

CALDERDALE LOCAL PLAN

Representations and Responses Document

Chapter 7 – New Employment Sites

Chapter 8 – New Mixed Use Sites

Calderdale Metropolitan Borough Council

August 2019



Document Section: 7 Sites for Employment

Representations

Comment ID **Lpp1465**

Site ref (if applicable):

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

Organisation: **Environment Agency**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Full submission attached As previous see comments from the Initial Draft stage (see below). We support the stipulation that proposed development must not create any unacceptable impacts on the environment and the reference to consistency with other relevant policies in the Local Plan.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp302**

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

Person ID: **1101788** Name: **Mr Robert Bland**

Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

Some of the plans used to form the Clifton Enterprise zone were thirty years out of date, this was to increase the amount of square feet in the proposal.

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

Sound Reason:

Due to the slope of the site it will be very expensive to develop. Any noise created by the development and

any subsequent occupants will be carried on the predominantly prevailing wind towards the village of Clifton. The highways infrastructure around Brighouse is already very congested and not just at peak times, especially along Wakefield Rd (which adjoins the site) into Brighouse. The nearby junction 25 of the M62 already has traffic signals on the entry slip road Eastbound and is very often stationary, even after upgrading to Smart Motorway status. If there has to be any development it should be kept to the bottom of the site along Wakefield Rd which would retain an area of separation from the current Armytage Rd industrial area to the village of Clifton rather than it becoming an extension of Brighouse.

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

Duty to Co-operate Reason:

The neighbouring borough of Kirklees has also proposed major residential & industrial developments to their side of Brighouse which will compound the local infrastructure problems.

Suggested Modifications:

Use the up to date plan to create the Clifton Enterprise zone which would not require the compulsory purchase of residential property

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: 7.1 Paragraph

Representations

Comment ID **Lpp258**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Dean Clough is allocated a primary employment area. HCT supports the major regeneration that has taken place but feels its role is greater than a traditional employment area and that it has succeeded in bringing life and vitality to the area - it is important that this is fully integrated into the town centre in terms of linkages and there may be some town centre uses that are appropriate here. These need to be considered further.

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

Duty to Co-operate Reason:

Suggested Modifications:

Add 7.2 Dean Clough provides opportunities for some town centre uses which will be considered further in the town centre supplementary planning document

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Dean Clough is designated Primary Employment Area, but its role is greater than a traditional employment area and major regeneration has taken place. Town centre uses may be appropriate and the

area needs to be considered further by the preparation of a new planning document to allow flexibility of the policy.

Council's Response:

1. The Council recognises that the development of non B uses which create jobs can provide complimentary uses and supportive benefits which can assist the retention of existing B type businesses in an area. Policy EE1 will therefore support proposals to develop or redevelop land/premises in the Primary Employment Areas for Employment and other Employment generating uses (as defined in the Glossary). Planning applications will be considered in the context of identified criteria to test the appropriateness of the proposal.

The Council will review the need to publish supplementary planning guidance if the need arises.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add new para. 7.2. Dean Clough provides opportunities for some town centre uses which will be considered further in the town centre supplementary planning document.

Council's Response:

1. The Council will review the need to publish local guidance/supplementary planning guidance relating to Halifax Town Centre if the need arises. No change required

The Council has proposed a modification to Policy EE1 to read as follows:

Land and premises within designated Primary Employment Areas

i) Proposals to develop or redevelop land /premises for Employment uses or Employment generating uses within the Primary Employment Areas will be supported providing the following criteria are met:

- a. There is no unacceptable impact on the operation of established employment uses in the area, and
- b. There is no unacceptable impact on local amenity.

Document Section: Policy SD5 Allocated Employment Sites

Representations

Comment ID **Lpp1329**

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 SD5 The site allocations for employment should be re-assessed in light of our comments above, with greater effort to make use of brownfield sites, and clearer connection between the proposed allocations and the types of employment envisaged. Greater opportunities for mixed-use sites should be explored. With this in mind, and in addition to our general concerns about the approach to employment land allocations set out in this evidence paper, a number of employment sites have not been adequately justified. In each case we consider that the harm of development would outweigh the benefits and therefore be inconsistent with NPPF. Our site-specific objections are set out in our Table 1 below. Table 1: CPRE objections to proposed employment site allocations (Policy SD5) in attachment CPRE West Yorkshire Evidence Paper 2: CPRE Core Evidence (page 19)

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 **Lpp1457**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

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

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp314**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The approach taken towards the Employment site allocations is inconsistent with that used for the housing allocations. For each of these employment allocations, Appendix 1 identifies the constraints, sets out the additional reports which will be required, and lists a number of detailed measures which are considered necessary to ensure that these sites will be developed in a sustainable manner. Where the development of these sites is likely to impact upon the historic environment, the Council has undertaken a Heritage Impact Assessment. The Site Specific Considerations set out in Appendix 1 broadly reflect the recommendations and mitigations that have been put forward in these Heritage Impact Assessments. In order for the development of these allocations to be compatible with not only national policy guidance but also the Plan's Policies for the conservation of the historic environment, these mitigation measures need to be implemented as part any development proposals. Consequently, the development principles which are set out in Appendix 1 need to be firmly and effectively tied into this Local Plan Policy. It is not sufficient simply to refer to the Supporting Information in Appendix 1 within the reasoned justification for Policy SD5. In order to assist both those preparing detailed schemes for these allocations and those determining the appropriateness of proposals which do come forward this Policy needs to be amended to include a requirement for any development proposals to have regard to the development principles set out in Appendix 1. Such an approach would help to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites and help ensure that these sites are developed in a sustainable manner. [Our comments on the detailed Supporting Information for each of the proposed Employment Sites that is set out in Appendix 1 of the Plan are detailed on the Schedule which accompanies this letter]

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

Duty to Co-operate Reason:

Suggested Modifications:

Add the following to the end of Policy SD6:- 'Planning Applications will need to address the issues identified in in Appendix 1'

Additional Evidence Link:

Comment ID

Lpp797

Site ref (if applicable):

Person ID: **10988**

Name: **Mr Anthony Rae**

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

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

We object to this policy because it does not provide for the allocation or provision of employment sites/floorspace for non-B uses, which is where the majority of Calderdale's jobs and of employment growth is to be found, but instead provides only for B use allocations where employment levels are often falling.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The approach taken towards the Employment site allocations is inconsistent with that used for the housing allocations. The policy wording needs to be amended to tie the development principles with Policy effectively, and should include a requirement that any development proposals have regard to the development principles set out in Appendix 1
2. The policy provides for the allocation of land for B use only, where employment levels are falling, and does not provide for non B uses which have the majority of jobs and future growth.
3. The site allocations should be reassessed, with a clearer connection between allocations and types of employment envisaged.
4. Greater opportunities for mixed use sites should be explored.
5. Some employment allocations are not justified, and because the harm caused would outweigh the benefits, are inconsistent with NPPF.
6. This Policy, and other key spatial policies, will fail to address key aspects of the Health and Well Being Policies, (especially HW1 (iii), HW2 (vi), HW3 (5th bullet)). Development management policies cannot address health and wellbeing if the sites allocated in the Plan are not well suited to promoting active travel.

Council's Response:

1. To enable consistency the Council is amenable to including a requirement for planning applications to address issues identified in the Site Assessment Reports in Appendix 1, within the text of the Policy.
2. Sectors outside the B land use classification, (i.e. included in Section A, C or D of the use classes order), where jobs are forecast to grow, include 'Residential care and social work', and 'Accommodation and Food'. Future growth will be considered in the context of other Policies in the Plan, e.g. Retail and Town Centre (including Finance), and Health and Well being , as a land allocation the Plan is not appropriate.

The allocation of employment sites for B uses is required as a net increase of 1,318 jobs within the B uses classes is forecast during the plan period, (see Table 6.8 Local Plan), and there is a need to provide for replacement sites/premises and also a range of choice to meet the requirements of growing business.
3. The sites have been assessed for their suitability for development for B type uses, and where development for alternative B uses is appropriate this has been indicated to give flexibility and enable the land supply to meet the market requirements throughout the plan period.
4. The Council has considered the recommendations of the Employment Land Study, (EV.02) and the conclusions of individual Site Assessments and of other studies undertaken in the context of regeneration initiatives in identifying sites that are suitable for mixed use development.
5. The Council considers that the process of identifying proposed allocations for new employment is consistent with Nppf 2012.
6. 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.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add the following to the end of Policy SD5:- Planning Applications will need to address the issues identified in in Appendix 1.❏
2. Reassess site allocations identifying connection between allocation and type of employment envisaged.

Council's Response:

1. To enable consistency the Council is amenable to including a requirement for planning applications to address issues identified in the Site Assessment Reports in Appendix 1, within the text of the Policy.
2. The site assessments identify the various B use types that would be appropriate development for each new employment site. Limiting development to a single type of use, when alternatives could be equally suitable would be unduly restrictive,

No modification required.

Document Section: Policy SD5 Allocated Employment Sites - Brighthouse

Representations

Comment ID **Lpp1101**

Site ref (if applicable):

Person ID: **1164715**

Name: **Miss Rebecca Greaves**

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/5082126>

Comment ID **Lpp1187**

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

Person ID: **1185062**

Name: **David Jones**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

I write to voice my concern over the planned development at Clifton Brighthouse and whilst I understand some additional housing is required I feel the planned number is very, very excessive The area is already a bottleneck on Clifton Common. Vehicles are parked on both sides of the road making it very narrow for cars to pass, commercial vehicles are very disruptive. The foot of Clifton Common at the roundabout is already a bottleneck as is Wakefield Rd into Brighthouse, especially at peak morning traffic times. Air quality is a concern especially in standing traffic as I have both been in the vehicle and a pedestrian to experience this. Walking up Clifton Common in peak traffic is very difficult on the respiratory system, difficult to walk

and distasteful. I am deeply concerned over the current infrastructure and its inability to support the plan
Doctors' appointments are currently running at 3 weeks, this will only get worse

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 **Lpp1235**

Site ref (if applicable):

Person ID: **961551**

Name: **Mr Peter Enright**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Clifton and Brighouse do not have the capacity for additional development. Proposed development will cause the number of traffic accidents to increase and air quality to worsen.
2. Clifton and Brighouse already suffer with traffic congestion due to any issues on the M62.
3. Uncertainty regarding the funding of the new motorway junction as Highways England does not agree with the proposal and will not fund it.
4. Concern that the proposed scale of housing and industrial development will overwhelm the local infrastructure (i.e. schools, medical, roads).
5. Loss of Green Belt will adversely affect the quality of life in the area.
6. Development should take place in Leeds as the rents accrued from the industrial development will go to Leeds City Council.

Council's Response:

- 1/2. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'.
- To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.
- Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning, of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.
- Infrastructure considerations that include the impact of development on the local road network have been taken into consideration as part of the site assessment process.
3. Junction 24A is an aspirational strategic transport intervention. The Local Plan is not predicated on the delivery of Junction 24A. The intervention is not a critical to the delivery of the growth scenarios proposed in the Local Plan.
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. 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.

6. The Employment Land Study (E.V.01) assesses the need to accommodate a growth in jobs in Calderdale over the plan period, and the requirement to provide for new employment land in the borough.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0032 - New Employment Site - Brighthouse

Representations

Comment ID **APX1030**

Site ref (if applicable): **LP0032**

Person ID: **1183698**

Name: **Mrs Shirley Berry**

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 proposal references a 'transport assessment' of Hipperholme crossroads. This junction is a longstanding issue as it is subject to major congestion, particularly (but not exclusively) at peak periods. There are a number of issues with the volume / size of this and the Brow Mills proposal. Both developments would cause even more traffic to divert along Sutcliffe Wood Lane (a single-track, access-only road) as a cut-through between Halifax and Brighthouse. It already suffers from far greater volumes of traffic than it was designed for and which are associated with the access-only restriction. It is not adequately maintained by the Council, nor is the access-only restriction enforced or monitored. Dry stone walls are deteriorating - these are maintained at the residents' / owners' expense. They will further deteriorate under increased traffic volumes and there is no proposal to support funding for these as the route gets busier. Both programmes need to include a road scheme that encourages people to go to the traffic lights at the crossroads. Access at the top of Station Road (from the Travellers pub end) will also be more difficult. It is already impossible to travel to/across the railway bridge without driving on the opposite side of the carriageway, around a blind bend, to pass parked vehicles. When an incident occurs and insurers are involved, they want that driver to be fully culpable - at best we achieve a 50/50 split. This is exacerbated because people park on the bend immediately opposite the pub - the chevrons/yellow lines are not enforced, making entry to Station Road sometimes dangerous. Increased traffic volumes is likely to increase road traffic incidents. Sutcliffe Wood Lane and the surrounding area is home to many native species of wildlife, including deer, badger, bats, owls. Given that planning permission has already been granted for the old brick works in the valley bottom, the green areas between all three developments is under threat and needs to be protected because these new developments further endanger their habitat.

