturbance caused by building plans? The site currently acts as a natural sponge soaking excess water that runs from the hills above the site. This is especially after heavy rain when a river comes down by the tennis courts and is diverted onto the site to prevent their own houses flooding. Without the site acting as a sponge the there would be serious flood consequences for both the railway line and the multitude of terrace houses below the railway. Access to the site brings a multitude of problems There is congestion accessing from the main roads at both ends, a single track railway bridge with restricted load at one and the other between terrace rows with double parked cars and many stop/reverse manouvres. Once you have accessed the main road you then have the issue of the valley bottom roads to reach Halifax, Rochdale or Burnley which barely cope currently. The road from Todmorden to Halifax already being heavily congested and not fit for the pupose. The road itself between Hailfax Rd and Burnley is a winding narrow road with three blind bends which would not cope with one site but certainly not the three proposed sites. This road actually acts as a very poor Todmorden bypass to avoid the centre of town when theree are any issues. It has therefore been seen how poorly it copes with extra traffic but with no other bypass round Todmorden centre available the cumlative effect of additional housing would be a disaster. Recreational land in Todmorden is already at a premium. There is no flat land for anyone to play sports. Todmorden is desperate for football pitches. It currently costs £45 per hr to rent the astroturf at Todmorden Sports Centre. The benefits of encouraging healthy life styles are real and these areas need to be preserved and encouraged.

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

Duty to Co-operate Reason:

Word of mouth and chatting with neighbours is wonderful but not how I would expect Calderdale to satisfy their duty to cooperate

Suggested Modifications:

There are several brown field sites in Todmorden, such as the old Adamroyd mill that should be developed

Additional Evidence Link:

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Comment ID **APX763**

Site ref (if applicable): **LP0901**

Person ID: **1182011**

Name: **Miss Joanna Blake**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Land Registry shows that the Council holds the Title for LP0901. Local knowledge is that in the 70s/80s, the owner of LP0901 Denis Crabtree applied for Planning Permission to build houses on the field which was refused. Consequently the Calderdale Council made a Compulsory Purchase, ensuring no houses would be built and that is why the playground was created, to restrict access. If the Council do build on the land, aren't they profiteering at the expense of the original owner? I was not able to acquire the Conveyancing Deeds so I don't know if Denis Crabtree received compensation for the original CPO. Nonetheless, if this is true, it feels distinctly immoral and possibly illegal.

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

Sound Reason:

I oppose the plans for building on site LP0901. There is no robust evidence base to support the proposed planning. That I found out these plans were afoot was more happenchance than considered and transparent communication from the Council. The Local Plan outlines five constraints, which are sufficient reasons NOT to proceed. I note that report requirements does not list a Flood Risk Assessment nor Ecological issues. As my fellow neighbours and concerned citizens have repeatedly commented here, Woodlands Avenue has drainage issues, and Denis' Field acts as a flood plain/sponge to the North/North West. Without a Flood Risk Assessment, what consequences will there be to housing, access, transport (including rail) if this is not seriously considered? Indeed in 2.71 of the Local Plan, reducing flood risk and better prepared for flood events, is outlined as core initiatives for the Calderdale. As part of a Flood Risk Assessment, one might consider where "" other than Denis' Field "" an emergency helicopter may land if the valley is flooded. Denis' Field is the only flat and (continually) clear central site. Heaven forbid there is a rail accident, but the Council should have measures in place for every eventually, not just flood. (A helicopter landed here ahead of Prince Andrew visiting the aftermath of the flood, I can only presume to recce appropriate landing sites).The proposed removal of the woodland - will heighten the threat of flooding in the area as a natural source of drainage will be gone. As a UK BAP Priority Habitat, the plan to remove the trees, does not make sense. It is perplexing that the Council is considering removing a well-used recreational, greenfield site "" the playground, the woodland, the field - seems to contradict the very issues Calderdale is trying to improve and embrace. 2.74 and 2.75 of note. Are the Council seriously considering removing ( replacing and hiding) a well loved play area? There is a clear risk that this could have a direct impact on the health and well being of not just our children, but everyone who uses and enjoys Denis' Field - LP0901. In my opinion, building on the site expressly goes against the remit outlined in 3.2 and all but one characteristic in 3.3. Education and sustainability is at the core of Incredible Edible's orchard in LP0901, and yet the Plan is to remove the orchard and woodland. Also, it is unclear what

measures will be put in place with regards to transport. What 'proper planning' (4.27) and assessments have been made to ensure Woodlands Avenue and the access/rat run between Halifax Road and Burnley Road is in place?

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

Duty to Co-operate Reason:

I do not think that the residents of Todmorden have been informed sufficiently of the Local Plan, and the consequences of said Plan. Nor is there evidence to support the proposal to build on this site. Nor do I believe that all the issues have been sufficiently considered. I question the morality and legality of building on this proposed site, as outlined above.

Suggested Modifications:

To make the Local Plan legally compliant or sound, there would need to be evidence to support the Council's CPO of LP0901 was NOT to prevent the original owner from building on the land. Also Required reports should include a Flood Risk Assessment and Ecological Issues. Also, I do think an emergency helicopter landing site should be considered as part of Flood Risk Assessment/Local Emergency Planning.

Additional Evidence Link:

Comment ID **APX791**

Site ref (if applicable): **LP0901**

Person ID: **1116160**

Name: **Mrs Helen Stobbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site was not proposed in the Local Plan in the 2017 consultation and was not available for comment.

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

Sound Reason:

There is no evidence of a Geotechnical survey to check the land condition. This site may have the same issues as LP0640, The Hollins with risk of land slippage and water drainage. There has been a great deal of water in the field. Grass has been unable to be cut due to it being too wet in the area next to the playground. The cutting machinery has been unable to drive over to mow it. When it rains heavily this site absorbs and slows down water flow. By developing this site there is potential of water flowing more quickly into the valley bottom affecting both railway line and properties below. Access to the site is already of great concern with the proposed site LP0640 The Hollins (53 houses) along with proposed site LP1637 (Bradnor House (25 houses)) and this site allocation of 16 houses there would be a definite cumulative impact on an already overcrowded access route with parked cars on the highway and the large numbers of vehicles that use the area to avoid the town centre. There would need to be a new road and opening created just below a bend in Stansfield Hall Road to access the site. The entrance to The Hollins and Stansfield Hall are on the bend in the same area of road. The speed limit is set at 20mph but vehicles travel much faster than is permitted. Speed is never checked or monitored. Increased traffic with new housing would make an already unsafe road more hazardous. LP0901 is public space enjoyed by all ages, young children and teenagers use both the field and playground area. It is easily accessible from the

railway footbridge without the need to cross busy roads. Many residents that come to enjoy the open space don't have gardens and it provides a relaxing environment near their home. Dog walkers use the field and wooded areas to exercise pets and are able to let them run around freely in the open space. The Incredible Edible Orchard is maintained by the local residents for all the Todmorden community to help themselves to fruit. The site is surrounded by mature trees and is a wildlife habitat for many different species. Proposed building would interfere with nature and wildlife in removing trees from the developable area. This amenity is widely used by the public. Development has been turned down before on grounds of loss of the recreational space and hazards to residents with increased vehicular traffic on unsuitable roads. These issues have not changed since this decision was made.

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

Duty to Co-operate Reason:

Suggested Modifications:

Allocation of the site be deferred until the next review as it was not included in the previous consultation on the Local Plan.

Additional Evidence Link:

Comment ID **APX803**

Site ref (if applicable): **LP0901**

Person ID: **1183459**

Name: **Mrs Julie Hollis**

Organisation:

Agent ID: **1181073**

Name: **Cllr Andy Hollis**

Organisation:

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

Legal Compliance Reason:

This site has only appeared in the Local Plan at the final stage. There has been no time for consultation. Due process has therefore not been followed. Councillors involved in drawing up the Todmorden Neighbourhood Plan, created in conjunction with Calderdale, knew nothing of this site.

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

Sound Reason:

Highways: Planners have shown no awareness of the fact that this site is just one of three planned for a road that is used as a short cut between Burnley Road and Halifax Road as a means for motorists to avoid town centre congestion. The three potential sites (LP0901 / 0640 / 1637) would add at least 94 more dwellings and therefore, at 1.5 cars per dwelling, 141 more cars than at present. Nor do planners appear to have noticed that there are 7 roads and 4 culs de sac leading on to the road, bringing many more cars with them. The road from Hallroyd Road to Victoria Road (referred to as Victoria Street by planners "" an indication of their eye for detail) is single track at both ends: with lights and a one-way bridge at one end and on-street parking at the other. Planners recognise the need to 'improve' and/or 'mitigate' Victoria Road, but they make no suggestions as to how. Since the maximum load the bridge can carry is 7.5t, all construction lorries would have to approach the site from Victoria Road, which would be potentially dangerous. The site is a much used recreation area and is likely to have been a Victorian tip. Tests would need to be carried out before any building can go ahead.

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

Duty to Co-operate Reason:

For the reasons of due process given above.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX810**

Site ref (if applicable): **LP0901**

Person ID: **1110215**

Name: **Mrs Lydia Rowland**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

ALLOCATION: This site was not proposed for allocation in the previous stage of Local Plan. In this regard therefore, the Local Plan for this site, must be regarded as not legally compliant. Should CMBC wish to seek allocation, at the very least the site must be deferred from consideration until the first review of the Local Plan, i.e. post 2023. NB The Site Assessment gives a link to a supposed previous consultation. The link given by CMBC results in 'no documents found'. This was not a site included in the 2017 consultation with the rest of Todmorden sites and the public and local residents did not had a chance to comment in the 2017 consultation on the Local Plan.

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

Sound Reason:

LAND CONDITION SURVEY The site assessment material provides no indication of developable condition, apart that is its description as 'Greenfield'. This is a misleading assumption on the part Local Plan preparation. This is because local knowledge has it that the site has been subject to large scale landfill/landraising possibly from the building of the adjacent railway. Only in more recent years has it been given a degree of remediation to the extent that it can function as 'local amenity greenspace'. SITE CONTAMINATION It is doubly unfortunate that no such survey of land condition has been carried out, especially so with regard to the proposed 'indicative developable area'. This corresponds to the footprint of previous land fill/landraising. Given that such dumping was done at a time when there were wholly inadequate or no controls concern must be obvious regarding site contamination. LAND SLIPPAGE The terraces of houses known as Woodland Avenue were completed in the 1890s. At that time proposals to build a parallel set of terraces on this proposed allocation site were abandoned due to concerns over land slippage. It is likely that this site will require remedial treatment before it is even considered as suitable for development for housing. HIGHWAYS IMPACT "" There is evidence that this not been assessed. Potential for Cumulative Impact is ignored for sites LP0901, LP0641 and LP1637 when commented on by Highways on an individual basis. Their written comment is either absent or 'N/A'. This means that the potential for 'cumulative impact' has been ignored both individually and when considering the three sites which are in close proximity and use the same road (i.e the continuous road leading through Hallroyd Road over the single track, traffic light controlled railway bridge, Woodlands Avenue, Stansfield Hall Road and Victoria Road 'Cumulative' applies to all three sites "" making 94 new dwellings and therefore at 1.5 cars per dwelling a potential 141 more cars than at present. At present there are approximately 79.5 cars linked to

dwelling from Victoria Road to the access point to Bradnor House Site. It should be also taken into account that Site No LP1637 (Bradnor House) is dependent upon development of Site LP1544 (Gully House). This stated in the site report. It therefore mean not an additional 25 dwellings along the road but 48 and associated 35 approximately additional cars. Added together this makes 176 cars along this already busy and dangerous road. Single Track "" this short cut between Halifax Road and Burnley Road becomes in effect a single track at certain points owing to a single track railway bridge on Hallroyd Road and on-street parking on Woodlands Avenue, Stansfield Hall Road and Victoria Road. Cut through Road -The single road from the access onto Hallroyd Road from the main A646 Halifax Road, to Victoria Road access to Burnley Road, A646 is commonly used to avoid the Todmorden Town Centre and displaces the traffic. Travellers from Halifax to Burnley and vice versa frequently use this as the only through road to avoid Todmorden Town Centre. This is not just at peak times. There is no evidence that a traffic survey has ever been done on this road. This additional and very great amount of daily traffic has not been taken account of in the written evidence produced by Highways. Access onto the Highway "" the proposal is for three NEW access points within a 300 metre stretch. There are three blind corners within this transit. The potential for accidents is much increased and has not been assessed by the Highways Authority AIR QUALITY ASSESSEMENT C alderdale MBC has refused the official request from Todmorden Town Council for an Air Quality Assessment in the centre of town. The congestion and number of cars coming through the road for the proposed sites will be increased. This will lead to deterioration in air quality. There is no evidence that CMBC have taken this into account or intend to do so. ACCESS If allocated for development this site will require a new vehicular access. This will involve and additional traffic hazard only 30 "" 40 metres from the 'blind' bend from Woodlands Avenue. Added to the cumulative traffic impacts demonstrated already for sites LP0901, LP0641 and LP1637 (allocated within 300 metres of each other) and given that the site access would be only 30 metres from that proposed for site LP0640 (The Hollins) this would make unacceptable impact on the road network and the potential for serious hazard which is not possible to mitigate. This demonstrates further unsoundness of the site for development. OPEN SPACE Currently the site is very well used both as a children's playground, community orchard and informal open space. Many of its users are able to access the site via the footbridge over the railway line ie without needing to cross a road. These users are often very young children mainly from Todmorden's ethnic minority population living in terraced houses below the railway line and having no garden space whatsoever. The mitigation suggested is wholly inadequate. A 'kick about area' is not a compensation for the loss of this Greenfield open space especially as it will mean loss of mature trees and habitat which are a feature in the local landscape and from across the valley. A significant local amenity functioning in effect as a local park and community space would be lost. FLOODING The Site Assessment states that there are no major issues of flooding and drainage. This does not take into account the fact that in recent years this Greenfield site has become increasingly boggy especially over long periods of rain. A new spring on site has emerged and it has proved impossible to cut the grass on occasions because of this. It is likely that building work necessary for this site will result in flooding elsewhere and is also likely to affect the railway line which is immediately below and adjacent to the site.

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

Duty to Co-operate Reason:

CMBC has failed in the duty to Cooperate actively, constructively and on an on-going basis with local residents as they have not had the opportunity in any of the previous stages of this Local Plan preparation to comment on LP1637

Suggested Modifications:

To determine whether the Local Plan is sound in my opinion the following would be required: Full Geotechnical Survey analysing any developed slip circles using bore holes, sometimes 10 metres deep and deploying piezometers (at least two) or an equivalent so that physical evidence of suitability for

development is shown. Measurement of Ground Water pressure to understand the forces on different sectors of the material above the slip circle to determine how stable it is Cumulative assessment of the highways impact of sites LP0901, LP0641 and LP1637 Re-examination of the suitability of site LP0649 former AdamRoyd Mill

Additional Evidence Link:

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Comment ID **APX864**

Site ref (if applicable): **LP0901**

Person ID: **1183509**

Name: **Mr Jonathan Thornton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Site not proposed for allocation in the previous stage of local plan.

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

Sound Reason:

No indication that any work has been done to show the land is in developable condition. No indication survey of land condition carried out. Vehicular access to the site is not suitable. It is on a blind bend where the road is often restricted to single track by parked cars. This is especially relevant if combined with proposed site LP0640 and the general traffic congestion of the immediate area. Loss of open space for residents and visitors from all over the town not just local residents. Loss of mature trees and wildlife habitat - I see deer and bats here regularly. Flood risk - the site can be very boggy.

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

Duty to Co-operate Reason:

Calderdale Council have not Cooperated actively or on an on going basis with local residents as we have not had the opportunity to comment on any previous stages of the local plan LP1637.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX888**

Site ref (if applicable): **LP0901**

Person ID: **1183328**

Name: **Mr Richard Mulhearn**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The website provided to access the proposal was initially very difficult to access; it appears that this has been acknowledged by the granting of an extension of the deadline for comments on the plan. This poor approach to procedure is further evidenced by the fact that there was no proposal for allocation at the previous stage of the local plan. There has been a rush to propose this site, it appeared late on the plan, thus not adhering to legally compliant procedures. The cumulative impact of this poor procedure makes this plan not legally compliant.

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

Sound Reason:

I would also like to ask directly and receive information on the question: Has a full geotechnical survey been undertaken and if so where is it available for inspection? This will almost certainly identify new issues and impacts with this plan, which will be a repeat of those that have effected this area of the valley in recent history, where landslips have occurred and damaged property and access to existing sites. If such (anticipated) issues arise not only will there be problems for the proposed sites, but all of those existing around them. Therefore, what plans/funds does the local authority (and any site developer) have in reserve to deal with such difficult scenarios? The site currently acts as a natural sponge soaking excess water that runs from the hills above the site. This is especially after heavy rain when a river comes down by the tennis courts and is diverted onto the site to prevent their own houses flooding. Without the site acting as a sponge there would be serious flood consequences for both the railway line and the multitude of terrace houses below the railway. Access to the site: There is existing congestion from the main roads at both ends, a single-track railway bridge with restricted load at one and the other between terrace rows with double parked cars and many stop/reverse manouvres. A question to consider "" If approved, how will all the works/construction vehicles even get to this site based current levels of congestion? Add to this the long term impact of the numbers of cars owned by new residents for the proposal of this site and those close by. This is a residential road being put under traffic level pressure associated with a main road. It is already evident how poorly this road copes, and the cumulative effect of additional housing and the resultant increase in traffic levels would bring extensive and expensive issues for the local authority. Environment: This green space is extensively utilised throughout the year, dog walkers, games of football etc, however in the summer months its busy, many families from all local areas use this space, it is particularly enjoyed by families from properties without garden spaces, who come at evenings and weekends to enjoy the environment. Has the local authority not got a duty to provide these spaces? To provide environments that promote health, wellbeing and exercise? By eradicating such spaces are they not damaging the community, health and familial/social bonds of local residents?

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

Duty to Co-operate Reason:

Communication and cooperation has been poorly planned and executed, I would question how this fulfills the duty to Cooperate

Suggested Modifications:

I understand the need and support the need for affordable housing. Are there not several existing brown-field sites in Todmorden? These seem to be far more suited to development as they are unused and do not contribute anything to the community currently. They are fenced off, overgrown and going to waste. It seems odd that the local authority would ignore such brownfield sites and choose to eradicate attractive greenspace sites, which when built upon will damage and place further pressure on all residents in the immediate vicinity and the wider environment of the town.

Additional Evidence Link:

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Comment ID **APX901**

Site ref (if applicable): **LP0901**

Person ID: **1183529**

Name: **Mrs Eleanor Mulhearn**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The short timeframe for consultation of the Local Plan falls outside the legal requirement. In addition, the process for online public consultation and objection is difficult to access online. The process should be simplified in order to make the process easier for all local residents wishing to comment on plans.

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

Sound Reason:

The timeframe for consultation has been too short. The field in front of Woodlands Avenue is an incredibly valuable greenspace for local residents. As there is such limited recreational area in Todmorden, other than the park, the loss of this site would impact on a daily basis on very many lives. Daily activities include children playing on the field - visiting in particular from the area directly below the field, where many of the terraced houses have no gardens. Dog walkers use the field extensively. Incredible Edible developed the orchard site of the field, which is now maintained by the Woodlands Avenue residents and is a community garden. In an area with a high density of housing and busy roads the field provides a safe and relaxing place to play for many local children, also regularly used by primary schools for local outdoor trips. Building on the field for this reason alone is an unjustifiable plan. The land proposed for building is unsuitable due to drainage on the field. The field absorbs water running under Woodlands Avenue and houses on the terrace are already affected by poor drainage. Further building may increase the flood risk to the existing housing. Subsidence has been a serious issue in the past and major building work may increase the potential for further related problems - has an extensive geological survey been undertaken? Victoria Road is already under great pressure from local residents parked cars and driving is already very difficult as visibility is impacted. Access around the other side of Woodlands Avenue on Halroyd Rd is limited by the train bridge, with weight load restriction. The road is used as a cut through whenever Halifax Rd has roadworks or traffic is busy. Cars are regularly driven dangerously fast around Woodlands Avenue and Victoria Rd, despite the speed restriction signs. Increased traffic would exacerbate this issue further and preparing for potentially increased traffic / building works seem wholly improbable.

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

Duty to Co-operate Reason:

The area is unsuitable for building for all the reasons listed above.

Suggested Modifications:

The plan is unsound due to loss of valuable greenspace, loss of community wellbeing space, flood risk, impact on the structure of existing homes and already dangerous driving conditions and overcrowded parking.

Additional Evidence Link:

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Comment ID **APX935**

Site ref (if applicable): **LP0901**

Person ID: **1183581**

Name: **Mr Steve Hay**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Land Registry shows that the Council holds the Title for LP0901. Local knowledge is that in the 70s/80s, the owner of LP0901 Denis Crabtree applied for Planning Permission to build houses on the field which was refused. Consequently the Calderdale Council made a Compulsory Purchase, ensuring no houses would be built and that is why the playground was created, to restrict access. If the Council do build on the land, aren't they profiteering at the expense of the original owner? I was not able to acquire the Conveyancing Deeds so I don't know if Denis Crabtree received compensation for the original CPO. Nonetheless, if this is true, it feels distinctly immoral and possibly illegal.