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 **APX391**

Site ref (if applicable): **LP0032**

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 a requirement for a Heritage Impact Assessment on the listed buildings/ listed park, in Reports Required section

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 **APX621**

Site ref (if applicable): **LP0032**

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Nos. 1 and 2 Yew Trees, 60 metres to the south of this area, are Grade II Listed Buildings. We welcome the inclusion of reference to the proximity of these designated heritage assets as a Constraint. This will alert potential developers of the need to ensure that any development proposals take account of the need to ensure that those elements which contribute to their significance are not harmed..

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp493**

Site ref (if applicable): **LP0032**

Person ID: **961958**

Name: **Crosslee plc**

Organisation: **Crosslee plc**

Agent ID: **1104252**

Name: **Mr Mark Eagland**

Organisation: **Peacock & Smith**

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

Legal Compliance Reason:

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

Sound Reason:

Crosslee objects to the proposed allocation of land to the rear of the existing Crosslee factory for employment. It is considered that this is not justified, effective or in accordance with national policy for the following reasons: The Council allocated Site LP0032 for employment in the Calderdale Unitary Development Plan (2006) in anticipation that Crosslee might require the land for expansion of the factory. It is also noted that the Sustainability Appraisal for the site states under Objective 16 'The Site could offer potential for the adjacent business to expand'. However, there is no realistic prospect of the land being required for expansion and Crosslee have made this clear to the Council in previous consultation stages and in several meetings with Policy Officers. The attached letter from Dove Haigh Phillips, Yorkshire-based industrial property surveyors, demonstrates that Site LP0032 offers very limited prospects for industrial use compared to other opportunities nearby. It is a backland site which does not have straightforward access to the motorway network. There are also uncertainties about security/practicality of shared access with the existing Crosslee factory, and the site has no road frontage. The site therefore presents a number of challenges that conflict with the key criteria that occupiers and developments consider when selecting sites for industrial development. Dove Haigh Phillips are of the view that Site LP0032 does not satisfy the ability to accommodate a modern distribution building of any scale because it will not be able to meet the requirements to provide a suitable minimum specification. We also note that the Lichfields Employment Land Study confirms that the site poses a number of constraints in respect of access/relocation of a storm water tank and it only receives an 'average' rating in that regard. In the case of the points we raise above regarding security/access, we confirm that the site would not be made available for non Crosslee business use until robust and satisfactory arrangements were put in place that safeguarded the operation of the existing factory. The Council has not identified solutions to these constraints and Crosslee currently has major concerns as to whether satisfactory options exist. In this context the Council has considered site constraints carefully when deciding to deallocate land on the opposite side of Brighouse Road at South Edge Quarry (LP1077) as an employment allocation. We consider that the Authority has not given similar careful consideration to site constraints when proposing LP0032 as an employment allocation. The site is not needed to meet the employment land requirements of the Borough. In our client's associated objection to Policy SD4 we demonstrate that the quantum of employment land is significantly in excess of that recommended in the Lichfields study, and the Lichfields assessment also does not take account of the recent reduction in the housing requirement for the Borough. Deletion of this modest-sized proposed allocation (1.94 hectares) of average quality would not impact upon the Borough's ability to meet its employment land requirements over the plan period. There are other sites that could provide replacement employment land in the event that LP0032 is not maintained as an employment allocation in the Local

Plan. In our client's associated representations to Policy SD7 we express concern as to why the proposed garden suburbs at Rastrick and Brighthouse do not include an element of employment land to ensure they become sustainable communities that provide for local employment opportunity. For all of the above reasons we do not consider that site LP0032 is a sound employment allocation. Crosslee has submitted representations to the Local Plan seeking a more flexible mixed use allocation, which would provide greater opportunity for it to be taken up for productive use over the course of the plan period, and which could include housing and other potential job creating uses, subject to market demand. Development of the site for such uses would allow Crosslee to realise value from the land, which could then be re-invested in the Company, therefore helping to make it a more secure and competitive business in the long term. In the alternative Crosslee consider that LP0032 should be designated as Primary Employment Area, consistent with other areas of surplus land around the Crosslee factory.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0032 should be deleted as an employment allocation. The site should be allocated for mixed use to include housing and other potential job creating uses. In the alternative Crosslee consider that LP0032 should be designated as a Primary Employment Area.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5072520>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Local Road Network - Network already inadequate and unable to cope with increased traffic (e.g. Station road). Development should include scheme to encourage use of traffic lights at crossroads.
2. Access - Site has no road frontage and shared access with adjacent factory.
3. Ecology - Green areas contain variety of wildlife habitats and should be protected.
4. Heritage - Requirement for Heritage Impact Assessment.
5. Other constraints - Insufficient consideration has been given to site constraints
6. Site selection - Site is not needed to meet the employment land requirement of the district. Other sites can provide alternative employment provision, and Garden Suburbs should include element of employment land.

- 7.Site should be allocated for Mixed Use, to include housing and other employment generating uses, or designated as Primary Employment Area.
8. Deliverability - Land is not required for expansion of existing premises on adjacent land and in same ownership.
9. Site offers limited potential for industrial development compared to other sites, due to location and access. Site is of an insufficient size to accommodate a distribution building of minimum specifications.
10. Concerns regarding the feasibility of providing satisfactory arrangements to safeguard the operation of the existing factory.

Council's Response:

- 1/2. Highways Development Management consider the site would be developable subject to the access being upgraded to adoptable standards, The site could be accessed from existing access road off A644 which currently provides access to Crosslee. In relation to the local road network, whilst subject to assessment, mitigation is likely to be required at Hipperholme Crossroads.
3. West Yorkshire Ecology consider that development would have no impact on environmentally sensitive areas.
4. The site is within 400m of a listed building and a historic park, so any development will need to ensure compliance with Local Plan policies which seek to protect and enhance heritage assets. Whilst West Yorkshire Archaeology Advisory Service states there would be a need for predetermination archaeological evaluation of an adjacent asset, it isn't considered that a HIA would be required as any application should address the setting of the building.
5. The assessment of the site has been undertaken in accordance with the Site Assessment methodology.
- 6.The assessment of the requirement for new employment land is outlined in the Employment Technical Paper (E.V.02)
- 7/8. The Employment Land Study (EV.01), and Site Assessment considered the preferred nature of development to be employment use, and the existing allocation for new employment should be continued.
9. The site has been assessed as suitable for B1c use, and provides a site area sufficient for such development.
10. Circumstances regarding the operation of the existing premises have changed since the consultation for the Local Plan.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Heritage Impact Assessment' to Reports section

2. Delete allocation for New Employment, and either allocate for Mixed Use or designate Primary Employment Area.

Council's Response:

1. The site is within 400m of a listed building and a historic park, so any development will need to ensure compliance with Local Plan policies which seek to protect and enhance heritage assets. Whilst West Yorkshire Archaeology Advisory Service states there would be a need for predetermination archaeological evaluation of an adjacent asset,
It isn't considered that a HIA would be required as any application should address the setting of the building.
No modification required.

2. The site is currently unused and assessed as suitable for B1c development.
No modification required.

Document Section: LP0585 - New Employment Site - Brighthouse

Representations

Comment ID **APX1114**

Site ref (if applicable): **LP0585**

Person ID: **229412**

Name: **Thornhill**

Organisation: **Thornhill Estates**

Agent ID: **229408**

Name: **Mr Jonathan Dunbavin**

Organisation: **Associate I D Planning**

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

Legal Compliance Reason:

See attachment

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

Sound Reason:

See attachment

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082186>

Comment ID **APX1257**

Site ref (if applicable): **LP0585**

Person ID: **11803**

Name: **Mr Abdul Gaffar**
Environment Agency

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

Comment ID **APX393**

Site ref (if applicable): **LP0585**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Need to add requirement for a Heritage Impact Assessment on the listed structure, as per the NPPF, in the Reports Required section

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 **APX524**

Site ref (if applicable): **LP0585**

Person ID: **1182327**

Name: **Mr Mathew Drake**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I don't believe that the community has been informed effectively. Plans have not been publicised. Most have found out about plans from objecting parties. If the Local Development Plan is such a good plan than it should of been promoted as one. I fear though its not good and has been buried and hidden from the

public to reduce the number of objections. Site assessment is incorrect and conflicting - This does not comply TCP Sustainability Appraisal Report does not consider real local social, environmental and economic factors. The Local development plan is ambiguous, very confusing and miss leading.

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

Sound Reason:

I would like to object to the proposed development on the below grounds

Highways "" Access to the site is very restricted and impractical / unobtainable for HGV access "" Issues for current residents with access and parking "" State of condition and current traffic on surrounding roads

Greenfield "" Other more appropriate sites (Brown Field sites) around Brighthouse would be much more suitable for development.

Flooding "" This immediate area suffers from regular flooding. Development on this site would increase the risk and frequency.

Pollution "" The immediate area to the proposed site is residential no industrial Site assessment "" Inaccurate and untrue and conflicting

Infrastructure "" Currently inadequate never mind with the pressures of developments planned by the council

Highways "" it states that the site would need to be widened to allow HGV access. The truth would be demolition of houses or flood defence to allow HGV access along with loosing on street parking for at least 10 properties.

On the Highways assessment it states access is from Birds Royd Lane "" It is not, it is from River Street. Surely site assessment need to be accurate, especially when access to the site is such a major concern.

The access road is very narrow (single track) and provides access for 7 properties at Anchor Place plus 12 properties at River Street and Sunny Side. How many properties can a single track provide access for? Surely not suitable for industrial use. The road is often blocked with current usage never mind adding industrial traffic and staff vehicles.

Issues with parking would be immense. There is limited parking for 12 properties on River Street and Sunny Side. Most parking is on street parking. Allowing access for larger vehicles would surely mean that street parking would be restricted causing many issues.

Immediate surrounding access roads Birds Royd Lane, Woodhouse Lane, River Street, Daisy Road are all extremely congested and in a terrible state of repair. On Birds Royd lane you are driving on cobbles and is currently a unsafe road for the current traffic. Woodhouse Lane and Daisy Road all have on street parking make them single traffic roads. THERE IS NO WAY THE CURRENT ABOVE ROADS CAN SUPPORT THE IMMEDIATE DEVELOPMENT OF 1257 + 27 HOMES AT WOODHOUSE, 100 FATS AND COMERCIAL UNITS AT BIRDS ROYD AND INDUSTRIAL DEVELOPMENT AT ANCHOR PACE . I would estimate an additional 1000 vehicles on the above roads if your planned development goes ahead. I would suggest significant infrastructure improvements are required before any development is considered.

Greenfield "" The proposed development is a greenfield site. Green field sites should only be considered in exceptional circumstances according to planning guide lines. What are the exceptional circumstances? Why don't you develop brown field sites in Brighthouse? Old Swimming baths, Suggden mills - Mill Road property, Buildings next to Health centre "" Lawson Road, Atlas Mill road, Bridge Road. All of these are Brown Field Sites crying out for development. These are just a few in the Brighthouse centre.

Flooding "" I have been flooded on several occasions on sunny side and had many near misses. The sewage infrastructure is not adequate and floods on a regular basis. The River Calder is at Capacity. The number of times a year it floods is increasing along with the severity. Proposed Development would intensify the issue of flooding and put additional strain on the sewage system.

Pollution "" The proposed development is immediately surrounded by residential properties. Industrial development on this site would increase the pollution levels to these residential properties. Pollution levels are already high been near industrial properties on River Street / Birds Royd and near M62 and Railway.

Site assessment "" Is inaccurate and untrue, inconsistent and conflicting . The site is immediately surrounded by residential properties not industrial. Access to the site is from River Street and not Birds Royd Lane. HGV access is not possible without demolition of house / flood defence. Not possible to have two-way traffic.

Infrastructure "" Surrounding roads are in a very poor state and heavily congested. Sewage systems are inadequate and flooding caused by inadequate capacity / release into River Calder. River Calder floods on regular occasions "" increased development will intensify the issue along with the frequency of flooding

General Objection

to the Development plan for Calderdale Brighouse has the highest amount of proposed development out of all the towns in Calderdale. Brighouse has the biggest traffic issues in Calderdale "" especially when M62 has issues. Proposed development will destroy the town. Development plans have been kept from the general public and difficult to find never mind object against. Past comments / objections to the development plan have been removed despite plans not changing which I find unacceptable.

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

Duty to Co-operate Reason:

Limited Cooperation with the local community of Calderdale. Most cooperation has been form objecting parties. Six week consultation period over the school holiday period not acceptable when the council have had so long to prepare the revised plans. Past comment on the last plan have been discarded regardless of the plans changing is not acceptable. These comments / objections should be carried forward. Kirklees and Calderdale must of had limited communication with the scale of developments, with such close proximity and the effects on the infrastructure these proposed plans would have.

Suggested Modifications:

Development of Brownfield sites needs to be re-assessed and use of empty sites need to be occupied before destroying Green Belt areas with site that is not required.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5064796>

Comment ID **APX622**

Site ref (if applicable): **LP0585**

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:

Anchor Pit Lock and Anchor Pit, 75 metres to the east of this area, are a Grade II Listed Building. The Heritage Impact Assessment considered that the development of this site will impact upon the rural setting of the canal and important views east along the canal within the rural landscape. This is likely to result in 'moderate harm' to the significance of this asset. As a result, it put forward a number of measures to reduce the harm to this Listed structure. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused to the Listed Building should this site be developed. 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 LP0585 - Amend to the second of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"²

Additional Evidence Link:

Comment ID **Lpp303**

Site ref (if applicable): **LP0585**

Person ID: **1178274**

Name: **Mr Graeme Hirst**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I don't feel that the local council has engaged with the local community nor listened to comments / complaints about the development plan. The consultation period is limited to a six week period over the school holidays and past comments from the last consultation period been ignored. Plans have been difficult to find even for computer literate individuals. I find the local development plan is over complicated, miss leading, ambiguous and unmeaningful. I don't feel the council have engaged fully in community involvement

Do you consider the plan to be Sound?:

Sound Reason:

This site was previously a 'filtered site' (this means the site was not considered to be suitable for development). Why has it since been entered again as a proposed development site? The Site Assessment Report is inaccurate, untrue and conflicting Highways Highways have clearly not visited the site, or looked at the correct site & access road. I refer to the comment from the Site Assessment Report: ' The section of Birds Royd Lane which is wide enough for two-way traffic would need extending to reach at least as far as the site entrance and turning head which would be required to provide for HGVs needing to turn round'. (Statement from Highways) This statement is factually incorrect. Access to the site is from the end of River Street NOT from Birds Royd Lane. The private road / track at the end of River Street cannot be made wider for 2-way traffic, without the demolition of house(s) and / or removal of river wall flood defences. There is no chance of HGV's accessing the site and being able to turn around. The condition of the surrounding roads leading to the proposed site; specifically Birds Royd Lane and River Street, are in such a bad state of repair that further added traffic would make such issues even worse. Birds Royd Lane & River Street already have a huge number of potholes and exposed cobbles, which are continually growing due to the number of HGV's using the roads and a total lack of spending on road repairs / maintenance. It's totally shambolic that these lucrative roads by means of Rates paid to the council are left in such a state, and even more ridiculous that the council plans to add further traffic without any plans to improve the infrastructure. Access roads to the site "" Birds Royd Lane, Woodhouse Lane & Daisy Road - how on earth are these small streets (which are already overstretched) going to cope with the proposed development?

The council's Local Plan contains no improved infrastructure plan to support the development. Proposed development within the immediate surrounding area to the site: 1,257 homes at Woodhouse Lane 'garden suburb' green belt area = 1,885+ cars 100 Flats / Homes at Birds Royd Lane = 100+ cars 25 Homes off Woodhouse Lane = 37+ cars Commercial / industrial unit at Anchor Place = 30+ cars, as well as delivery vehicles and nature of business vehicles I believe the above figures are an underestimation of the number of vehicles which will be added to the roads, should the proposed developments go ahead. The area is an affluent area and car ownership per household would be much higher than the average car ownership figures for Calderdale. 2,052+ extra vehicles on these roads will cripple the immediate area. Furthermore, this doesn't take into account all of the other development in the surrounding area of Brighouse / Calderdale / Kirklees. Land Use The Site Assessment Report implies that the site is surrounded by industrial uses. Once again, this is factually incorrect. The site is bound by residential properties to the north and south east (approximately 20 / 21 properties) and bound by a train line to the south and west and the River Calder to the east. The land use from the end of River Street I would consider it to be solely residential & the site itself is considered to be Greenfield. The impact of this development on the residential properties in this small hamlet would be detrimental. It is currently a small 'oasis' at the end of River Street and to blight it with a commercial development, right in its centre, would be completely unacceptable to residents, and owners and passers-by who use the track for leisure purposes. To state that the site is currently disused / vacant is once again factually incorrect. The site is currently used and is on rental from Thornhill Estates. The land is currently used for grazing horses and sheep. Once again, the loss of this environment in the small hamlet would be a great destruction of the area. I would insist that the Site Assessment Report is reviewed & amended, as it is clearly inaccurate and full of mistakes, errors and conflicting views between relevant parties. If planning decisions are being made based upon these Site Assessment Reports, they need to be true, non-conflicting and error free. It is simply NOT ACCEPTABLE to have an inaccurate Site Assessment Report, especially in such a sensitive location. Access and Parking The access to this site would not be suitable to support an industrial land use. The road to the site is a single track dirt road which is a private road for access to 6/7 properties at Anchor Place and Riverside. In addition to these properties, the same road also services 12 properties on Sunny Side and River Street. The houses along River Street have no off-street parking, meaning that parking is required for the residents on River Street itself. The houses on Sunny Side also have no off-street parking, meaning that residents' vehicles are parked on the access road to the site, at the end closest to River Street. Access at the end of River Street is already tight for cars, never mind commercial vehicles. HGV access would be literally impossible and there is no turning area for any vehicles. The track is classified as a private road, which is owned by Thornhill Estates, but the upkeep of the track has always fallen on the residents at Anchor Pit and Riverside. Would the development of the proposed site mean that the council would take responsibility for and maintain this road? Given the size of the proposed site & its access constraints, it surely wouldn't be big enough to provide space for an industrial/commercial unit, adequate parking for all employees and a suitable turning area for HGVs? Development of this site would cause regular blockages restricting access to the local residents. There would be major issues with parking. Flooding The residential properties at Sunny Side and River Street are prone to flooding on a regular basis. Development on the proposed site would increase the risk and frequency of flooding to these properties. Flooding in this area is not only caused by the river, but also from the inadequate sewerage system. This development would put additional pressure on the failing sewerage system and increase the flooding issues of the surrounding area, in particular the immediate area. I see in the Local Development Plan there is no planned improvement to our sewerage system or any flood prevention scheme. The mass development proposed in the Local Development Plan will cause catastrophic flooding on a regular basis. Residential Area The area is a residential area / small hamlet at the end of River Street, with housing to the immediate north and east of the proposed site. Industrial use would cause disturbance to the local residents in terms of noise, traffic and light pollution. The Site Assessment Report states that in terms of Environmental Health, the development of the site would be 'not ideal as residential to the north and east'. The development of a commercial / industrial nature, right in the heart of these properties would significantly impact upon these

houses, and their property values. Greenfield Site The Site Assessment Report states that the proposed site is classified as 'Greenfield'. It makes no sense & is outright wrong to build a commercial / industrial unit on a Greenfield site, in amongst a group of residential properties. There are numerous brownfield sites and other sites to be explored in the Brighouse area. Proposed Cycle Network There is a proposed cycle route along the single track road at the end of River Street, leading to the proposed site. The proposed cycle network is to alleviate the risk to cyclists using the A644 and to develop Route 66. Any commercial / industrial development of this site could increase the risk to cyclists and would be yet another strain on this small single track road. Pollution Further increase in air pollution Alternative Solutions Given the location of the proposed site, it would be far better suited to a residential development rather than commercial / industrial. This would have less of an impact on the local residents, in terms of traffic, noise and air pollution and disturbance from HGV's. Duty to Co-operate Kirklees Council & Calderdale Council have failed to cooperate on the strategic context of their local plans, with two huge residential developments located within a mile of each other. The impact of these two developments on Brighouse will be devastating. I strongly feel that there has been a massive failure to co-operate with the public of Calderdale regarding the proposed plans. I feel the council have been underhand with limited publication of the plans, different names for the plans and making the plans extremely difficult to find. and comment on. It is a disgrace that the council have chosen to disregard past public comments, despite the plans not changing. I see this as a deliberate attempt by the council to deter the public from objecting to the plans, as it is an onerous task to repeat each time. General If the Development plan is such a good plan it would be promoted and sold to local residents. Instead it is hidden and buried so local people cannot find out what monstrosities the council are planning on the area of Brighouse. Why are previous objections not been taken into account? Plans haven't changed so why should these comments be revoked? Is it because there would be too many comments against the development? Or are you hoping that individuals will believe there first comments will be taken into account or lose interest in trying to submit them a second time? Why is the Local Development Plan so difficult to find and add comments to? Is It because it makes it difficult for the public to find and put objections towards? I know many local people that haven't heard about the plan and are concerned about what is happening. I also know of many that either don't have access to the internet or know how to navigate their way around. Even computer savvy people struggle to find where the plan is. Why has the local development plan had so many different names? Guessing it is easier to hide from the public" | disguise the plan under differing names" | Wording is ambiguous unmeaning full and indirect in order to confuse mislead readers

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

Duty to Co-operate Reason:

Kirklees Council & Calderdale Council have failed to cooperate on the strategic context of their local plans, with two huge residential developments located within a mile of each other. The impact of these two developments on Brighouse will be devastating.

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5066645>

Comment ID **Lpp698**

Site ref (if applicable): **LP0585**

Person ID: **1183551**

Name: **Mrs Eileen Milthorpe**

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:

FACTUAL REASONS WHY DEVELOPMENT OF HOMES AND FLATS AT WOODHOUSE AND COMMERCIAL UNITS AT BIRDS ROYD AND INDUSTRIAL DEVELOPMENT AT ANCHOR PLACE /PIT CAN NOT AND SHOULD NOT GO AHEAD. My family and I have been residents at Anchor Place / Pit for over 80 years. We remember back when Brighouse was a thriving small town with our own Mayor and Council. We also had our own recycle unit. Roads were swept, drains were cleaned. FACTS About 60 years ago, we had our first flood at River Street/Anchor Pit when building started at Stratton Road and Woodhouse. Then about 10 years ago we started flooding on a regular basis. This was when Woodhouse Gardens was constructed so residents at River Street and Anchor Place /Pit had to man pumps themselves day and night to protect their homes. This happened summer or winter with heavy rain fall and can not always cope and be effective. You as a council have ignored the need to put a proper infrastructure of sewage and drainage to compensate for all the structures being allowed to be built. You have also allowed flood plain to be blocked and built on. HIGHWAYS Anchor Pit/Place. This is private single lane dirt road leading to residents whom all must maintain themselves and it must be kept clear for fire/ambulance services. Dustbin/Waste must drive on and reverse because there is no turning point. The river is also corroding the river banking. Birds Royd Lane and River Street are both two-way roads, however during business hours most places are down to one lane and are dangerous as they have large delivery vehicles driving up and down constantly. The roads are also in very very bad repair. SITE ASSESSMENT This is inaccurate as I have rented the site of Anchor Place / Pit for 35 years and have out-buildings and animals grazing plus wildlife habiting frequently. This is green belt land . It is also made up of Ash and is therefore seriously unstable (we believe it was possibly an old mining area) There is no access other than resident's private road.

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

Duty to Co-operate Reason:

IF YOU ONCE AGAIN IGNORE US AS RESIDENTS, WE SHALL HAVE NO ALTERNATIVE BUT TO GO TO THE NATIONAL NEWS FOR HELP! THIS DEVELOPMENT SEEMS TO BE A COUNCIL SECRET KEPT FROM THE KNOWLEDGE OF MOST PEOPLE. I ONLY FOUND OUT BY CHANCE WHAT YOU THE COUNCIL ARE PROPOSING. YET, AS I AM A LAND AND HOME RESIDENT AND HAVE BEEN FOR OVER A MINIMUM OF 3 DECADES, WE SHOULD HAVE BEEN INFORMED AT THE VERY START!