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

Sound Reason:

I oppose the plans for building on site LP0901. There is no robust evidence base to support the proposed planning. That I found out these plans were afoot was more happenchance than considered and transparent communication from the Council. The Local Plan outlines five constraints, which are sufficient reasons NOT to proceed. I note that report requirements does not list a Flood Risk Assessment nor Ecological issues. As my fellow neighbours and concerned citizens have repeatedly commented here, Woodlands Avenue has drainage issues, and Denis' Field acts as a flood plain/sponge to the North/North West. Without a Flood Risk Assessment, what consequences will there be to housing, access, transport (including rail) if this is not seriously considered? Indeed in 2.71 of the Local Plan, reducing flood risk and better prepared for flood events, is outlined as core initiatives for the Calderdale. As part of a Flood Risk Assessment, one might consider where "" other than Denis' Field "" an emergency helicopter may land if the valley is flooded. Denis' Field is the only flat and (continually) clear central site. Heaven forbid there is a rail accident, but the Council should have measures in place for every eventually, not just flood. (A helicopter landed here ahead of Prince Andrew visiting the aftermath of the flood, I can only presume to recce appropriate landing sites).The proposed removal of the woodland - will heighten the threat of flooding in the area as a natural source of drainage will be gone. As a UK BAP Priority Habitat, the plan to remove the trees, does not make sense. It is perplexing that the Council is considering removing a well-used recreational, greenfield site "" the playground, the woodland, the field - seems to contradict the very issues Calderdale is trying to improve and embrace. 2.74 and 2.75 of note. Are the Council seriously considering removing ( replacing and hiding) a well loved play area? There is a clear risk that this could have a direct impact on the health and well being of not just our children, but everyone who uses and enjoys Denis' Field - LP0901. In my opinion, building on the site expressly goes against the remit outlined in 3.2 and all but one characteristic in 3.3. Education and sustainability is at the core of Incredible Edible's orchard in LP0901, and yet the Plan is to remove the orchard and woodland. Also, it is unclear what measures will be put in place with regards to transport. What 'proper planning' (4.27) and assessments have been made to ensure Woodlands Avenue and the access/rat run between Halifax Road and Burnley Road is in place?

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 **APX950**

Site ref (if applicable): **LP0901**

Person ID: **1182719**

Name: **Mr Matthew Ludlam**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

No - I consider the proposal to develop LP0901 is in opposition to a number of the specified 12 Core Planning Principles that are meant to underpin the Local Plan. Sufficient consultation has not been conducted with the local community and relevant civic and public bodies to merit the reversal of the recommendations put forward in the 2017 plan. As a result, the proposal is in breach and not legally compliant with the following core planning principles: be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production); conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and focus significant development in locations which are or can be made sustainable; and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; promote mixed use developments, and encourage

multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production); conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and focus significant development in locations which are or can be made sustainable; and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

Sound Reason:

I write this in explanation and support of my initial comment (ID APX565) where I stated that I was wholeheartedly in approval with the recommendation to maintain LO0901 as an open space and the recommendation within LP0902 that the council should look to develop allotments on the site. Those, I now know, were the recommendations given in 2017 that have now been reversed completely. I am writing this additional comment because I wish to state the exact reasons why this proposal should not go forward into the strategic development plan for Calderdale. 1) It is a bad decision to include LP0901 in the housing allocation of the Local Plan - the housing over of Dennis' Field delivers a small allocation of housing compared to the land used and the loss of amenity value for users of the existing site. The proposal runs counter to the council's core planning priorities and will ensure huge opposition to the Local Plan within Todmorden. This proposal delivers a small benefit in terms of affordable housing that is more than offset by the loss of local amenity value and the character of the natural environment. To put it simply, there are numerous better places to develop in Todmorden, which is evidenced by the fact that sites with the potential for more than 1,000 homes lie on the unfiltered list. 2) The work hasn't been done to include LP0901 in the housing allocation of the Local Plan - the only change of circumstance put forward to explain why the recommendations for LP0901 and LP0902 have been completely reversed is this.... Calderdale MBC's Safer Cleaner Greener team have advised that they would be willing to accept the development of LP0901 so long as another flat kickabout space and children's park was developed on LP0902. This means that only 2 of the 4 major user groups of the park have been considered (never mind consulted) - the single largest user group is people getting exercise walking their dogs and then there is also young families using the area for picnics when the weather is warm. As a result, there is simply no evidence base in place to warrant the reversal of the original recommendation. The proposal is on shaky legal grounds owing to its contravention of a number of the core planning principles plus there is no evidence of the duty to cooperate being upheld with relevant bodies such as Natural England or PlayEngland. This proposal has been rushed through and it shows. This leaves the planning authority horribly exposed if it chooses to push ahead and go against the original recommendations.

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

Duty to Co-operate Reason:

Public bodies such as Natural England and Play England should have been consulted alongside relevant civic bodies like Incredible Edible, The Open Space Society and the National Allotment Society. Calderdale MBC Safer Greener Cleaner have published no evidence to demonstrate that this revised 2018 proposal is sound.

Suggested Modifications:

The original recommendations made in 2017 are sound and should stand.

Additional Evidence Link:

Comment ID **APX960**

Site ref (if applicable): **LP0901**

Person ID: **1183590** Name: **Miss Jayne Marshall** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

This was not proposed for allocation in the previous stage of Local Plan and as such, local residents have not had sufficient opportunity to comment, object or raise concerns.

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

Sound Reason:

Access There are three blind bends on this through road already. On late summer days, the low sun means there is no visibility heading round onto Hallroyd road making it dangerous for pedestrians to step out onto the road to cross. Much of the road is single lane due to parked cars and in places, vehicles have to back up several times before finding a gap to exit Victoria road onto Burnley road. This is extremely dangerous, especially when it is larger vehicles with limited rear vision reversing into mothers and school children on their way to and from school. There is already excessive traffic passing along this road as they try to avoid congestion in Todmorden town centre. Open Space This is the only place for children to play from both sides of the railway track without having to cross the main road to the town park. This is especially important for the children from the terraced housing below the rail track where there are no gardens or yard areas whatsoever to play.

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

Duty to Co-operate Reason:

Local residents have not had the opportunity in any of the previous stages of this local plan to comment.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX966**

Site ref (if applicable): **LP0901**

Person ID: **1182685** Name: **Mr Andrew Waller** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

this site was not included in the previous stage of the local plan and is therefore not compliant.

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

Sound Reason:

a full survey of this land must be carried out to determine its suitability. there is strong local belief that the land was used as a landfill area during the construction of the railway line. this area is also a commonly used play area for local children that would be a serious loss. No consideration has been given to the additional impact this site along with LP0640 and LP1637 will have to the number of vehicles using the single road between halifax road and burnley road will have.

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 **Lpp1084**

Site ref (if applicable): **LP0901**

Person ID: **1162379**

Name: **CLlr Carol Machell**

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/5082041>

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Comment ID **Lpp1089**

Site ref (if applicable): **LP0901**

Person ID: **1117738**

Name: **Mr Anthony Roberts**

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?:

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/5082082>

Comment ID **Lpp358**

Site ref (if applicable): **LP0901**

Person ID: **1182854**

Name: **Ms Louisa Ashley**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The local plan as applied to LP0901 doesnot satisfy the consultation requirements for community involvement due to the lack of publicity, awareness raising and access to the proposals. This issue is compounded by the fact that the current proposal is the opposite to the recommendations made in the site plan for the same site in 2017. For many people, there would be an understanding that a decision has previously been made, without an expectation for the decision to be re-visited within such a short period of time. The proposal to relocate the children's play area and the provision of open amenity space from LP0901 to LP0902 is premised upon those currently using LP0901 traversing through what would be a housing estate to reach LP0902. The viability of this proposal is unsubstantiated; there is no evidence of consultation on this point with the local community.

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

Sound Reason:

The proposal is unsound and without regard for the short and long term benefit of local community. Alternative sites There are numerous brownfield sites that are unsightly and in desperate need of development and investment. It would be far better for the local authority to develop such sites; such development would benefit the community of Todmorden over both the short and long term. Conflict with 2017 decision It is not positively prepared, not justified and is not effective. It suggests a complete U-turn from the decision made in 2017 to filter the site, with little or no explanation of why such a U-turn has been made. Loss of amenity space Looking at the plan of Todmorden on the Local Plan Publication, it is self-evident that the proposed development of LP0901 and other sites in the locality would rid the local community of the few precious remaining local open amenity spaces and children's recreation facilities accessed by those living in a densely populated area. As noted above, the proposal to relocate the

children's play area and the provision of open amenity space from LP0901 to LP0902 is premised upon those currently using LP0901 traversing through what would be a housing estate to reach LP0902. The viability of this proposal is unsubstantiated; there is no evidence of consultation on this point with the local community. Moving the children's play area and the open space for community use from its current position by the pedestrian railway bridge to a position that is a significant distance for small children and their carers, older unaccompanied children, teenagers, and families and others spending time enjoying balls games and other outdoor recreational activities, is not a comparable or viable alternative for the local community. There is no reference in the plan to investment by Incredible Edibles in the amenity space, which is so easily accessed by the local community in its current position and which has been tended not for a number of years. This would be a significant loss of a community amenity and social innovation for which Todmorden has become nationally renowned. Residential capacity The proposed residential capacity for site LP0901 is 16 on a site area of 0.73 hectares. This is a very low return in terms of housing density when compared with sites LP1637, a site area of 0.67 hectares, with a residential capacity proposed as 25 and LP0640, 1.33 hectares with a proposed residential capacity of 53. Other site allocations also suggest a higher return in terms of residential capacity, namely, LP0651, site area of 1.98 hectares with a residential capacity of 62; LP0053, site area of 0.43 with a residential capacity of 13; LP0659, site area of 0.58, with a residential capacity of 17; and LP0658 site area of 0.47 with a residential capacity of 24, thus undermining the soundness of the proposal for LP0902. It would appear that the Local Plan already lists over 20 separate site allocations that would deliver a combined residential capacity of over 1,000. It does not therefore seem necessary to remove LP0901, or LP0902, from the current position on the filtered list - [http://calderdale.objective.co.uk/portal/planning\\_services/lp/lp?pointId=s1445417915646](http://calderdale.objective.co.uk/portal/planning_services/lp/lp?pointId=s1445417915646) last accessed 22 September 2018. RAG score 2017 It is not clear how a RAG score of 40 out of 48 on the site plan in 2017 can within a year have been converted to no apparent RAG score for the same site with no explanation or change to the site and its use having taken place in the intervening period. Safe access and egress I would endorse the concerns raised by others regarding safe access and egress related to LP0901. Drainage and flooding I would also echo the concerns raised by others in relation to drainage and flooding.

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

Duty to Co-operate Reason:

In light of the comments above regarding legal compliance, the duty to co-operate may have been breached.

Suggested Modifications:

The modification would be to keep the sites filtered.