Suggested Modifications:

This site should remain as a greenfield site due to its location and rural setting. It is mainly surrounded by housing and so commercial development should absolutely not be permitted. There are other brownfield sites around the town of Brighouse which would be better suited to commercial development. I also question the need for further commercial property in Brighouse, when there are already many vacant properties which have stood empty for prolonged periods of time. As residents, we have already suffered enough from flooding impacts in this area and to add to this would be unacceptable.

Additional Evidence Link:

Comment ID **Lpp720**

Site ref (if applicable): **LP0585**

Person ID: **1044766**

Name: **Mrs Danielle Hirst**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site was previously considered to be a 'filtered site', and as such, myself and the local residents did not submit a response at the previous stage of consultation. However, at some point in time, this site was reconsidered and was included back into the Local Plan - how are residents expected to keep abreast of the changes, when sites are removed and re-added and the council do not adequately inform us. It was only by pure chance that I noticed this site was back in the plan when glancing at the policies map. This is simply not acceptable and just one example of the Council's underhand way of hiding these sites from the public until it is too late. The Council's Consultation Statement has massively overemphasised the amount of community involvement that has taken place on the Local Plan and I think if you were to poll the residents of Calderdale, the overwhelming response would be that the community has been kept in the dark over the proposed plans. The council has seriously overemphasised its attempts at press releases & social media updates! Publicity about the Local Plan has mainly come from neighbourhood forums and our local MP. It has also been extremely difficult to navigate the council's website and find the supporting information, and that is for me; a computer literate person! In relation to this particular development site, many of the residents here are elderly people, who were completely unaware of the plans and have struggled to make their representations. I think this is very unfair considering the huge impact that this development will have on their environment.

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

Sound Reason:

As a local resident I can confirm that the Site Assessment for the proposed site is fundamentally flawed, which in turn means that the Sustainability Appraisal Report is also flawed. Therefore, the conclusions of the SAR cannot be relied upon and this site must be rejected until a proper and true assessment has been carried out. Examples of how the site's reports are flawed are as follows: In the Site Assessment Report, the details about access to the site are incorrect - access is stated as being from Birds Royd Lane, when in fact it is from River Street. Most of the positive outcomes in the Sustainability Report are based on the site being classed as an 'urban area' - when in fact, the site is classed as Greenfield, and it is actually in a rural area alongside the River Calder, with a diverse range of flora and fauna present & next to the small hamlet of Anchor Pit / Anchor Place. Calderdale is one of 23 Local Authorities in England that have not met their Air Quality targets. Yet the council is proposing to build almost 4000 new homes and an Employment Zone in an air quality management zone - how do they propose to manage the increase in vehicle emissions that will result. It is not acceptable to propose commercial development on this scale, putting the health of the town at risk. With the site being classed as a greenfield site & immediately adjacent to the River Calder - it is clear that development on this site would have a negative impact on flooding in the immediate area. We have already suffered from flooding in this small hamlet and development on this plot of land would only add to the flooding problems here - this is simply not acceptable & is inconsistent with national policy. The above points demonstrate that the plan for this site has not been 'positively prepared' and that development is 'not justified'.

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

Duty to Co-operate Reason:

This site is very close to (within 100m of) the border with the Local Authority of Kirklees. I am very sceptical

about the actual level of co-operation between Calderdale Council and Kirklees Council. The Duty to Co-Operate Statement produced by Calderdale Council has some vague outcomes of meetings between the authorities which include the following: 'SE Calderdale /N Huddersfield Delivery Plan Scoping Report/Cross boundary working "" DISCUSSIONS ONGOING' 'Cross boundary planning issues - DISCUSSIONS ONGOING' Other outcomes of meetings between the authorities include the following: 'Both authorities to continue monitoring issues discussed and pursue statement of common ground' 'Both authorities to continue monitoring issues discussed to determine if any joint working required' In my opinion, continued monitoring and 'discussions ongoing' is simply not acceptable evidence of the Council's compliance with their 'Duty to Co-Operate'.

Suggested Modifications:

The site should be re-assessed correctly. Given the rural setting of the site, it should remain as a greenfield site; however, if development were to go ahead, the site would be much better suited to a residential development & would no doubt gain more support from the local residents.

Additional Evidence Link:

Comment ID **Lpp922**

Site ref (if applicable): **LP0585**

Person ID: **1183669**

Name: **mr bryn mead**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I don't feel that the local council has engaged with the local community nor listened to comments / complaints about the development plan. The consultation period is limited to a six week period over the school holidays and past comments from the last consultation period been ignored. Plans have been difficult to find even for computer literate individuals. I find the local development plan is over complicated, miss leading, ambiguous and unmeaningful. I don't feel the council have engaged fully in community involvement

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

Sound Reason:

This site was previously a 'filtered site' (this means the site was not considered to be suitable for development). Why has it since been entered again as a proposed development site? The Site Assessment Report is inaccurate, untrue and conflicting Highways Highways have clearly not visited the site, or looked at the correct site & access road. I refer to the comment from the Site Assessment Report: 'The section of Birds Royd Lane which is wide enough for two-way traffic would need extending to reach at least as far as the site entrance and turning head which would be required to provide for HGVs needing to turn round'. (Statement from Highways) This statement is factually incorrect. Access to the site is from the end of River Street NOT from Birds Royd Lane. The private road / track at the end of River Street cannot be made wider for 2-way traffic, without the demolition of house(s) and / or removal of river wall flood defences. There is no chance of HGV's accessing the site and being able to turn around. The condition of the surrounding roads leading to the proposed site; specifically Birds Royd Lane and River Street, are in such a bad state of repair that further added traffic would make such issues even worse. Birds Royd Lane & River Street already have a huge number of potholes and exposed cobbles, which are continually growing due to the

number of HGV's using the roads and a total lack of spending on road repairs / maintenance. It's totally shambolic that these lucrative roads by means of Rates paid to the council are left in such a state, and even more ridiculous that the council plans to add further traffic without any plans to improve the infrastructure. Access roads to the site "" Birds Royd Lane, Woodhouse Lane & Daisy Road - how on earth are these small streets (which are already overstretched) going to cope with the proposed development? The council's Local Plan contains no improved infrastructure plan to support the development. Proposed development within the immediate surrounding area to the site: 1,257 homes at Woodhouse Lane 'garden suburb' green belt area = 1,885+ cars 100 Flats / Homes at Birds Royd Lane = 100+ cars 25 Homes off Woodhouse Lane = 37+ cars Commercial / industrial unit at Anchor Place = 30+ cars, as well as delivery vehicles and nature of business vehicles I believe the above figures are an underestimation of the number of vehicles which will be added to the roads, should the proposed developments go ahead. The area is an affluent area and car ownership per household would be much higher than the average car ownership figures for Calderdale. 2,052+ extra vehicles on these roads will cripple the immediate area. Furthermore, this doesn't take into account all of the other development in the surrounding area of Brighouse / Calderdale / Kirklees. Land Use The Site Assessment Report implies that the site is surrounded by industrial uses. Once again, this is factually incorrect. The site is bound by residential properties to the north and south east (approximately 20 / 21 properties) and bound by a train line to the south and west and the River Calder to the east. The land use from the end of River Street I would consider it to be solely residential & the site itself is considered to be Greenfield. The impact of this development on the residential properties in this small hamlet would be detrimental. It is currently a small 'oasis' at the end of River Street and to blight it with a commercial development, right in its centre, would be completely unacceptable to residents, and owners and passers-by who use the track for leisure purposes. To state that the site is currently disused / vacant is once again factually incorrect. The site is currently used and is on rental from Thornhill Estates. The land is currently used for grazing horses and sheep. Once again, the loss of this environment in the small hamlet would be a great destruction of the area. I would insist that the Site Assessment Report is reviewed & amended, as it is clearly inaccurate and full of mistakes, errors and conflicting views between relevant parties. If planning decisions are being made based upon these Site Assessment Reports, they need to be true, non-conflicting and error free. It is simply NOT ACCEPTABLE to have an inaccurate Site Assessment Report, especially in such a sensitive location. Access and Parking The access to this site would not be suitable to support an industrial land use. The road to the site is a single track dirt road which is a private road for access to 6/7 properties at Anchor Place and Riverside. In addition to these properties, the same road also services 12 properties on Sunny Side and River Street. The houses along River Street have no off-street parking, meaning that parking is required for the residents on River Street itself. The houses on Sunny Side also have no off-street parking, meaning that residents' vehicles are parked on the access road to the site, at the end closest to River Street. Access at the end of River Street is already tight for cars, never mind commercial vehicles. HGV access would be literally impossible and there is no turning area for any vehicles. The track is classified as a private road, which is owned by Thornhill Estates, but the upkeep of the track has always fallen on the residents at Anchor Pit and Riverside. Would the development of the proposed site mean that the council would take responsibility for and maintain this road? Given the size of the proposed site & its access constraints, it surely wouldn't be big enough to provide space for an industrial/commercial unit, adequate parking for all employees and a suitable turning area for HGVs? Development of this site would cause regular blockages restricting access to the local residents. There would be major issues with parking. Flooding The residential properties at Sunny Side and River Street are prone to flooding on a regular basis. Development on the proposed site would increase the risk and frequency of flooding to these properties. Flooding in this area is not only caused by the river, but also from the inadequate sewerage system. This development would put additional pressure on the failing sewerage system and increase the flooding issues of the surrounding area, in particular the immediate area. I see in the Local Development Plan there is no planned improvement to our sewerage system or any flood prevention scheme. The mass development proposed in the Local Development Plan will cause catastrophic flooding on a regular basis. Residential Area The area

is a residential area / small hamlet at the end of River Street, with housing to the immediate north and east of the proposed site. Industrial use would cause disturbance to the local residents in terms of noise, traffic and light pollution. The Site Assessment Report states that in terms of Environmental Health, the development of the site would be 'not ideal as residential to the north and east'. The development of a commercial / industrial nature, right in the heart of these properties would significantly impact upon these houses, and their property values. Greenfield Site The Site Assessment Report states that the proposed site is classified as 'Greenfield'. It makes no sense & is outright wrong to build a commercial / industrial unit on a Greenfield site, in amongst a group of residential properties. There are numerous brownfield sites and other sites to be explored in the Brighouse area. Proposed Cycle Network There is a proposed cycle route along the single track road at the end of River Street, leading to the proposed site. The proposed cycle network is to alleviate the risk to cyclists using the A644 and to develop Route 66. Any commercial / industrial development of this site could increase the risk to cyclists and would be yet another strain on this small single track road. Pollution Further increase in air pollution Alternative Solutions Given the location of the proposed site, it would be far better suited to a residential development rather than commercial / industrial. This would have less of an impact on the local residents, in terms of traffic, noise and air pollution and disturbance from HGV's.

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

Duty to Co-operate Reason:

Kirklees Council & Calderdale Council have failed to cooperate on the strategic context of their local plans, with two huge residential developments located within a mile of each other. The impact of these two developments on Brighouse will be devastating. I strongly feel that there has been a massive failure to co-operate with the public of Calderdale regarding the proposed plans. I feel the council have been underhand with limited publication of the plans, different names for the plans and making the plans extremely difficult to find. and comment on. It is a disgrace that the council have chosen to disregard past public comments, despite the plans not changing. I see this as a deliberate attempt by the council to deter the public from objecting to the plans, as it is an onerous task to repeat each time.

Suggested Modifications:

use of brown field sites and assessment of the requirement for new industrial units especially considering vacant premises available in Brighouse

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. The publicity and engagement with the local community has been inadequate. Consultation limited to 6 weeks over the school holidays is unacceptable.
2. Local residents have not been informed.
3. Previous comments/ objections/ complaints have been disregarded or removed.
4. Council has deliberately attempted to deter objectors . The website is extremely difficult to navigate,

and many do not have access to the internet.

5. The Consultation Statement has overemphasised certain aspects and the amount of community involvement.

6. Plan is over complicated, ambiguous, confusing, misleading and not meaningful. Wording is intended to confuse/mislead readers.

7. Sustainability Appraisal does not consider real local social environmental and economic factors.

8. Residents did not comment previously as site was filtered, and were not adequately informed of the change.

Council's Response:

1-6. Extensive and inclusive consultation has been carried out throughout all stages of the Local Plan preparation process in accordance with the Council's adopted Statement of Community Involvement, and is detailed in the Consultation Statement (Regulation 22).

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.

7. The SA is part of the Local Plan preparation process and its purpose is to inform the development of the plan; it is not the sole contributor to proposing or rejecting site allocations. The methodology for assessing the impacts was part of the SA Framework that has been developed over a number of years, and has been subject to a number of public consultations.

8. Sites added to the Local Plan since the Local Plan Initial Draft consultation have been subject to full site assessment and stakeholder consultation. Following this, a full round of public consultation took place on these sites at the Local Plan Publication Draft stage in accordance with the Council's adopted Local Development Scheme and Statement of Community involvement.

Test of Soundness

Main Issues:

1. Flooding - Development will increase the flood risk. Site and residential properties are prone to flooding and the frequency and severity is increasing. Area is prone to flooding from river, with inadequate sewerage infrastructure and building on the flood plain also issues. The Plan does not include any planned improvement to the sewerage system or flood prevention schemes.

Appendix 1 does not reflect flooding constraints on the site.

2. Site assessment is incorrect and does not comply with Town and Country Planning. The Assessment is inaccurate, with errors and conflicting views.

3. Heritage - Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but no requirement for a developer to design a scheme that takes into account identified measures.

4. Infrastructure - Local infrastructure is currently inadequate and unable to accommodate the scale of proposed developments in the area without significant improvements.

5. Access - Access is restricted, and inadequate for industrial use. There are current issues with single lane access to residential properties, and parking. The track is classified as a private road, and access is inadequate for HGV and would require demolition of dwellings and/or removal of flood defences.
6. Access - Highways assessment is factually incorrect stating that access is from Birds Royd Lane, and not River Street. Majority of parking for residential properties is on street, and impact on parking would be immense.
7. Local Road Network - Local roads are extremely congested, and reduced to single lane traffic due to on street parking. Local network cannot support the scale of proposed development.
8. Local Road Network - Brighouse has the highest amount of proposed development, and the biggest traffic issues.
 - Cycle network - The track from River Street to the site is part of a proposed cycleway, and industrial/commercial development would increase the risks to cyclists.
9. Loss of amenity - Industrial use will cause disturbance to residential properties in terms of noise, traffic and light pollution, and impact on use of the track for leisure purposes.
10. Air Quality - Development will result in a further increase in air pollution.
11. Loss of Greenfield Land - Greenfield land should be developed in exceptional circumstances, and brownfield sites in Brighouse should be considered/developed.
12. Site selection - The site is not large enough to provide an industrial /commercial unit with adequate facilities. The site would be better suited for residential use.
13. Developability - Land is unstable, comprising ash and possibly an old mining area.

Council's Response:

1. The majority of the site (99%) is located in Flood Zone 1, and there have been two surface water drainage issues reported previously in the vicinity. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to surface water management and as such a Flood Risk Assessment to include a Hydrological Assessment will be required. This is stated in the site assessment and therefore Appendix 1.
2. All site assessments have been carried out in a consistent manner following the Site Allocations Assessment Methodology Statement, Publication Draft 2018 (EV51.1).
3. A Heritage Impact Assessment has been undertaken which identifies mitigation measures to minimise any potential harm of development to the setting or views of listed buildings, and also to enable enhancement.

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.
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.

5/6. Highways Development Management has stated that site access is achievable from River Lane and the A641/Birds Royd Lane. The section of Birds Royd Lane which is wide enough for two-way traffic would need extending to reach at least as far as the site entrance and turning head which would be required to provide for HGVs needing to turn round. The site is considered to be developable with mitigation with a Transport Statement and details of access design being required.

7/8. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

Infrastructure considerations to include the impact of development on the local road network have been taken into consideration as part of the site assessment process.

9. Whilst the Council's Environmental Health section raised some concern regarding the proximity of residential property to the north and east, it is considered that any issues can be overcome through an appropriate layout and design which would be dealt with at the planning application stage.

10. The Council's Environmental Health section has not raised increased air pollution as an issue should the site be developed. Issues relating to air quality are dealt with in EV05 the Air Quality Technical Paper 2018 and EV04 the Calderdale Air Quality Action Plan 2018.

11. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60, EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield.

12. The site was assessed as suitable in the Employment Land Study (E.V.01) and the Site Assessment.

13. 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.

Duty to Co-operate

Main Issues:

1. Kirklees and Calderdale have failed to cooperate in the strategic context of their Local Plans, particularly in regard to scale of development, proximity and infrastructure. The Duty to Cooperate statement contains vague outcomes of meetings, which is not acceptable evidence of compliance with the 'Duty to Cooperate'.

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. Add 'Risk of reservoir flooding' and 'Potential fluvial flood risk' to list of Constraints in Appendix 1.
2. Amend to the second of the Site Specific Considerations to read:-
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”
3. Reassess brownfield sites and use of empty sites/vacant premises. Site should remain greenfield
4. Allocate for residential use.

Council's Response:

1. The majority of the site (99%) is located in Flood Zone 1, and there have been two surface water drainage issues reported previously in the vicinity. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to surface water management and as such a Flood Risk Assessment to include a Hydrological Assessment will be required. This is stated in the site assessment and therefore Appendix 1. 1. Reservoir and Fluvial Flood Risk are not raised as major risks at the site by consultees and are not mentioned in the site assessment or Appendix 1.

No modification required.

2. A Heritage Impact Assessment has been undertaken which identifies mitigation measures to minimise any potential harm of development to the setting or views of listed buildings, and also to enable enhancement.

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. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60 , EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield. The preferred use for the site is for employment

No modification required.

Document Section: LP1232 - New Employment Site - Brighouse

Representations

Comment ID **APX1001**

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

Person ID: **1130161**

Name: **Dr Katharine Carlton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Calderdale MBC has failed to cooperate with local residents and neighbouring Boroughs (see below) with regard to this site. The involvement of the West Yorkshire Combined Authority / Leeds City Region has not been transparent.

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

Sound Reason:

This site has not been viable commercially during recent periods of economic prosperity (otherwise it would have been developed before now). The idea to shift local businesses to this site from existing properties in the Borough, whilst Calderdale MBC collects tax revenue for the Leeds City Region means money will leech out of the area rather than generating income for it.

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

Duty to Co-operate Reason:

Local residents have not been consulted adequately, elected representatives supporting this plan have not been to Clifton to present these proposals, nor have members of staff from the Planning Department. Local people have had to ask surveyors working on the site for information because Council officials and members have not been forthcoming. Calderdale Council has also not cooperated with Kirklees MBC over its plans for sites at Bradley / Cooper Bridge, which will also impact upon M62 Junction 25 and the surrounding road network.

Suggested Modifications:

If another site is required, consider brownfield sites. However the development of this site is not justified economically

Additional Evidence Link:

Comment ID **APX1047**

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

Person ID: **1139633**

Name: **Mrs Valerie 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:

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/5077294>

Comment ID **APX1056**

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

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Although we agree with the production of a PEA and EMP, we would like to see retention of woodland and CWHN in form of rail corridor, along with sensitive lighting schemes (including SuDs) and landscape plans to achieve 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 **APX1221**

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

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:

The plan in the Lower valley relies on a number of uncertain events "" one is the development of employment land, just off Wakefield Road through the Leeds City Region "" however negotiations with owner have so far failed, and talks do not appear to any further forward with the land owner. It is my understanding that the planned garden village in the Clifton area is reliant on the employment land being developed. Equally, I understand that Calderdale Council will not receive any business rates as these will be paid to Leeds. As land is earmarked for employment just off Wakefield Road, Brighouse, I am concerned that this will not in fact encourage additional local employment, due to the fact of the location so close to the motorway junction. A number of distribution firms may choose to locate here from Leeds or Manchester to reduce the time spent on the road - companies of which may already have their workforce. The topography of the land just off Wakefield Road, makes it challenging for any developer, especially given the fact that the land is known to have open shaft mines. It has already been established that the proposed through road would not be suitable for large HGVs and therefore additional burden of traffic would still come out onto Clifton Common.

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 **APX1255**

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

Person ID: **1136150**

Name: **Mr Peter Toothill**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. This development destroys the last open space between Three MDC's by linking with their proposed developments. This industrial development has no practical or financial benefit to the area. The traffic problems in the area are not addressed in the plan and will only be made worse by it. There are Brownfield sites far more suited to industry than this that contains rare wild life species that can not be relocated. Building on this site will destabilise the water table by disrupting natural aquifers and lead to more flooding in the area.

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

Duty to Co-operate Reason:

Suggested Modifications:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. Relocate to derelict industrial sites rather than destroy more open space.

Additional Evidence Link:

Comment ID **APX1258**

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

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5240165><http://calderdale-consult.objective.co.uk/file/5233421>

Comment ID **APX252**

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

Person ID: **1104200**

Name: **Mrs Jennifer Rowlands**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The site is on a 1 in 10 hill surely making development For business premises difficult. The impact on the residents of CLIFTON regarding air quality and disruption, by the building alone, is massive. When the site is built it will have a massive impact on the traffic trying to get in and it of brighthouse. The rates for the units will go to Leeds council not calderdale so the whole idea is pointless what do we gain? The site has been allocated for business use for many years and no one has tAken up the chance to build on it, why does calderdale think things will be different under their ownership?

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

Duty to Co-operate Reason:

the landowner is being forced to sell his land through compulsory purchase this doesn't seem to be co operation.

Suggested Modifications:

Don't build it.

Additional Evidence Link:

Comment ID **APX341**

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

Person ID: **817527**

Name: **Miss Nicola Denford**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Disproportionate Allocation + Unreasonable Development of Greenfield Sites: Looking at Table 6.11 of the Local Plan - Employment Allocations - the total proposed Gross Area for Employment Allocations in Calderdale is 97.3ha, with Brighthouse being allocated 35.7ha over 5 sites and Halifax being allocated 29.31ha over 14 sites. The Brighthouse allocation is therefore more than 1/3 of Calderdale's total allocation - yet again, Brighthouse is being allocated the largest proportion of these allocations. This, once more, demonstrates the disproportionate nature of Calderdale's the Local Plan. Looking at the total Net Developable Area of 84.10ha for Employment Allocations in Calderdale, 54.72ha of this is proposed for greenfield sites, which is almost 2/3 of the total, and 28.87ha (over half) of this is in Brighthouse. How can Calderdale Council justify allocating greenfield sites for industrial use, when derelict and brownfield sites should be considered first? The greenfield site proposed for the Clifton Enterprise Zone is 25.42ha. The proposed garden suburb at Thornhills is currently in Green Belt and is 140.66 ha. Development of both these sites would mean a total loss of Green Belt / greenfield land for Clifton of 166.08ha, or just over 410 acres! Lack of Transparency: I strongly feel that there has been a lack of transparency from the Council with regard to their plans for the proposed Enterprise Zone. On 4 th July 2017, they published the following article: Calderdale the Next Chapter (calderdalenextchapter.co.uk) OPPORTUNITY TO RELIEVE CONGESTION IN BRIGHOUSE WHILST FACILITATING JOB CREATION AND HOUSING The Clifton New Employment Site took a step forward when it was assigned as an Enterprise Zone in 2015, and the

subsequent development of ideas to maximise this designation has now provided the data to submit a bid for £4.5M of Department of Transport funding. Calderdale Council has made the case for a road across the Employment Site to relieve congestion at the A643/A644 roundabout whilst providing improved access to the employment land on either side of the proposed road and increased capacity for a garden suburb in the surrounding district (Subject to the new Local Plan). The Calderdale bid has been prioritised by West Yorkshire Combined Authority and a decision is expected from the Department of Transport in the autumn of 2017, with significant public consultation taking place before delivery." It would appear, from the above article, that the Council's key reason for wanting to secure this land was to build a relief road with a view to opening up the proposed garden suburb at Thornhills " a fact that they have been reticent to share with local residents. Reasons not to Develop this Site: Calderdale is suggesting an Enterprise Zone on this greenfield site at Clifton, when there are multiple proposed business sites under the Kirklees Local Plan, just across the boundary at Bradley and Mirfield and beyond, which would be more readily available to companies looking to invest and easier to develop (i.e. not on sloping land). The site at Clifton is closely bordered on 2 sides by residential properties and on a third side by woodland and on the fourth side is The Holiday Inn at Clifton. The proximity of residential properties would certainly be one reason not to develop the site as a business park - additionally, the fact that the land slopes steeply, presents potential flooding issues and was formerly used for mining (bordering on Coal Pit Lane) would suggest that this is not a prime industrial site.