Additional Evidence Link:

Comment ID **Lpp69**

Site ref (if applicable): **LP0901**

Person ID: **1181778**

Name: **Mr Barry Cook**

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 lived on Woodlands Avenue for 33 years. Access to this site will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The current use of the field as a playing field plus play area is a very important public 'green space' for the well being of the local people of all ages. The field and play area are very well used with large numbers of children coming from all over the area including the Stansfield Road area and accessing the site via the footbridge. The Stansfield Road area is a large area of terraced Victorian housing which rely on the site as its only easily accessible and safe public green area. It is vital for local people's well being that they have access to public 'green space' area like this. Public green spaces like this should be preserved for the good and well being of the local community re. recreation, access to nature and for 'gentle' social leisure activities. The site is a haven for flora and fauna, with a large number of trees and shrubs of all types including some very old and historic trees. The site is frequented by numerous birds, including a variety of tits, wrens, song and mistle thrushes, greater spotted woodpecker, jays and sparrow hawks. I believe that the children and adults visiting the field greatly benefit psychologically from the natural world on offer in this public space. I know that I do. The Incredible Edible group planted 25 fruit trees on the edge of the field as a Community project about 8 years ago. The current residents of Woodlands Avenue tend these to ensure that they grow well and crop well. I feel that the trees give pleasure to many of the visitors to the field. The field at present acts as a sponge in times of heavy rain. The area around the site is susceptible to flash flooding as in times of heavy rain water will pour down the nearby hillsides. The field helps to 'slow the flow' of water and acts as a natural holding tank which slowly releases water after rain. If the field was ever built on, then I feel that there could be serious issues regarding drainage and flooding. The site is next to a railway line which can at times be very busy and noisy.

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

Duty to Co-operate Reason:

I have lived on Woodlands Avenue for 33 years. Access to this site will be dangerous. I cannot see how it can be made safe. Both Hall Royd Road and Victoria Road are narrow, in poor condition and are frequently partially blocked by parked vehicles. There are 3 'blind' bends very close to the proposed site - two at either end of Woodlands Avenue, plus another 'blind' bend which 'follows on' where Victoria Road becomes Hall Royd Road. The roads, which are largely Victorian in age, are very busy - and are getting

busier day by day, especially during the rush hour and the school runs, as many motorists use the roads as a short cut to avoid the already congested Halifax Road and Burnley Road through the town centre. I am surprised that there has not been a serious accident yet - I fear that it is only a matter of time especially as many vehicles appear to be driving well above the 20 mph speed limit, plus the route is used by some people who drive as fast as they can through the route. These drivers seem to be either 'boy racers' who feel the need to accelerate fast and then brake as quickly as possible at the bends or are people who are in a hurry e.g. late for work/late for the school run. I have witnessed many 'near misses' on the sharp bends near to the proposed site. Traffic is congested further at three points on the road - firstly at the single file / traffic lights at the railway bridge on Hall Royd Road, then at the main junction of Hall Royd Road and Halifax Road and lastly where Victoria Road meets the Burnley Road. This last area now is one of very serious congestion as the road side parking reduces Victoria Road to a single carriageway but traffic coming from either direction cannot see oncoming traffic and so serious road blockages occur. These can then involve traffic backing up and on to the Burnley Road, where the situation is further complicated by parked vehicles which obscure the view for vehicles pulling out of Victoria Road. The current use of the field as a playing field plus play area is a very important public 'green space' for the well being of the local people of all ages. The field and play area are very well used with large numbers of children coming from all over the area including the Stansfield Road area and accessing the site via the footbridge. The Stansfield Road area is a large area of terraced Victorian housing which rely on the site as its only easily accessible and safe public green area. It is vital for local people's well being that they have access to public 'green space' area like this. Public green spaces like this should be preserved for the good and well being of the local community re. recreation, access to nature and for 'gentle' social leisure activities. The site is a haven for flora and fauna, with a large number of trees and shrubs of all types including some very old and historic trees. The site is frequented by numerous birds, including a variety of tits, wrens, song and mistle thrushes, greater spotted woodpecker, jays and sparrow hawks. I believe that the children and adults visiting the field greatly benefit psychologically from the natural world on offer in this public space. I know that I do. The Incredible Edible group planted 25 fruit trees on the edge of the field as a Community project about 8 years ago. The current residents of Woodlands Avenue tend these to ensure that they grow well and crop well. I feel that the trees give pleasure to many of the visitors to the field. The field at present acts as a sponge in times of heavy rain. The area around the site is susceptible to flash flooding as in times of heavy rain water will pour down the nearby hillsides. The field helps to 'slow the flow' of water and acts as a natural holding tank which slowly releases water after rain. If the field was ever built on, then I feel that there could be serious issues regarding drainage and flooding. The site is next to a railway line which can at times be very busy and noisy.

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp959**

Site ref (if applicable): **LP0901**

Person ID: **1130213**

Name: **Mr Keith Hopewell**

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:

LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put these sites forward must know the outcomes of the previous planning applications in the vicinity and the grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should these sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. Woodlands Ave It is of great concern that consideration is being given to developing a open space enjoyed by all ,especially when a children's play area would be destroyed. This area is a safe space for children to play ,many who can make their way to it safely without crossing any heavily used roads. Great Emphasis should be placed on these facts , especially when there is so much necessity for children to lead a more healthier and safer lifestyle.

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 **Lpp963**

Site ref (if applicable): **LP0901**

Person ID: **960418**

Name: **Mrs Carol Hopewell**

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:

LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put

these sites forward must know the outcomes of the previous planning applications in the vicinity and the grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should these sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. Woodlands Ave It is of great concern that consideration is being given to developing a open space enjoyed by all ,especially when a children's play area would be destroyed. This area is a safe space for children to play ,many who can make their way to it safely without crossing any heavily used roads. Great Emphasis should be placed on these facts , especially when there is so much necessity for children to lead a more healthier and safer lifestyle.

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 **Lpp977**

Site ref (if applicable): **LP0901**

Person ID: **1184071**

Name: **P & B Kierman**

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/5077044>

## **Main Issues and Council Response**

### **Legal Compliance**

#### Main Issues:

1. Consultation - Inadequate opportunity to comment due to site previously being filtered. Web link to previous consultation documents not working. Lack of community involvement in proposals. Consultation was not effective, and may not comply with equality and disability legislation.
2. Lack of consultation is not compliant with NPPF core planning principles.
3. No explanation the reasons why the site is suitable for development when it was deemed unsuitable in the 2017 consultation.

#### Council's Response:

1/2/3. 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. Local Road Network - Inadequate local road network, specifically congestion, road safety, on-street parking, consideration of cumulative impacts and weight restriction on the railway bridge.
2. Site access - Cumulative impact of site accesses for three sites in close proximity.
3. Land Stability - Nearby properties show signs of movement.
4. Drainage - Issues with drainage/surface water run off in the area.
5. Open Space - Loss of open space, and cumulative impact of loss of other open space sites. Well used recreation area. Impact on health and wellbeing. Mitigation not adequate. Loss of visual amenity. Incredible Edible Todmorden fruit orchard on part of the site.
6. Flooding - The site acts as a soakaway in heavy rain. This affects existing properties. Spring underneath the site.
7. Green Belt - Loss of Green Belt. Utilise brownfield sites first.
8. Tree Preservation Orders.
9. Ecology - Impact on wildlife. Loss of woodland.
10. Bad Neighbour - Site is adjacent to the railway line.
11. Infrastructure - Lack of/pressure on existing amenities, services and facilities in the local area, e.g. emergency services.

12. Deliverability – possibility of restrictive covenant.

13. Land contamination - Site likely to have been used as a tip. Area corresponds with the developable area.

14. Air Quality - Impact of development on air pollution

Council's Response:

1. Highways Development Management has stated that there would be an impact on the road network that requires mitigation. They consider that any potential issues are resolvable and that the site is developable.

2. Highways Development Management has stated that whilst the site has a frontage onto Woodlands Ave (residential alleyway) which is too narrow to provide access, a short frontage onto Stansfield Hall Road also exists where access may be achieved. They consider that the site is developable.

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 terms of flooding and drainage, there are no major issues with the site being located exclusively in Flood Zone 1. However, should the site be taken forward as a housing allocation the drainage section has suggested that SuDS should be provided at the site through green and blue infrastructure.

5. The site is an important amenity greenspace, play area and natural and semi natural urban green space. However, Safer, Cleaner, Greener has stated that provided that an equivalent or better play area is developed on the adjacent site (LP0902) together with a flat kick about area, development of the site for housing is acceptable. Pedestrian access to the site should be provided through LP0901 to minimise the impact of moving the facilities to users approaching from the pedestrian railway bridge. Allocating LP0901 for housing and providing improved open space facilities would result in the loss of natural/semi-natural site LP0902. An analysis of open space within its catchment area shows that there are sufficient alternative natural/semi-natural sites to meet the Council's adopted standards.

6. In terms of flooding and drainage, there are no major issues with the site being located exclusively in Flood Zone 1. However, should the site be taken forward as a housing allocation the drainage section has suggested that SuDS should be provided at the site through green and blue infrastructure.

7. With regards to the site assessment process, in order to identify the most sustainable sites a 'sequential' approach to housing allocations has been adopted that prioritises brownfield sites in the urban area, only using the most sensitive Green Belt when all alternative sites were used. It should be noted that site LP0901 is located in the Urban Area.

8. The Lowland Mixed Deciduous Woodland where the protected trees are located has been removed from Developable Area.

9. West Yorkshire Ecology has stated that whilst direct disturbance to feeding areas of SPA birds is unlikely, recreational pressure will need mitigation. They go on to state that Lowland mixed deciduous woodland can be found on part of the site and that this should be removed from the developable area. Development of the site is therefore acceptable subject to mitigation. A Habitat Regulations Assessment should be completed if the site is allocated for development.

10. Following consultation, Environmental Health has commented that rail noise from the adjacent railway line is a concern but that the design of the development would be critical. A Noise Impact Assessment should therefore be undertaken.

11. 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.

12. There is no reference to a covenant affecting the site. However, if such a covenant is found to exist, prior to the site being developed the Council will be required to investigate how the covenant may be overcome.

13/14. Environmental Health has been consulted regarding the allocation of the site for housing and has raised no issues with regards to impact on air pollution or the site containing contaminated land.

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

Main Issues:

Council's Response:

### **Suggested Modifications**

1. The site should remain open space.
2. Reports Required to include Flood Risk Assessment and Ecological Issues.
3. Site should be considered as an emergency helicopter landing site.
4. Allocation of the site should be deferred until the next review of the Local Plan.
5. Undertake full geotechnical survey
6. Undertake measurement of ground water pressure
7. Undertake cumulative assessment of highways impact of sites LP0901, LP0641 and LP1637
8. Remove the site from the Local Plan.

Council's Response:

1. The site is an important amenity greenspace, play area and natural and semi natural urban green space. However, Safer, Cleaner, Greener has stated that provided that an equivalent or better play area is developed on the adjacent site (LP0902) together with a flat kick about area, development of the site for housing is acceptable. Pedestrian access to the site should be provided through LP0901 to minimise the impact of moving the facilities to users approaching from the pedestrian railway bridge. Allocating LP0901 for housing and providing improved open space facilities would result in the loss of natural/semi-natural site LP0902. An analysis of open space within its catchment area shows that there are sufficient alternative

natural/semi-natural sites to meet the Council's adopted standards.

No modification required.

2. Site does not require a Flood Risk Assessment as it is entirely located in Flood Zone 1 and is under 1ha. West Yorkshire Ecology, Natural England, Yorkshire Wildlife Trust and the Council's Conservation (Ecology) officer were all consulted on allocating this site for development. As a result, a Habitat Regulations Assessment is required if the site is to be developed.

No modification required.

3. It is considered that the provision of an emergency helicopter landing site is not a matter for site allocations.

No modifications required.

4. No change required - 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.

5/6. 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. Further, measurement of ground water pressure is also considered to be a matter for the planning application stage.

7. Both Highways Development Management and Highways England were consulted as part of the site analysis for this proposed housing allocation. Together, the impact on the local road network and the strategic road network were considered. As such, the cumulative impact of sites LP0901, LP0641 and LP1637 has been considered.

No modification required.

8. No change required - 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.

## Document Section: LP0914 - New Housing Site - Todmorden

### Representations

Comment ID **APX1068**

Site ref (if applicable): **LP0914**

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:

Impacts to Rochdale Canal need to be fully considered and mitigated. PEA and appropriate protected species surveys are required with a sensitive landscape scheme (including SuDs) to protect the wildlife corridor of the canal and ensure no fragmentation of CWHN. Sensitive lighting schemes should also be implemented and CEMP to protect adjacent watercourse and 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 **APX462**

Site ref (if applicable): **LP0914**

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, in 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 **APX521**

Site ref (if applicable): **LP0914**

Person ID: **1182142**

Name: **Mrs Jan Erskine-Power**

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 at Henshaw Woods caused slippage and led to the demolition of several cottages. Other homes along the road have had subsidence issues and it is established that there is a land stability problem on that hillside yet no Land Stability Report has been listed as a requirement. Surely the council must anticipate and prevent any damage to the homes directly above the steep slope this development is intending to dig into. Hollins Road itself is only one vehicle wide in places and already has issues as a bus route with the number of cars parked and traffic. It will struggle to cope with more traffic and building disruption.

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

Duty to Co-operate Reason:

Suggested Modifications:

Further Stability report and compliance checks should be completed before any digging starts with council accepting any liability for damage to the existing homes

Additional Evidence Link:

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Comment ID **APX695**

Site ref (if applicable): **LP0914**

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:

Pinnel Lock and Smithyholme Lock adjacent to this site's western boundary along the Rochdale Canal are Grade II Listed Buildings. The Heritage Impact Assessment considered that development on the original site that was allocated would impact upon the setting of the canal and listed buildings; and important views north and south along the canal within the wider landscape setting. The extent of the current allocation 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 LP0914 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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## **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 along with implementation of sensitive landscape and lighting schemes and Construction Environmental Management Plan as well as avoiding fragmentation of Calderdale Wildlife Habitat Network.
2. Rochdale Canal – Impacts to Canal need to be fully considered and mitigated.

3. Heritage - Pinnel Lock and Smithyholme Lock along the Rochdale Canal are Grade II Listed Buildings and the mitigation measures in the Heritage Impact Assessment need to be 'required' in order to be effective.
4. Land stability – History of land slippage in this area leading to the demolition of properties. Given there is a land stability problem on the hillside a Land Stability Report must be required.
5. Local Road Network - Inadequate local road network, specifically capacity of Hollins Road and on-street parking.

**Council's Response:**

1. The original site has been reduced to meet the concerns of West Yorkshire Ecology but given the importance of the Rochdale Canal as an important wildlife corridor any development may have a significant impact on the this and its ability to function as a wildlife corridor as well as being an important wildlife site (including protected species such as breeding birds). A development scheme would therefore need to incorporate measures to further protect the ecological features on and adjacent to the site including reducing the developed area and number of dwellings. West Yorkshire Ecology state the Habitats Regulations Assessment will be an important factor in determining whether this land should be included as a new housing site. These comments are supported by the Council's Conservation Section (Ecology) who state that an Ecological Impact Assessment to include a bat survey is required. They also state that a 10m buffer should be provided by the canal which should be planted with native trees and shrubs to limit disturbance and prevent light spillage.
2. Part of the site falls within Flood Zone 3a and a small area within the 1 in 30 surface water flood risk area and any scheme would need a Flood Risk Assessment to reflect flooding concerns as recommended by JBA. A Flood Risk Assessment will be required if the site is to be developed. In addition, some areas of the site may have surface water issues. As such, the Council's Flooding and Drainage section has stated that SuDS should be provided through green and blue infrastructure if the site is developed. A Hydrological Assessment should be completed.
3. The site is located in close proximity to two listed structures (canal lock gates). Both WYAAS and the Council's Conservation Section (Heritage) state that any development proposals for this site would need to ensure that the elements which contribute to their significance are not harmed. As such, consideration must be given to the recommendations provided within the HIA.
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. Highways DM state that there are potential access issues which are resolvable and that there would be an impact on the road network requiring mitigation. However, Highways DM also state that limited development at the site would be acceptable.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

1. Amend the final Site Specific Consideration to read:-  
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”
2. Stability report and compliance checks to be completed before development commences with council accepting any liability for damage to the existing homes.
3. Ecology - Preliminary Ecological Appraisal and Protected Species Report required along with implementation of sensitive landscape and lighting schemes and Construction Environmental Management Plan as well as avoiding fragmentation of Calderdale Wildlife Habitat Network.

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.  
No modification required.
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.  
No modification required.
3. West Yorkshire Ecology, Natural England, Yorkshire Wildlife Trust and the Council's Conservation (Ecology) officer were all consulted on allocating this site for development. As a result, an Ecological Impact Assessment to include bat survey and a Habitat Regulations Assessment are required if the site is to be developed.  
No modification required.

## Document Section: LP1534 - New Housing Site - Todmorden

### Representations

Comment ID **APX1069**

Site ref (if applicable): **LP1534**

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 ecological issues, 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, whilst providing 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 **APX1241**

Site ref (if applicable): **LP1534**

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. LP1534 is located within a groundwater source protection zone 1 (SPZ1) for a groundwater abstraction that is used for

drinking water. Pollution that enters the ground within a source protection zone can quickly find its way into the drinking water supply. Housing developments can cause pollution particular during the construction phase of the development or as a result of the foul water drainage scheme. Developments within SPZ1 should be supported by a hydrogeological (groundwater) risk assessment that identifies potential risks to groundwater from the development and identifies mitigation measures that will be implemented to reduce unacceptable risks. From known locations of waste sites holding an Environmental Permit in the Calderdale boundary, we have identified proposed locations that are close to permitted sites with known amenity issues that are or have recently impacted on the current residents in the area. Please see comments below and determine any implications for site assessment before allocation:

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>

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Comment ID **APX464**

Site ref (if applicable): **LP1534**

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:

The requirement for a Heritage Impact Assessment on Birks Mill & Birks house should be added to the 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 **APX520**

Site ref (if applicable): **LP1534**

Person ID: **1182142**

Name: **Mrs Jan Erskine-Power**

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 only mention of the Birks Mill Lock bridge is that a traffic priority sign will be put up. This does not address the issue of the bridge itself. When the council closed the original Walsden Infants school they ruled out repair because they ruled that the bridge was not wide enough or strong enough to allow builders vehicles across and they were also concerned that large vehicles would cause damage. No structural report has been requested to ascertain whether the bridge can support more, heavy traffic yet it is a vital access for the homes already there.

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

Duty to Co-operate Reason:

Suggested Modifications:

A structural survey of the bridge and compliance instructions to protect the bridge

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. Pollution - Site located within groundwater source protection zone 1 (SPZ1) for a groundwater abstraction used for drinking water. Risk of pollution from development.
2. Waste Sites – Determine any implications for this site from site in vicinity holding an Environmental Permit.
3. Ecology – Preliminary Ecological Appraisal and Protected Species Survey followed by a sensitive landscape scheme retaining high value habits and protecting adjacent watercourse. Construction Environmental Management Plan to be implemented along with sensitive lighting scheme.

4. Site Access - Inadequate local road network, specifically capacity.

5. Heritage - Requirement for a Heritage Impact Assessment on Birks Mill & Birks House should be added to the Reports Required section.

**Council's Response:**

1. Policy CC3 Water Resource Management states that the Council will work with key stakeholders to protect the quality and quantity of water resources; encourage their efficient use and ensure that they are provided where necessary. Policy CC3 goes on to state that proposals for development within a Groundwater Source Protection Zone should be supported by a hydrological (groundwater) risk assessment that identifies potential risks to groundwater from the development and identifies mitigation measures that will be implemented to reduce unacceptable risks.

2. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of local waste sites.

3. The Yorkshire Wildlife Trust and West Yorkshire Ecology have both highlighted the potential impact of developing this site on the local wildlife and habitats. They have indicated potential pressures on the Rochdale Canal, Woodland and highlighted specific species such as otters, bats and birds which could be affected. However, with mitigation the site is considered to be developable. These views are echoed by the Council's Conservation Section (Ecology) who state that some redevelopment may be acceptable with mitigation and subject to HRA assessment. They acknowledge that Lowland mixed deciduous woodland (UK BAP Priority habitat) has been removed from developable area and advise that the developable area should be maintained as specified.

4. Highways Development Management considers the site accessible; however mitigation would be required including some widening of Birks Lane may be required to provide for two-way movements and pedestrian movements.

5. The Council's Conservation Section (Heritage) has stated that this is quite a sensitive site given the various nearby listed buildings and structures. Birks Mill and possibly Birks House can be considered to be non-designated heritage assets, as is the canal itself. The former industrial buildings display some typical local features and have considerable character. By way of mitigation it has been suggested that it would be preferable to retain the mill for conversion or at least some elements of the existing buildings if structurally sound, or the former use could be reflected in the design of any new buildings on the site. Careful consideration will be required in terms of the relationship of new development to the canal, together with scale, layout, design and materials.

**Duty to Co-operate**

Main Issues:

Council's Response:

**Suggested Modifications**

1. Hydrogeological (groundwater) risk assessment identifying potential risks and mitigation measures.

2. Waste Site – Determine any implications for LP1564 from site holding Environmental Permit.

3. Ecology – Preliminary Ecological Appraisal and Protected Species Survey. Sensitive landscape scheme (retaining high value habits and protecting adjacent watercourse). Implement Construction Environmental Management Plan. Sensitive lighting scheme.

4. Site Access – Structural report for Birks Mill Lock Bridge.

5. Heritage – Add requirement for a Heritage Impact Assessment on Birks Mill & Birks House to Reports Required section.

Council's Response:

1. Following consultation with the Council's Flooding and Drainage section, a Hydrological Assessment is required if the site is to be developed.

No modification required.

2. The Council's Environmental Health section has been consulted on this allocation for development with no objection raised regarding the proximity of local waste sites.

No modification required.

3. West Yorkshire Ecology, Natural England, Yorkshire Wildlife Trust and the Council's Conservation (Ecology) officer were all consulted on allocating this site for development. As a result, an Ecological Impact Assessment and a Habitat Regulations Assessment are required if the site is to be developed.