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

Duty to Co-operate Reason:

See my comments above. I feel that the industrial sites, which are proposed in neighbouring Kirklees, have not been taken into account when putting forward the greenfield site at Clifton for development.

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX372**

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

Person ID: **1125251**

Name: **Dr Andrew McElligott**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Site is immediately adjacent (ie within a few feet) of numerous residential properties which should disqualify any B2 or B8 development (particularly since the Local Authority itself estimates a significant reduction of B2 use over the years of the plan). Any significant development will increase traffic volumes in an Air Quality Management Zone and this will be exacerbated by the two Garden Villages earmarked for Brighouse. The Local Authority has not suggested any meaningful mitigation. The need for an employment zone has not been proven; Calderdale has close to full employment and there is a very large amount of empty 'B' use property within a short distance. There will be even more if Kirklees Council succeeds in

developing its own Employment Zone close by. The land is adjacent to one of the busiest stretches of motorway in the country and development can only exacerbate that situation; the Highways Agency is known to have a very high degree of concern (see their submission during the most recent consultation which rated the proposal as amber but "almost a red"). There is no guarantee of job creation for Calderdale residents, indeed it is more likely that the location would encourage use of the M62 by people from other parts of West Yorkshire and Greater Manchester. The type of proposed development, the scale of proposed development and the location of the proposed development are all unjustified (particularly when considered in conjunction with Brighouse Garden Village developments) and this element of the Plan is, therefore, unsound.

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

Duty to Co-operate Reason:

The Local Authority knows that development of this site (especially for industrial uses) has faced, and will continue to face, massive opposition from local residents but it has consistently failed to acknowledge those concerns in any meaningful sense or to bring forth any alternative land use proposals or mitigations. To make matters worse, the Local Authority has actually agreed, in principle, to pursue a Compulsory Purchase Order of the land using money derived from local residents! All of this despite a lack of clear, objective evidence that there is any need for such an employment zone. The Local Authority seem determined to develop this land to 'tick a box' and appear to have little or no regard for the enormously damaging effect it will have on the lives of some of its own citizens.

Suggested Modifications:

Re-designate the site to ensure that, if it ever is developed, the lives of local residents will not be irreversibly blighted by high levels of light, noise and air pollution and high levels of traffic flow in a predominantly residential area.

Additional Evidence Link:

Comment ID **APX443**

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

Person ID: **1116260**

Name: **Mrs Sarah Tindal**

Organisation:

Agent ID:

Name:

Organisation:

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 would be unsound as being built on the green belt of Brighouse would not allow for 'Ensure the retention of a strong and defensible boundary between the allocation for employment and the Green Belt.' as quoted in the site report. The area has rich biodiversity which has not yet been fully explored or accounted for. A wildlife corridor exists on this land which extends from the adjoining Kirklees and stretches through Clifton and out towards Bradford. Two thirds of the employment development allocations are being planned for Brighouse which is highly disproportionate and unsound. The plan proposes that 'Proposals within Use Classes B1, B2 and B8 will be permitted provided that the proposed

development:- does not create any unacceptable impacts on the environment, amenity, safety, highway, or other relevant considerations; and is not piecemeal development that would prejudice the comprehensive development of the site' and yet the proposed Enterprise Zone in Clifton is contrary to this statement making the plan unsound.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX500**

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

Person ID: **1182507**

Name: **Mr Ian Messenger**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I am strongly against the land being developed as the area is an existing greenfield site overlooked by residential dwellings. There are numerous existing brownfield sites and empty/disused industrial units within the Brighouse area and others areas within Calderdale that should be developed before destroying an area of local natural beauty that is home to local wildlife. The proposal to develop the area for B1, B2 and B8 is already having a detrimental impact on the local community. This is evident by the increased number of houses being put up for sale adjacent to the proposed site and the strong opposition within the local community displayed on the banners close to the site and voiced on social media groups. The development will make road congestion worse in an area that is already struggling to cope with existing traffic levels. The value of the existing residential houses will fall, and any development on the proposed site would increase levels of noise pollution, air pollution and light pollution in the area. The proposal goes against many of the Councils own policies, and the local community is strongly against it.

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

Sound Reason:

The proposal goes against numerous planning policies, please see above comments.

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

Duty to Co-operate Reason:

This is an existing greenfield site, other areas within Calderdale are more suitable and in need of redevelopment.

Suggested Modifications:

The proposed site is unsuitable for development as it is a greenfield site.

Additional Evidence Link:

Comment ID **APX587**

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

Person ID: **1140261**

Name: **Mrs Jen Clutterbuck**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Our greenbelt needs protecting, not destroying!!!!This area of land is a wildlife rich area with many species including Deer and animals in decline such as hedgehogs which we have visiting our garden. It is a beautiful outlook for the houses overlooking. The whole idea is ridiculous and will create absolute hell for the village with traffic. It is already a nightmare now with the amount of car users, particularly in rush hour and when there is an incident on the motorway. That will be made horribly worse, if you build on this land. It will be dangerous for that reason alone. It will not be able to cope with the amount of traffic coming through. How can you explain how it all will work well? What is it going to achieve other than destroying green belt, habitats, and creating traffic hell. You could build in far better areas, for employment and housing without doing all this here.

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 **APX597**

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

Person ID: **1115638**

Name: **Mr Tony Perryman**

Organisation: **Chair Clifton Village
Neighbourhood Forum**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There was no opportunity given in regulation 18 to have meaningful consultation on the Enterprise zone. Richard Seaman the Planning wrote after I raised concerns about it not being included in Regulation 18 as follows; I do however need to clarify that the Enterprise Zone is already identified as a new employment site in the adopted Development Plan (i.e. the Replacement Calderdale Unitary Development Plan, 2006). Furthermore, for the purposes of preparing and consulting on planning policies and allocations, it is not necessary to provide design details of the road infrastructure because this would be dealt with through

subsequent planning applications. The assessment of such planning applications would be informed by the Council's planning policies, which in the case of the emerging Local Plan includes a policy on the masterplanning of major and strategic sites. The West Yorkshire Combined Authority, Mr Michael Long made the following comment; "The Clifton Business Park is one of nine sites forming Phase 2 of the LCR Enterprise Zones Programme which became 'live' from 1 April 2017. We welcome the identification of the site (ref: LP1232) within the emerging plan as being suitable for mixed B employment uses which reinforces the site's local and strategic role as an employment area. WYCA supports this policy approach as it is consistent with the LCR EZs Programme objectives to deliver advanced/innovative manufacturing growth and the site's national EZ designation which is solely aimed at delivering enhanced employment growth opportunities. We also note proposed residential development/garden suburb adjacent to the EZ location (LP1463). WYCA supports the development of residential and mixed uses adjacent to the EZ. Work is currently ongoing to masterplan the EZ and we look forward to working with the Council to ensure connectivity between these housing and employment development locations and existing communities". This clearly shows a link between the garden suburb and the development of the industrial site. The implication from this statement is that the Council are working with WYCA on this project. The question is why was this not included in the Local Plan, which would have allowed proper and meaningful consultation. My concern is the lack of transparency, this comment by the WYCA shows a definitive link between the two projects. The Council's view on this matter in an email was; In relation to the scope and content of Local Plans, the Government's Planning Practice Guidance establishes that "the Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. This can be done by setting out broad locations and specific allocations of land for different purposes" | A policies map must illustrate geographically the application of policies in a development plan. The policies map may be supported by such other information as the Local Planning Authority sees fit to best explain the spatial application of development plan policies" | . Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions). In my opinion the above requirements are discharged by showing the extent of the employment allocation on the policies map, and by ensuring that there is appropriate supporting narrative and policy text to explain what uses and associated infrastructure we would expect to be brought forward and when. The requirements of the guidance do not in my opinion extend to showing matters that are ultimately best resolved through future planning applications. So I remain of the view that it was neither necessary nor appropriate to show the road on our Local Plan consultation. I am was not entirely happy with this response. The two developments are in my opinion inextricably linked. This view is endorsed by the WYCA comment. If this is the case full reference should have been made in the draft local plan at regulation 18. It follows without this it was not be possible to have meaningful consultation. I therefore believe the Council have erred procedurally by not including the detail needed for the Enterprise Zone at regulation 18, because they had the information should have been incorporated in the plan and chose not to share this thus preventing meaningful consultation and depriving the people of Calderdale the opportunity to raise any valid issues that would have shaped this aspect of the plan.

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

Sound Reason:

The proposal to build this Enterprise Zone in neither sound or justified. Background Although this site is close to the motorway network and has been allocated for Business (office) Use for a period of time, it has not been developed, even through periods of economic upturn. The land form is steeply sloping with a general gradient of 1 in 10. This means that access roads will be steep, and that forming development plateaux will require much landforming with significant cuttings and embankments. Hence, the size of unit likely to become available is small - it will not be possible to create a 100,000 sq ft warehouse, for example.

We say this because we believe that the Council's vision is for warehousing development, which is simply not realistic or practical. I would like to now refer to the Council's bid document. The bit that was made to DfT for building a road on this land. Base Plans. The plans supplied to support the Bid have a number of inaccuracies and errors, which we are pointing out because they really go to demonstrate our belief that this bid is ill-founded. We do not see how the submitted information can be relied upon when even at this basic level it is so error strewn. They show "Existing Retail" in blue (see the Opportunities Plan) - but they have identified, St John's CE Primary School Academy, and St John's Church, as well as the Black Horse Inn and the Armytage Arms (and its semi-derelict barn) Public Houses, also in this way. In fact there is no "Existing Retail" in Clifton. Also, they have identified the GMB Union office building in Brighouse, as "Existing Retail". The only buildings correctly identified are Tescos and Sainsburys Supermarkets in Brighouse Town Centre. This is a simple illustration of the poor quality of the Bid and the lack of proper rigour involved with its submission. None of the plans show the residential property which would have to be demolished. The Constraints Plan fails to show all the residential properties overlooking the site - numbers 142 to 146 New Street also overlook it. It also shows two "Proposed Strategic highway connections" - but no such "strategic highway" has been designed or made public - hence, no reliance can be made on this. There are blue arrows at the southern end of Clifton Common on the Opportunities Plan which are not explained. As for the 'proposals' themselves, which we describe in some more detail in the following section, the Outline Masterplan shows the roads and units (and their car parks), but does not show any cuttings or embankments. The reader is, therefore, not able to determine whether such intensive usage is indeed possible, or not - although simple engineering knowledge would suggest that the layout is over ambitious, and that nothing like it will actually be practically possible, let alone economically viable. I urge you to consider this proposition with a high degree of caution. The Business Park Access proposals. These are shown on the Parameters Plan. It shows a new road junction access off Coal Pit Lane which will "provide pedestrian and cycle connections to Clifton and the Hotel"; a similar access off Wakefield Road, also providing "pedestrian and cycle access" to that road; a pedestrian and cycle only access at the southern end of Clifton Common providing "pedestrian and cycle access to Brighouse"; and a 3rd vehicle access to the north of Clifton Common also providing "pedestrian and cycle connections to Clifton". You should know that both Clifton Common and Coal Pit Lane have gradients of 1 in 10 and thus their usefulness for walking and/or cycling is very questionable - simply providing connections to them will not in reality create anymore non-car movements. The access points are shown to be connected as follows: a road across the upper part of the site connecting Clifton Common (n) to Coal Pit Lane; another road along the bottom of the site from the Wakefield Road access towards Clifton Common (s) but not reaching it (and not terminating in any form of turning head on the Masterplan); and a diagonal road "traversing the hillside" to connect the two other roads. Interestingly, on the Parameters Plan, this "traversing road" is also noted as "No HGV route" - so the proposals are to not allow HGV access between the two main site roads, despite this supposedly being a commercial warehouse development. No Long Section is provided for any of these roads. Presumably the "traversing road" is too steep for HGV usage, hence its note. But, that means that all HGV's wishing to access the upper part of the site will have to use Clifton Common or Coal Pit Lane - both of which have 1 in 10 gradients. And are deficient in many other respects. It is also worth pointing out that Coal Pit Lane is, for very good reasons, currently signed as "Unsuitable for HGV's" at its junction with Wakefield Road. At the proposed access location, it's carriageway is less than 6m wide and there is only one footway along it, and that is of substandard width. No widening of Coal Pit Lane is shown as being proposed. Moreover, immediately to the north of the site, Coal Pit Lane executes several tight bends and narrows to less than 4m width, with sections having no footway at all (so much for "pedestrian connection to Clifton" then). Hence, the use of Coal Pit Lane for HGV access is highly unsuitable. Traffic access at the northern Clifton Common access (unless they are coming from the north) will have to pass through Brighouse Town Centre, and traverse the A643/A644 roundabout and travel up the 1 in 10 section of road, then to execute a right turn on that 1 in 10 uphill section. Once again, this is less than ideal for HGV usage. Property Market Appraisal by Cushman & Wakefield. Presumably this document has been submitted to "prove" the "need" for the Clifton Business