No modification required.

4. Highways Development Management consider the site accessible; however mitigation would be required including some widening of Birks Lane may be required to provide for two-way movements and pedestrian movements.

No modification required.

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.

No modification required.

## Document Section: LP1637 - New Housing Site - Todmorden

### Representations

Comment ID **APX1109**

Site ref (if applicable): **LP1637**

Person ID: **1128479**

Name: **Mr Mark Tyrer**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The site was not included in the 2017 consultation. This is the first time the proposal has been made public.

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

Sound Reason:

The proposal is unsound for the following reasons; The land is steeply sloping and acts as a buffer for run off water from higher up the hill. Development would increase impact on the already unacceptable traffic burden on Hallroyd/Stansfield Road/Victoria Road. Access is by a single lane track with no passing places shared with several other properties. There is no direct access from the public highway. The site is a valuable wild life habitat.

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

Duty to Co-operate Reason:

This site appears to have been included as a desperate afterthought to the Local Plan. There has been no opportunity for local people to comment

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081669>

Comment ID **APX112**

Site ref (if applicable): **LP1637**

Person ID: **1126120**

Name: **Mrs Joyce Williams**

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/5049198>

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Comment ID **APX1161**

Site ref (if applicable): **LP1637**

Person ID: **1185046**

Name: **Stu Brady**

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 raise concerns about planned housing on a green field near my house. I live on Hallroyd road todmorden and there seems to be plans to turn the field into housing. I would like to point out that the access to that field is shared access by 5 houses around the field mine being one so I am not sure how you plan to gain access without our consent. Also there are a number of knocked down mill sites in tod which stand unused so why not use them instead of a green field

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 **APX134**

Site ref (if applicable): **LP1637**

Person ID: **1181637**

Name: **Mr D Leeder**

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 land is very steep at the back and has underwater currents at the back of this property. The garden is particularly steep and is secured with rods but if the field is disturbed the threat of flooding is severe also the land is frequently used by all types of animals birds bees deer etc. In fact a colony of bees come each year and there is currently a badger sac beneath one of the trees. Highcroft Road has pools of deep water. After rain and as it is a cul de sac cars and vans find it very difficult to gain entry and exit at anytime. Halroyd Road families have one two and three cars outside their homes with the addition of vans buses etc toing and froing all day and at peak periods the addition of traffic from Rochdale Road and Burnley Road seeking to avoid the busy Halifax Road as for the bridge this is very narrow and badly maintained as I write there are currently pot hole and a very unlevel surface. Todmorden has a very good health building but getting an appointment is another concern. Residents are always complaining they can't get to see a doctor, this is not their fault, just the fact there are too many people in the town the same for dentist not to mention schools. Bus services are currently being cut and as for trains these are not reliable and so expensive. Also not forgetting whilst commuting to work via public transport one needs to be able to park their car and car parks in Todmorden are few one only needs to look at the main road parking from Hebden Bridge to Mytholmroyd to see what I mean. I conclude this letter reminding the Council it will bring floods to our homes and to remember building more homes means more families and more families need doctors dentists schools and of course more traffic. This area cannot take anymore 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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Comment ID **APX213**

Site ref (if applicable): **LP1637**

Person ID: **1181889**

Name: **Mr and Mrs Karen Dyson**

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:

We write to object to this piece of land being changed from Greenspace to Housing for the following reasons: There is no direct access to the proposed site from the public highway. Therefore the proposal will cause major physical disruption to surrounding residents and increase the volume of traffic on already narrow and constricted roads. The site is steep and slopes down to existing housing on Highcroft Road. Water run-off is already a problem for local residents. Development of the site would be detrimental to the visual impact and privacy of these residents and other existing housing surrounding the site. The site is

a well-used, cherished and well documented wildlife corridor for deer, badger and fox. This would be lost. In addition, as a land-locked site with no direct access from the public highway, the Council would be gifting potential ransom strips to every adjoining owner to facilitate access. Surely this is beyond the remit of any Councillor, past or present.

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/5056128>

Comment ID **APX280**

Site ref (if applicable): **LP1637**

Person ID: **1181943**

Name: **Mr Robin Shaw**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I believe it ignores previous sound judgements made of some of this land, especially the offshoot portion in the plan which is not connected to the main area even though the plan suggests it is. I do not believe the development proposed makes any significant contribution to the housing requirement I do not believe it is in the public interest

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

Sound Reason:

Not suitable. Contains areas already refused development on multiple occasions for reasons documented in the refusals. Development would have major vehicle movement and safety implications, for both the immediate and surrounding areas. Wildlife implication including bats, birds, deer and small mammals Kiln Clough already has issues, water flows and run offs have not been considered Would adversely change the character of the local area, and create noise, disturbance and loss of privacy Services and infrastructure in the surrounding area are inadequate Would reopen other previously refused applications

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

Duty to Co-operate Reason:

Suggested Modifications:

The portion of land where planning has previously been rejected on more than one occasion should be removed. The other portion is likely to still be unsuitable.

Additional Evidence Link:

Comment ID **APX340**

Site ref (if applicable): **LP1637**

Person ID: **1182198**      Name: **Mr Paul Guest**      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:

Other than land slip at the rear of 15,Highcroft Road the other objection is to access. All roads leading to the site are narrow, and an over riding factor is the weight restriction on Hallroyd Railway Bridge 7.5 tonnes. This means all heavy traffic will have to travel through Todmorden along Victoria Road,Stansfield Hall Road and Woodlands, all of which have heavy on roadparking at all times. The resulting congestion would be excessive.

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 **APX663**

Site ref (if applicable): **LP1637**

Person ID: **1182899**      Name: **Mr Derek Davis**      Organisation:

Agent ID:      Name:      Organisation:

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

Legal Compliance Reason:

Not qualified to comment

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

Sound Reason:

The parcel of land is not suitable for its proposed use, please see separate comments.

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

Duty to Co-operate Reason:

The parcel of land is not suitable for its intended use, please see separate comments.

Suggested Modifications:

The land should remain as local green space.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5067589>

Comment ID **APX664**

Site ref (if applicable): **LP1637**

Person ID: **1182899**

Name: **Mr Derek Davis**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Not qualified to comment

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

Sound Reason:

Overview When viewed from the Calderdale Local Plan publication and Google maps the site appears to be open level green space, the reality is much different. This is a parcel of land contains steep gradients from the rear of the properties in High Croft Road rising to the boundary of Bradnor House. The topography of this site must be taken into consideration together with the unsuitability of the steep and narrow access track from Hallroyd Road/Stanfield Hall Road. Previous Planning Applications Previous planning applications to the upper area of this proposed site have been rejected on sound grounds of access and amenity, the conclusions to these planning applications equally apply to this parcel of land. Present Use of Land The land is currently a green space corridor offering known habitats to deer, badgers, owls and much more flora and fauna. The parcel of land can be seen to act as a very useful soakaway under storm conditions to the lower lying properties, railway and Halifax Road beneath it. Under storm conditions I have personally witnessed Cross Stone Road and Hallroyd Road running like rivers from the open land above flooding the lower lying areas between the Shell Garage and the current Lidl development. Furthermore I have witnessed the bridge over the Calder River at River Street over topping both the bridge parapet and perimeter walled flood defences. My point being to remove a local natural drainage resource can only increase the volumes of water arriving at the valley floor. We have a force of nature and the force of gravity pulling all excess surface water to the valley floor. The Proposal The proposal talks of SuDS (Sustainable Urban Drainage Systems) this is a relatively new concept in surface water management and the constraints of the site and adjacencies of property and critical infrastructure may well prove this to be unworkable. I would seriously question whether enough space has been allocated for SuDS given the number of properties proposed, again nature will deal with this either taking the excess water through the lower properties to the valley bottom below or over stretching the capacity of the adjacent Kiln Clough. Also any proposal to improve the Stanstead Hall Road track to a kerbed road will only provide a further easy route for water to reach the lower level. It's not so much dealing with the water run off from this site but also from water from the higher ground that passes through it, it is taking away a valuable resource close to the seat of much recent flooding. Conclusion It would not be in the interests of the local community and infrastructure to remove a natural drainage resource and potentially increase the risk of flooding which would be caused by the substantial amount of ground engineering required together with the provision of a non-permeable structures in this area. Within the locality there are many dis used mill sites, commercial sites etc. these brown sites should be re appraised before considering removing valuable green space near the heart of Todmorden.

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

Duty to Co-operate Reason:

The parcel of land is not suitable for intended use

Suggested Modifications:

The site should remain open green space

Additional Evidence Link:

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Comment ID **APX709**

Site ref (if applicable): **LP1637**

Person ID: **1117983**

Name: **Mrs Karen Whitehead**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Land was not included on the initial 2017 Consultation. Public have not had opportunity of consultation.

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

Sound Reason:

This has been described as contaminated land. There should be an assessment of this plus assessment of drainage issues and impact of dwellings on Highcroft Road Immediately below the site. Highways - impact of two adjacent sites in addition to this would be significant. Entrance is unsafe as there is no space for footpaths and it is an access for Calderdale Way which makes it dangerous for walkers.

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

Duty to Co-operate Reason:

Have not allowed for consultation as above

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX804**

Site ref (if applicable): **LP1637**

Person ID: **1183459**

Name: **Mrs Julie Hollis**

Organisation:

Agent ID: **1181073**

Name: **Cllr Andy Hollis**

Organisation:

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

Legal Compliance Reason:

This site has only appeared in the Local Plan at the final stage. There has been no time for consultation. Due process has therefore not been followed. Councillors involved in drawing up the Todmorden

Neighbourhood Plan, created in conjunction with Calderdale, knew nothing of this site.

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

Sound Reason:

Highways: Planners have shown no awareness of the fact that this site is just one of three planned for a road that is used as a short cut between Burnley Road and Halifax Road as a means for motorists to avoid town centre congestion. The three potential sites (LP0901 / 0640 / 1637) would add at least 94 more dwellings and therefore, at 1.5 cars per dwelling, 141 more cars than at present. Nor do planners appear to have noticed that there are 7 roads and 4 culs de sac leading on to the road. The road from Hallroyd Road to Victoria Road (referred to as Victoria Street by planners "" an indication of their eye for detail) is single track at both ends: with lights and a one-way bridge at one end and on-street car parking at the other. Planners recognise the need to 'improve' and/or 'mitigate' Victoria Road, but they make no suggestions as to how. Since the maximum load the bridge can carry is 7.5t, all construction lorries would have to approach the site from Victoria Road, which would be potentially dangerous. Access: In order to access this site by car it would be necessary to drive along a single-track path with no passing places. Planning permission has been refused several times in the past owing to the access problem, and that has been for one or two houses, not the kind of number now being proposed. The situation would become even worse if planning permission for construction on land off Gully House were to be granted, which, I understand, is also being proposed. It would not be possible to widen the access point since this consists of a Grade 2 listed wall on one side and a modern house on the other "" with TPOs on both sides. It would also be necessary to conduct a proper geotechnical examination of the land in question, as the whole area is subject to landslips since the underlying rock in the area is shale.

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

Duty to Co-operate Reason:

For the legal reasons given above.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX811**

Site ref (if applicable): **LP1637**

Person ID: **1110215**

Name: **Mrs Lydia Rowland**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This was not a site allocated in the previous stage of Local Plan Consultation. In this regard therefore, the Local Plan for this site must be regarded as not legally compliant. The public have not had the opportunity of commenting in accordance with legal requirements. Should CMBC seek allocation at the very least it should be deferred until the first review of the Local Plan, i.e. post 2023.

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

## Sound Reason:

This is described as contaminated land. There should be clarity as to whether this is applicable or not before positive allocation of the site can be made. A number of drainage issues have been reported according to CMBC's Site Assessment. There has been no assessment of the risks to and impacts on dwellings on Hillcroft Road which is immediately below the site. Positive allocation in the absence of this assessment is unreliable. Services Is it presumed that services will also be provided through the vehicular access route? This is a land locked site and water, sewerage and domestic supplies will be subject to the successful third party negotiation. There is no certainty that this will be achieved and therefore lacks any acceptable level of certainty. HIGHWAYS IMPACT "" There is evidence that this not been assessed. Potential for Cumulative Impact is ignored for sites LP0901, LP0641 and LP1637 when commented on by Highways on an individual basis. Their written comment is either absent or 'N/A'. This means that the potential for 'cumulative impact' has been ignored both individually and when considering the three sites which are in close proximity and use the same road (i.e the continuous road leading through Hallroyd Road over the single track, traffic light controlled railway bridge, Woodlands Avenue, Stansfield Hall Road and Victoria Road 'Cumulative' applies to all three sites "" making 94 new dwellings and therefore at 1.5 cars per dwelling a potential 141 more cars than at present. At present there are approximately 79.5 cars linked to dwellings from Victoria Road to the access point to Bradnor House Site. It should be also taken into account that Site No LP1637 (Bradnor House) is dependent upon development of Site LP1544 (Gully House). This stated in the site report. It therefore mean not an additional 25 dwellings along the road but 48 and associated 35 approximately additional cars. Added together this makes 176 cars along this already busy and dangerous road. Single Track "" this short cut between Halifax Road and Burnley Road becomes in effect a single track at certain points owing to a single track railway bridge on Hallroyd Road and on-street parking on Woodlands Avenue, Stansfield Hall Road and Victoria Road. Cut through Road -The single road from the access onto Hallroyd Road from the main A646 Halifax Road, to Victoria Road access to Burnley Road, A646 is commonly used to avoid the Todmorden Town Centre and displaces the traffic. Travellers from Halifax to Burnley and vice versa frequently use this as the only through road to avoid Todmorden Town Centre. This is not just at peak times. There is no evidence that a traffic survey has ever been done on this road. This additional and very great amount of daily traffic has not been taken account of in the written evidence produced by Highways. Access onto the Highway "" the proposal is for three NEW access points within a 300 metre stretch. There are three blind corners within this transit. The potential for accidents is much increased and has not been assessed by the Highways Authority AIR QUALITY ASSESSEMENT C alderdale MBC has refused the official request from Todmorden Town Council for an Air Quality Assessment in the centre of town. The congestion and number of cars coming through the road for the proposed sites will be increased. This will lead to deterioration in air quality. There is no evidence that CMBC have taken this into account or intend to do so. ACCESS The access to this site has already been subject to application and was found to be lacking Appeal Ref APP/A4710/A/04/1141161 (2004) And Application Number 16/00852/OUT (2016) The total number of dwellings involved in the two applications above were three and they were refused on Highways and character of the area grounds. The total no of dwellings proposed is 25 with an additional 23 being necessary if an agreement with a third party is reached. CMBC say that for LP 1637 to go ahead then the site of Gully House (LP1544) which is not included currently on the Local Plan, will have to be developed too. Nothing has changed in terms of access since the two applications above were refused. Is there any indication that the allocation of 25 dwellings is in anyway sustainable in terms of Highway access? The Site Assessment also states that development will be dependent upon negotiations with adjacent site (LP1544 / Gully House) "" an original application from the owners of the land, contained in Local Plan consultation 2017, has now been withdrawn. If negotiations are successful this will mean an additional 23 dwellings. In total 48 dwellings at 1.5 vehicles per dwelling = 72 vehicles which will increase the cumulative impact of vehicles along this very busy road. Access is dependent upon an agreement with a third party landowner. Additionally the site entrance is very narrow and has a very difficult sight line for access and ingress. There is no possibility of it being widened at its entrance because it is between the listed building wall to Stansfield Hall and the curtilage to

a domestic residence. In addition it is a substandard road of difficult gradient and lack of footways as well as containing trees with TPOs. It will be impossible to provide a pedestrian footway and this lane is very popular with walkers as an access to the Calderdale Way. This is an unsafe entrance "" it certainly cannot justify 25 or 48 dwellings and should not be included in any land allocation for housing. It should be deleted as a proposed allocation because it is not deliverable.

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

Duty to Co-operate Reason:

CMBC has failed in the duty to cooperate actively, constructively and on an on-going basis with local residents as they have not had the opportunity in any of the previous stages of this Local Plan preparation to comment on LP1637

Suggested Modifications:

To determine whether the Local Plan is sound in my opinion the following would be required: Full contamination survey Cumulative assessment of the highways impact of sites LP0901, LP0641 and LP1637 Re-examination of the suitability of site LP0649 former AdamRoyd Mill

Additional Evidence Link:

Comment ID **APX818**

Site ref (if applicable): **LP1637**

Person ID: **1116160**

Name: **Mrs Helen Stobbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The site has not been included on the Initial Consultation period and residents have not had chance to comment.

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

Sound Reason:

The site has not been fully assessed for suitability to be included on the Local Plan. The access to this site is very steep, on a sharp bend from a busy road and is a single width carriageway without pedestrian footpath and no way to widen the road without third party consent. The cumulative impact of development of other proposed housing sites (LP0640 The Hollins and LP0901 Woodlands Avenue) would make the route along Hallroyd Road/Stansfield Hall Road/Victoria Road from the A646 even more busy. This residential road is not only used by residents and visitors to the area. The route is used by vehicles as a by pass from Burnley Road to Halifax Road and was not designed for the amount of traffic that uses it.

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

Duty to Co-operate Reason:

The public has not had chance to comment in the initial consultation period of the Local Plan.

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX895**

Site ref (if applicable): **LP1637**

Person ID: **1183328**

Name: **Mr Richard Mulhearn**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

No The website provided to access the proposal was initially very difficult to access; it appears that this has been acknowledged by the granting of an extension of the deadline for comments on the plan. This poor approach to procedure is further evidenced by the fact that there was no proposal for allocation at the previous stage of the local plan. There has been a rush to propose this site, it appeared late on the plan, thus not adhering to legally compliant procedures. The cumulative impact of this poor procedure makes this plan not legally compliant.

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

Sound Reason:

I would also like to ask directly and receive information on the question: Has a full geotechnical survey been undertaken and if so where is it available for inspection? This will almost certainly identify new issues and impacts with this plan, which will be a repeat of those that have effected this area of the valley in recent history, where landslips have occurred and damaged property and access to existing sites. If such (anticipated) issues arise not only will there be problems for the proposed sites, but all of those existing around them. Therefore, what plans/funds does the local authority (and any site developer) have in reserve to deal with such difficult scenarios?

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

Duty to Co-operate Reason:

Communication and cooperation has been poorly planned and executed, I would question how this fulfills the duty to Cooperate

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX900**

Site ref (if applicable): **LP1637**

Person ID: **1183509**

Name: **Mr Jonathan Thornton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Site not allocated in previous stage of Local Plan consultation.

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

Sound Reason:

It is described as contaminated land. No assessment of drainage issues and the impact on the houses below. Access is very limited. up a steep hill, with no pedestrian walkway, with a listed building on one side and existing housing on the other and services can only be provided through existing properties. There is no guarantee that this will happen. The area already has traffic problems as there are three blind bends, a weight restricted railway bridge and parking narrows the road to single width at many points. This will be even worse if the two other proposals are granted. Previous planning history shows permission has been refused in the past on highways and character of area grounds, nothing has changed since then.

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

Duty to Co-operate Reason:

CMBC has failed in its duty to cooperate actively, constructively and on an ongoing basis with local residents who have not had the opportunity to comment on LP1637

Suggested Modifications:

Additional Evidence Link:

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Comment ID **APX967**

Site ref (if applicable): **LP1637**

Person ID: **958381**

Name: **Miss Hattie Parker**

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 smaller area of land in this plan (opposite the tennis courts) surely cannot be considered for development in view of the access to this land? There is a track which is mainly used for walkers and this track is not suitable for an increase in traffic, it is single track with no passing places and could not sustain regular traffic activity. This would make it a very dangerous track. The track is used extensively by walkers, a lot of whom are residents and it is a safer option to walking down Cross Stone Road where there are no footpaths.

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

Duty to Co-operate Reason:

Suggested Modifications:

To take this piece of land off the proposed planning site.

Additional Evidence Link:

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Comment ID **APX970**

Site ref (if applicable): **LP1637**

Person ID: **1182685**

Name: **Mr Andrew Waller**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

this site was not included in the previous stage of the local plan therefore is not compliant.

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

Sound Reason:

access to this site is proposed along a single track route directly adjacent to the grade 2 listed wall of Stansfield hall on a 90 degree bend that is already difficult to navigate due to parked vehicles. there is no room to widen the access and therefore no room for pavements. previous applications have been rejected 16/00852/OUT based on its unsuitability, this application for 25 dwellings surely causes more of an impact. there is also mention of an additional ref LP1544 that must go ahead along with LP1637. this adds an additional 23 dwellings. LP1544 is not included on the current local plan.

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 **Lpp1082**

Site ref (if applicable): **LP1637**

Person ID: **1162379**

Name: **Cllr Carol Machell**

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:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5081764>

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Comment ID **Lpp1086**

Site ref (if applicable): **LP1637**

Person ID: **1117738**

Name: **Mr Anthony Roberts**

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:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082046>

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Comment ID **Lpp199**

Site ref (if applicable): **LP1637**

Person ID: **1182387**

Name: **Mr & Mrs D & J Few**

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:

We are writing this letter to express our concern over the possibility of building work taking place in the greenfield site to the north of Highcroft Road Todmorden. We have several concerns and worries over this as listed below:- 1 Line of sight. We believe plans have been rejected on this objection in the past, there isn't really the room or safety for all the extra traffic, for building or residing. 2. Landslip. The land in question is partially a steep slope and we can tell the land is constantly on the move by just looking at our own properties e.g. flagstone movement and cracks appearing in walls and pointing. 3. Flooding There are several springs on the land and it is constantly boggy. We ourselves have suffered from water running from the field, down through our garden past the back door and out into the road in front of our property. 4. Wildlife corridor. The land in question is a very important piece of land as far as wildlife goes. There are rabbits, a family of deer, several badger sets, bats can be seen flying around at dusk and it is used by a variety of other birds from herons to ducks. We can only presume there are others e.g. hedgehogs etc. due to the large amount of bramble. We trust all these and any other concerns and worries will be taken into consideration when making any decisions.