Park. At Chapter 2, it notes that the "market has been driven by logistics with the continued growth in demand for distribution locations". As "distribution" type uses require large units, (commonly 100,000 sq ft and above) this does not apply to the Clifton Business Park, where the largest proposed unit is a mere 60,000 sq ft with most other units being much smaller. Moreover, the report then goes on to note that "demand has not been tested" to the west of Bradford - and Clifton is West of Bradford. In fact none of the information in Chapter 2 has any relevance to the Clifton Business Park because it deals with units much larger than proposed in Clifton, and at locations remote from the site, in areas which unlike Clifton, have been market tested. At Chapter 3, under "Local Take-up and Supply" it notes that 1.28m sq ft of space is currently available within 5 miles of Clifton, with 77 of the properties being below 20,000 sq ft. (Compare this with the Clifton Business Park proposals where 74% of the proposed units are 20,000 sq ft or below) "so there is already a massive supply available of this type of unit in the vicinity. The only "market requirement" seems to be that Clifton would provide new units compared with the ones currently on offer. I do not think that is a sensible way forward at all, or good use of public money, to ignore the availability for re-use of existing buildings and facilities - 'leave them unoccupied and build new ones'. The sub chapter "Competing Industrial Sites" notes space at Lowfields, Gannex and Copley as well as units being built at Lindley Moor - and nearly 44 acres of competing space. These will all be built before the Clifton Business Park comes on stream. So what will be the demand for the Clifton units??? There is also a further 68 acres at Cooper Bridge "" all on flatter, more attractive sites. The report seems to ignore these facts - and even suggests that 50% of the proposed floorspace would be B8 units ie warehousing, even though all the proposed units will be too small for that operation. I therefore believe on economic grounds alone the building of the Enterprise zone is not sound or justified. Moreover, the Council contends that the sites on the enterprise zone will be filled by other businesses in Calderdale, who may be threatened by flooding. This will therefore leave those buildings vacant, compounding an already over crowded market place. Furthermore, because this is WYCA funded scheme all income from business rates will be sent to Leeds. The people of Calderdale will therefore gain little financially from the scheme.

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

Duty to Co-operate Reason:

Suggested Modifications:

Use this land to build houses, because the people of Calderdale stand to gain greater value as a result.

Additional Evidence Link:

Comment ID **APX7**

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

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I was under the impression that greenfield sites could only be destroyed in exceptional circumstances.

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

Sound Reason:

This site is huge, the disruption to the traffic will be monumental. Also, the residents of Clifton will have the value of their properties driven down.

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 **APX701**

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

Person ID: **1128118**

Name: **Mr Keith Melton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Flooding The proposed location for the Business Park is a steep, green field site which is currently used for agricultural purposes. After heavy rain, water is often seen running out from the bottom of the site and causing areas of standing water across Wakefield Road. It is anticipated this site will be difficult to develop due to the gradient and alternative arrangements will need to be made to handle the rain water once the ground has been covered by hard surfaces such that it can no longer be absorbed and released relatively slowly by the land. Also to be considered when developing this land is that mine workings ran under this area until the early part of last century.

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

Duty to Co-operate Reason:

Suggested Modifications:

A plan detailing how the site can be drained needs to be prepared. This is not something which should be allowed to evolve as the development progresses. Given the serious nature of flooding, planning for prevention at an early stage is vital.

Additional Evidence Link:

Comment ID **APX703**

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

Person ID: **1128118**

Name: **Mr Keith Melton**

Organisation:

Agent ID:

Name:

Organisation:

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 The roads in and around Brighouse are already congested with this becoming much worse at peak times. Whilst a number of the new employees working at the proposed Business Park will access the site from Junction 25 of the M62, it is envisaged that the vast majority will ultimately travel from the Brighouse direction, making the traffic congestion which currently exists even worse. Added to this potentially increased level of traffic could be the traffic generated by the construction of the proposed Garden Villages at Clifton and Woodhouse. This would have a significant impact on traffic movement in the town and also along Wakefield Road. New employees are not the only ones who will be travelling to the Business Park. The proposal is that the new business units on the site could be used for a variety of activities including, office work, manufacturing, materials processing and storage/distribution (warehousing). Clearly there would be traffic movement throughout the day related to these activities, particularly warehousing, where the very nature of the work is moving goods from one point to another, more often than not using HGV's as the means of transport. All this vehicle movement would have an impact on the traffic going in both directions on Wakefield Road and from there into Brighouse and onto the M62. Also to be considered is that Kirklees are proposing to build an Industrial Estate and housing at Cooper Bridge and the traffic movement associated with this will almost certainly have a detrimental effect on the flow of traffic into and out of Brighouse on Wakefield Road. Indeed the section of Wakefield Road running from Junction 25 of the M62 to Cooper Bridge in the Dewsbury direction is often solid with traffic and this is not only at peak times. It is considered that increased traffic movement from the Business Park and the new Garden Villages heading along Wakefield Road in the Dewsbury direction could give rise to significant levels of standing traffic on the Brighouse side of the M62 roundabout.

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

Duty to Co-operate Reason:

The projected traffic levels travelling into and through Brighouse will rise significantly if the Proposed Business Park and Garden Villages are developed. Also, it is anticipated that this will add to the traffic levels travelling on Wakefield Road towards Junction 25 of the M62. At the same time as the development work is taking place in the Brighouse area, Kirklees will be building a large housing development at Bradley together with housing and a Business Park at Cooper bridge. As a consequence of the Kirklees development work, the traffic levels will rise significantly and it is considered this will give rise to congestion problems at the Bradley Bar roundabout and Cooper Bridge. Clearly the combined Calderdale and Kirklees developments will, it anticipated, create massive levels of congestion, something which it is felt should have been readily foreseeable and addressed if there had been appropriate co-operation between the two Councils.

Suggested Modifications:

Consideration should be given with regard to how the high levels of congestion already existing can be reduced before any construction work begins. Also, prior to any construction work, detailed plans should be made to deal with projected levels of vehicle movement after the Business Park and the nearby Garden Villages have been developed.

Additional Evidence Link:

Comment ID **APX705**

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

Person ID: **1128118** Name: **Mr Keith Melton** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Business and Economy The units on the proposed Business Park are to be offered for B1, B2 and B8 uses. Activities in these classifications include office work, R & D, general industrial, transport/distribution (warehousing). Classification B1 premises are allowed to carry out the first two of these activities and some of the general industrial activities in a residential area on condition they are carried out without detriment to amenity of that area by reason of noise, vibration, smell, fumes, smoke,soot, dust or grit. The restrictions imposed on Class B1 businesses do not seem to apply to classes B2 to B8. Since the proposed site is bordered on two sides by houses with a hotel on the third, it is considered that this could properly be called a residential area. Accepting this, even if the Business Park comes to fruition, it is considered activities should be restricted to Class B1 uses. Operators of class B2, B8 may wish to carry out 24 hour working, something which it is felt would be unacceptable. This would be particularly so for businesses in warehousing or others activities where there could conceivably be HGV movement at all times of day and night. There is no guarantee that the proposed Business Park would bring more employment opportunities to the people of Brighouse. Employees could be travelling to the Business Park from anywhere along the M62 corridor and further afield. Before the land at Clifton is developed, it is considered that use should be made of the many Brownfield sites which are available for development in the Calderdale area.

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

Duty to Co-operate Reason:

Suggested Modifications:

The Council should, before developing a Greenfield site, give further consideration to developing the existing Brownfield sites available in Calderdale. Many of these will already have mains services already on site and the cost of development would be significantly less than developing open land. A further advantage to using these existing sites is that Calderdale would collect the Business rates, whereas the rates from the Clifton site will be collected by Leeds Council.

Additional Evidence Link:

Comment ID **APX706**

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

Person ID: **1128118** Name: **Mr Keith Melton** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Environmental Health It has been established that poor air quality adversely affects health, with this giving rise to increased levels of heart and respiratory diseases. Also, reported on the BBC News recently was a piece regarding research which had been carried out with the findings being that poor air quality is detrimental to mental health. In an item printed in the Brighouse Echo dated 30th August, 2018, it was reported that the life expectancy of people in Calderdale is below the national average. This information was provided by Paul Butcher, Calderdale Director of Public Health. Calderdale is one of 23 Local Authorities that have not met their air quality targets. Without doubt the level of traffic and consequent air pollution in the Wakefield Road / Clifton area would increase significantly with the construction and occupation of the proposed Business Park. Added to this would be the pollution caused by any additional traffic generated by the development of the Clifton and Woodhouse Garden Villages. All of the above, when added to the level of pollution already generated by traffic on the M62, much of which is HGV's, would serve to reduce the air quality in Clifton and surrounding areas. Consequently the health of Clifton residents would be detrimentally affected by this. To be borne in mind is that there is no quick fix when unacceptable levels of atmospheric pollution are reached and this will have health implications for all the residents of Clifton and surrounding areas. In view of this, will Calderdale be taking any immediate steps to ensure that the air quality in the Brighouse area is brought up to nationally acceptable levels before the Business Park development begins and are there any plans in place to take account of projected traffic levels, since there do not seem to be any immediate plans to build the bypass road from the bottom of Clifton Common to Bradford Road? Warehousing operations often run 24 hours per day, 7 days per week. If allowed, night working could give rise to unacceptable levels of noise and light pollution, with this being due to vehicle (HGV's, Fork Lift Trucks) movement and the lighting on site required to ensure safe working conditions.

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

Duty to Co-operate Reason:

Suggested Modifications:

For the health benefit of the residents in the Clifton and also the Brighouse area generally, Calderdale Council should be required, as a matter of some urgency, to take any necessary steps to ensure the air quality is improved in line with nationally accepted targets. This should be done immediately and before any development work begins. Having established a regime whereby the levels become acceptable, the Council should then produce a plan to ensure that these levels do not rise with the increased traffic levels (and atmospheric pollution) which will occur with the development of the Garden Villages, Business Park etc.

Additional Evidence Link:

Comment ID **APX725**

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

Person ID: **1106506**

Name: **Mr Kelvin Lawton**

Organisation:

Agent ID:

Name:

Organisation:

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 clear case for this development in terms of economic benefit to the residents of Calderdale. This site has not been developed for many years since the time when planning permission was initially granted. Even in healthy economic times, there has been no interest or appetite from developers to invest in this site. The topography of this site is not suitable for the proposed development, making it potentially expensive to develop. There are currently thousands of acres of unused warehousing capacity within a few miles of this proposed development. Funding from the West Yorkshire Development Authority for a relief road through the site is primarily to facilitate the development of the Garden Suburb in Thornhills. Few people who would work here would be from the local community. The proximity of the M 62 Motorway would enable commuting to neighbouring areas. Any income from business rates would not go directly to Calderdale Council but would be shared between the West Yorkshire Combined Authority. The impact on the local environment and the effect on air pollution in the locality would be horrendous.

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

Duty to Co-operate Reason:

There is no evidence that there has been any co-operation with neighbouring Kirklees and Bradford Councils who also have plans to develop Enterprise/Industrial zones in close proximity to the Motorway.

Suggested Modifications:

Abandon this plan for the Enterprise Zone. Consider whether this site could be used for sensitive housing development and liaise with the Clifton Village Neighborhood Forum to facilitate this.