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 **Lpp202**

Site ref (if applicable): **LP1637**

Person ID: **1128266**

Name: **Mrs Patricia Pickles**

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 live directly below the land in front of Bradnor House where it is proposed to build houses. I wish to object to this proposal for the following reasons. 1. Flooding. There is a risk of flooding as the field has a steep slope and development of this site would compromise the drainage and sewage system of Highcroft Road. 2 Highways. Any building works in this area would be compromised by the 7.5 ton weight limit on the bridge at Hallroyd Road. The only other access would be Victoria Road which has a low bridge causing another problem for HGVs and delivery vehicles. The proposed site is via a single track with no footpath. There would appear to be no scope for sufficiently widening the road for vehicles. the junction referred to

is on a bad bend and is already overused as a bypass to an from the town. It should also be noted there is a tree preservation order in place where access is proposed. 3. Open Space. The land in front of Bradnor House is a safe habitat for wild deer, herons, bats and rabbits. Building on this land would have a detrimental effect on the character and value of the area. 4. Stability of Land. The land has the same topography as the land adjacent to Park Road, Todmorden where development had to be abandoned several years ago because of subsidence. Any property development here could result in similar landslip causing problems to the houses on Highcroft Road. I propose this land should be left as open space.

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 **Lpp957**

Site ref (if applicable): **LP1637**

Person ID: **1130213**

Name: **Mr Keith Hopewell**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The council has not proved that they have complied to the necessary procedures in notifying the residents in the area of the proposals. Consequently this has compromised their ability to make considered comments ,especially as the web site is difficult to access and not always available. Therefore many people who would have wished to comment have been unable to do so.

Do you consider the plan to be Sound?:

Sound Reason:

LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put these sites forward must know the outcomes of the previous planning applications in the vicinity and the grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should theses sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. In respect of Bradnor House site ./sites(2) The proposal is not sound given the refusal of planning permission

previously for both sites and others in close proximity. We reiterate the refusals with emphasis being inadequate access to the three proposed development sites. There should be on file in Calderdale Council record of an appeal against the refusals of planning permission ,highlighting the substandard nature of the road given its single car width, steep gradient, several blind bends, lack of foot ways and poor street lighting. It is also forms part of a definitive footpath which provides significant concern for the safety of residents with the risk of conflicts between vehicles and other road users. There are no current passing places proposed. All current passing places are granted on a grace and favour basis. Clearly given the blind bends and gradient a number of them are required to ensure safety. Nothing has changed in this area since these decisions were made by highly respected officials, in fact one could say that the increased volume of traffic on the Hallroyd/Stansfield Road ,which some people now refer to as 'The Todmorden Bypass 'is an even more a reason for concern . Consequently one asks the question as to why anyone should be considering these sites for future building ? We also note that from the literature provided This site should not be separated for consideration from the 'Gully House'. So if that would be the case then even more houses would be built in this area ,thus destroying valuable open space and wild life habitats. Everyone now is aware of the value of such spaces to assist with ones mental well being and such information should be taken very seriously.

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 **Lpp962**

Site ref (if applicable): **LP1637**

Person ID: **960418**

Name: **Mrs Carol Hopewell**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The council has not proved that they have complied to the necessary procedures in notifying the residents in the area of the proposals. Consequently this has compromised their ability to make considered comments ,especially as the web site is difficult to access and not always available. Therefore many people who would have wished to comment have been unable to do so.

Do you consider the plan to be Sound?:

Sound Reason:

LP 0640. Land off The Hollins, Stansfield Hall Road, Todmorden. LP 0901. Land off Woodlands Ave. LP 1637 Land in front of Bradnor House OL148RA We wish to comment on all of these sites because should they be developed there will be a significant negative impact on the local area, bearing in mind they are in close proximity to each other. In addition there are a number of major practical difficulties in there development. We are aware that these difficulties have been highlighted by residents and professionals in previous failed planning applications. One feels we are just covering old ground. The people who have put these sites forward must know the outcomes of the previous planning applications in the vicinity and the

grounds for their refusal of permission. There is a significant link between these sites which is a minor road used by many as a 'rat run' to avoid the town centre. The need for a traffic survey has not been addressed as we believe that it would have revealed the existing over use of the Hallroyd and Stansfield Hall Roads. The increased traffic which would materialise should these sites be approved will definitely cause significant dangers for residents given the current street parking and difficulties caused by blind bends. The roads we have identified will all be used to access to these sites. There is a major problem currently in this area with increased traffic ,many who travel at high speed without consideration for others,so additional traffic can only be seen to be detrimental to the safety of everyone ,drivers and pedestrians alike. In respect of Bradnor House site ./sites(2) The proposal is not sound given the refusal of planning permission previously for both sites and others in close proximity. We reiterate the refusals with emphasis being inadequate access to the three proposed development sites. There should be on file in Calderdale Council record of an appeal against the refusals of planning permission ,highlighting the substandard nature of the road given its single car width, steep gradient, several blind bends, lack of foot ways and poor street lighting. It is also forms part of a definitive footpath which provides significant concern for the safety of residents with the risk of conflicts between vehicles and other road users. There are no current passing places proposed. All current passing places are granted on a grace and favour basis. Clearly given the blind bends and gradient a number of them are required to ensure safety. Nothing has changed in this area since these decisions were made by highly respected officials, in fact one could say that the increased volume of traffic on the Hallroyd/Stansfield Road ,which some people now refer to as 'The Todmorden Bypass 'is an even more a reason for concern . Consequently one asks the question as to why anyone should be considering these sites for future building ? We also note that from the literature provided This site should not be separated for consideration from the 'Gully House'. So if that would be the case then even more houses would be built in this area ,thus destroying valuable open space and wild life habitats. Everyone now is aware of the value of such spaces to assist with ones mental well being and such information should be taken very seriously.

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 **Lpp974**

Site ref (if applicable): **LP1637**

Person ID: **1127991**

Name: **Rev Peter Jeffery**

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/5077001>

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Comment ID **Lpp979**

Site ref (if applicable): **LP1637**

Person ID: **1184071**

Name: **P & B Kierman**

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/5077044>

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## **Main Issues and Council Response**

### **Legal Compliance**

Main Issues:

Council's Response:

### **Test of Soundness**

Main Issues:

1. Land Stability - Site is steep. Geotechnical survey required. Subsidence events occurred in vicinity. Land movements noticeable.

2. Local Road Network - Inadequate local road network, specifically capacity of steep and narrow access track, parking, safety issues and lack of consideration of cumulative effects with other sites. Constraints prevent widening.
3. Open Space - Loss of open space currently used as children's playground, community orchard and informal open space.
4. Planning History - Previous planning applications in area refused on grounds of access and amenity.
5. Ecology - Impact on wildlife including deer, badgers, various species of birds, butterflies and insects.
6. Landscape - Site visible in landscape and from adjacent footpath and currently adds to visual amenity of the area.
7. Flooding/Drainage - Increase in surface water flooding due to surface water run off. Unclear if proposed use of SUDs workable and insufficient space given to it to prevent surface water flooding.
8. Site Selection - Prioritise brownfield sites such as those in Todmorden.
9. Deliverability – Site landlocked with third party land required for both access and installation of necessary infrastructure (water supply, sewerage etc).
10. Contamination - Need to establish whether land contaminated or not before allocating site.
11. Pollution - Impact on air and noise pollution.
12. Residential Amenity - Loss of privacy for existing dwellings.
13. Infrastructure – Additional pressure on existing facilities such as doctors and schools in the local area.
14. Accessibility - Bus services being reduced and trains not reliable and expensive.

#### 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. Highways Development Management has stated that third party land would be required to achieve widening of the approach to the site. The width of the strip of land running alongside Bradnor House is not wide enough to provide access for vehicles and pedestrians to a site of this size. In addition, in order for the site to be acceptable, it would need to be developed with the adjacent site (LP1544). As such, the necessary third party land agreements will need to be confirmed to make access to the site possible.
3. The site is designated Open Space and is categorised as natural/semi-natural green space of which there is a good supply in the area. However since there is a deficiency of allotments enhancements to their provision should be included in any development proposals.
4. Each planning application is judged on its individual merits taking account of the local and national planning policy and guidance in place at the time of the application. Additionally, different applications may

involve different proposals for development. Even if previous planning applications have been refused on a site, changes to policy and changes to the proposal itself may make future applications acceptable.

5. The proposed allocation lies only 1500m from the South Pennine Moors SAC/SPA/SSSI. There is unlikely to be any issues regarding functionally linked land, but the site lies within the Natural England risk zone for any increase in dwellings. As such, development will require a Habitats Regulations Assessment for SAC and SPA. In addition, part of this site is lowland mixed deciduous woodland which is a UK Biodiversity Priority Habitat. In order to mitigate adverse impacts on this habitat, the woodland has been removed from the developable area.

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. Whilst 100% of the site is located in Flood Zone 1 and the site area is under 1ha, the site is subject to surface water flood risk and a Flood Risk Assessment would be required. Additionally, the Council's Drainage Section has stated that a number of drainage issues have been reported. These issues could increase the risk of fluvial and surface water flooding from Kiln Clough running along the site. As such, a detailed hydrological assessment of Kiln Clough watercourse to include any historical flooding is required as part of any development proposal.

8. 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.

9. 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 arrangement could be agreed.

10. Environmental Health has stated that this area may include contaminated land. As such, any proposal for development should be accompanied by an appropriate contaminated land assessment, with any mitigation measures identified and implemented.

11. Environmental Health has not raised any concerns in terms of the impact of development on air pollution or noise 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.

12. 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.

13. 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.

14. 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. Site LP1637 be removed from the Local Plan and remain open green space. Re-examination of the suitability of site LP0649 (former Adam Royd Mill).
2. Full contamination survey before any allocation.
3. Cumulative assessment of the highways impact of sites LP0901, LP0641 and LP1637
4. The portion of land where planning has previously been rejected be removed with the remainder likely to be unsuitable.

Council's Response:

1. No change required - 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. Following consultation, Environmental Health has requested that a Contaminated Land Assessment is carried out prior to development.  
No modification required.
3. Both Highways Development Management and Highways England were consulted as part of the site analysis for this proposed housing allocation. Together, the impact on the local road network and the strategic road network were considered. As such, the cumulative impact of sites LP0901, LP0641 and LP1637 has been considered.  
No modification required.
4. Each planning application is judged on its individual merits taking account of the local and national planning policy and guidance in place at the time of the application. Additionally, different applications may involve different proposals for development. Even if previous planning applications have been refused on a site, changes to policy and changes to the proposal itself may make future applications acceptable.  
No modification required.