Additional Evidence Link:

Comment ID **APX729**

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

Person ID: **1164742**

Name: **Mrs Janet Lawton**

Organisation:

Agent ID:

Name:

Organisation:

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 this Plan, Calderdale Council accept that there are many constraints to the site being developed, yet wishes to proceed to develop a site which could have been developed over the past twenty years but

which has not interested developers in terms of employment development. Air Quality The current quality of air in this locality is amongst the worst in the country yet this site will likely increase the amount of air pollution and and Calderdale Council have not explained how this will be mitigated. The site is in close proximity to housing and schools. The development of this site will ultimately affect the health and well being of local residents. Environment The development of this green field site, through which there is a public footpath, will impact the local environment in terms of ecology. Trees will be removed, habitats will be destroyed to be replaced by an industrial estate and a potential relief road. Infrastructure There is no detailed information in the Local Plan about the infrastructure and funding required to develop this site. A proposed road is being offered which will also then enable further housing development to be accessed in the locality. This site has not been developed because of the constraints in terms of costs and topography of the land. It is not economic and will cost the local Council tax payers money. Any increased income for the use of the site in terms of business rates will return to the West Yorkshire Combined Authority and not to the local Council.

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

Duty to Co-operate Reason:

There is currently underused capacity for such employment sites within three miles, along the M 62 corridor. Bradford and Kirklees Councils, our two main neighbouring local authorities, are also developing sites and this appears to be a clear demonstration of the lack of co-operation between the three of them. Calderdale Council have clearly failed in their duty to co-operate.

Suggested Modifications:

Remove this site as an Employment Allocation Site. Discuss with the Clifton Village Neighbourhood Planning Forum how this land could be used, possibly as an alternative to a Garden Suburb and to be a part of a proportionate development of housing in the Clifton area.

Additional Evidence Link:

Comment ID **APX799**

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

Person ID: **1125815**

Name: **Mrs K Boothroyd**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

There appears to be a lack of supporting evidence that supports the proposal that a Employment site is required in Clifton? If there is a need for this why hasn't this evidence been published? How can an informed decision be made without hard facts, none of which are evident in the local plan? Find it very difficult to comprehend why Calderdale would want to develop this Greenfield area for Employment when it is my understanding that business rates will be payable to Leeds council and not Calderdale! Surely this is taking funds away from the area??

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

Duty to Co-operate Reason:

Suggested Modifications:

Explore other brownfield areas for employment sites. Utilise the numerous empty factories and warehouse units already around Calderdale.

Additional Evidence Link:

Comment ID **APX844**

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

Person ID: **1115952**

Name: **Mr Stephen Sears**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I fully echo the comments very well explained by Tony Perryman in his comment on this point...for the avoidance of doubt these are as follows: There was no opportunity given in regulation 18 to have meaningful consultation on the Enterprise zone. Richard Seaman the Planning wrote after Tony raised concerns about it not being included in Regulation 18 as follows; I do however need to clarify that the Enterprise Zone is already identified as a new employment site in the adopted Development Plan (i.e. the Replacement Calderdale Unitary Development Plan, 2006). Furthermore, for the purposes of preparing and consulting on planning policies and allocations, it is not necessary to provide design details of the road infrastructure because this would be dealt with through subsequent planning applications. The assessment of such planning applications would be informed by the Council's planning policies, which in the case of the emerging Local Plan includes a policy on the masterplanning of major and strategic sites. The West Yorkshire Combined Authority, Mr Michael Long made the following comment; "The Clifton Business Park is one of nine sites forming Phase 2 of the LCR Enterprise Zones Programme which became 'live' from 1 April 2017. We welcome the identification of the site (ref: LP1232) within the emerging plan as being suitable for mixed B employment uses which reinforces the site's local and strategic role as an employment area. WYCA supports this policy approach as it is consistent with the LCR EZs Programme objectives to deliver advanced/innovative manufacturing growth and the site's national EZ designation which is solely aimed at delivering enhanced employment growth opportunities. We also note proposed residential development/garden suburb adjacent to the EZ location (LP1463). WYCA supports the development of residential and mixed uses adjacent to the EZ. Work is currently ongoing to masterplan the EZ and we look forward to working with the Council to ensure connectivity between these housing and employment development locations and existing communities". This clearly shows a link between the garden suburb and the development of the industrial site. The implication from this statement is that the Council are working with WYCA on this project. The question is why was this not included in the Local Plan, which would have allowed proper and meaningful consultation. My concern is the lack of transparency, this comment by the WYCA shows a definitive link between the two projects. The Council's view on this matter in an email was; In relation to the scope and content of Local Plans, the Government's Planning Practice Guidance establishes that "the Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. This can be done by setting out broad locations and specific allocations of land for different purposes" A policies map must illustrate geographically the application of policies in a development plan. The policies map may be supported by

such other information as the Local Planning Authority sees fit to best explain the spatial application of development plan policies"'. Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions). In my opinion the above requirements are discharged by showing the extent of the employment allocation on the policies map, and by ensuring that there is appropriate supporting narrative and policy text to explain what uses and associated infrastructure we would expect to be brought forward and when. The requirements of the guidance do not in my opinion extend to showing matters that are ultimately best resolved through future planning applications. So I remain of the view that it was neither necessary nor appropriate to show the road on our Local Plan consultation. I am not happy with this response. The two developments are in my opinion inextricably linked. This view is endorsed by the WYCA comment. If this is the case full reference should have been made in the draft local plan at regulation 18. It follows without this it was not possible to have meaningful consultation. I therefore believe the Council have erred procedurally by not including the detail needed for the Enterprise Zone at regulation 18, because they had the information should have been incorporated in the plan and chose not to share this thus preventing meaningful consultation and depriving the people of Calderdale the opportunity to raise any valid issues that would have shaped this aspect of the plan.

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

Sound Reason:

The plan is wholly unsound and again Tony Perryman has explained this admirably in his comments on soundness of the plan. Brighouse is already a bottleneck every day at peak times with traffic coming in from Bradford, Halifax and Huddersfield causing near-gridlock. The M62 across West Yorkshire is also recognised as an extremely busy section of the country's motorway network and on the many occasions when there are accidents - the roads into and around Brighouse grind to a halt as traffic tries to escape the motorway looking for alternative routes. Without significant investment and prior improvement to the transport infrastructure in the area this development would simply ruin life and create chaos for the whole of Brighouse and the surrounding area. It would be a disaster and precisely the thing our local council should be protecting us from NOT advocating. This is already a very busy and congested urban site and this patch of green space contributes greatly to the well-being and quality of life of people living in the area. Whether you live alongside this site in Clifton or are viewing it at a distance from the other side of the valley (Woodhouse etc) - the sight of cattle grazing in open fields is a wonderful thing for all to see. There is also an abundance of fauna and wildlife to be found in this area; foxes, rabbits, squirrels, field mice, birds of all types including herons, ducks, woodpeckers, frogs, toads, bats and many many others.....none of this should be bull-dozed to be replaced by offices and warehouses. The majority of residents of both areas I am sure do not wish to either view or become part of a sprawling mass of mixed industrial employment with no green relief. Quality of life and environment should not be compromised and should be protected for all. The council have offered no evidence at all that there is a defined and real requirement or demand for this site to be opened up for use as an employment site and cannot provide any assurances that it would provide additional jobs or economic benefit to the local area of Brighouse/Clifton. Building here would ruin the last remaining green buffer zone between the residential area of Clifton Village and the already developed (and under-utilised) Wakefield Road area. The site is totally unsuitable for commercial development given that the road network is already highly congested at peak times and the infrastructure simply isn't in place to cope with additional development. Additionally, the topography of the site has been described as 'relatively flat' in the site assessment which raises the question as to whether anyone has really been and looked at the site....I can assure you it is steeply sloped, and the adjacent Clifton Common was recently included in the 2017 Tour de Yorkshire cycle race as a marked climb - this itself illustrates that it is not flat. It also appears that there has been no cooperation or consultation with Kirklees council who are also planning a huge employment development at Cooper Bridge (less than 2 miles away) on the other

side of the already extremely busy M62 Junction 25. This site in Kirklees is not overlooked by residential properties and is far more suitable to development than the last remaining green space between Clifton Village and Brighouse. Where is the factual evidence that this small area alongside the M62 can sustain two large employment development sites let alone one? I strongly oppose any 'development for employment' on this site and would urge the council to rethink their plans and protect this area for the well-being of all who live in the area. They could even invest in opening parts of the site up as additional parkland with wide walkways to allow family/disabled access in a similar style to the Hipperholme Stray. Add value to the local community rather than destroy it. In the very worst-case scenario that the the council decide to proceed with development here then I would hope that the development boundary to the North would be revised to provide a significant green buffer to the residential areas and that the council would revisit the plan and consider building houses on the site rather than 'mixed B use'. The site is wholly unsuitable to development as Class B2: General Industrial as it is closely bordered by residential properties.

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

Duty to Co-operate Reason:

The whole process for people to comment is very complicated and difficult to navigate for many in the local community and will undoubtedly lead to many deeply concerned residents and potentially affected parties not registering their disapproval at these horrendous plans - but nevertheless their dissatisfaction exists. Co-operation on this process seems very poor and I hope that the voices of those that have taken time to speak on behalf of the many are heard.

Suggested Modifications:

Shelve the plans to build an Enterprise zone on this unsuitable site and protect this area for the well-being of all who live in the area. They could even invest in opening parts of the site up as additional parkland with wide walkways to allow family/disabled access in a similar style to the Hipperholme Stray. Add value to the local community rather than destroy it. In the very worst-case scenario that the the council decide to proceed with development here then I would hope that the development boundary to the North would be revised to provide a significant green buffer to the residential areas and that the council would revisit the plan and consider building houses on the site rather than 'mixed B use'. The site is wholly unsuitable to development as Class B2: General Industrial as it is closely bordered by residential properties.

Additional Evidence Link:

Comment ID **APX848**

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

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:

This site has an opportunity to contribute positively to flood alleviation and reduction of air pollution in Brighouse, through good site planning to include green infrastructure and NFM / SuDS features. However, this will only be achieved through clearly phrased, strongly worded, and rigidly upheld planning policy.

bullet - Mitigation for land drainage could be secured through green and blue Infrastructure on site such as SuDS and green roofs to reduce the infiltration rate, and provision for storage of storm water run-off.

should be rephrased thus: ' - Enhancement for flood alleviation and air quality must be secured through green and blue infrastructure on site, to include SuDS elements such as tree planting, green roofs, and rain gardens, to contribute to biodiversity and slow the flow of storm water run-off. There must be an overall reduction in the rate of run-off from the site, which may require provision for on-site storage of storm water.'

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

Duty to Co-operate Reason:

Suggested Modifications:

bullet - Mitigation for land drainage could be secured through green and blue infrastructure on site such as SuDS and green roofs to reduce the infiltration rate, and provision for storage of storm water run-off.

should be rephrased thus: ' - Enhancement for flood alleviation and air quality must be secured through green and blue infrastructure on site, to include SuDS elements such as tree planting, green roofs, and rain gardens, to contribute to biodiversity and slow the flow of storm water run-off. There must be an overall reduction in the rate of run-off from the site, which may require provision for on-site storage of storm water.'

Additional Evidence Link:

Comment ID **APX884**

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

Person ID: **1139223**

Name: **Mr Richard Stubbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I feel that the proposed development is so close to the proposed housing development at Clifton (LP1463), that it should have been linked so that it could have been discussed as one entity with regard to the roads infrastructure and the effect of both developments on the surrounding communities.

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

Sound Reason:

Planning permission was granted some time ago for a development of office space. There as never been any interest in this proposal. The area is a the bottom of a steep gradient and suffers from wet boggy conditions which require a substantial amount of excavation to provide a solid foundation. The roads in the area do not provide good access to the site and the only route from Brighouse to the M62 is already grid locked on most days at peak times and at all other times when the motorway becomes closed. There is already a large amount of unused and derelict industrial premises within Calderdale area, which could

be used for redevelopment.

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

Duty to Co-operate Reason:

Suggested Modifications:

The plan should be shelved and the land retained for agricultural use.

Additional Evidence Link:

Comment ID **APX899**

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

Person ID: **1140074**

Name: **Ms Sharon Stubbs**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There was no meaningful consultation with regards to it's connection and close proximity to planning application LP1463.

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

Sound Reason:

The main access road is constantly gridlocked....not just at peak periods. The proposed area has a long history of flooding and poor drainage. It is on a steep gradient which would require extensive excavation. Planning approval was passed several years ago with no one taking up the opportunity to develop this land and there are numerous empty and derelict industrial premises in the local area available without developing on this land.

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

Duty to Co-operate Reason:

Suggested Modifications:

I feel that the plans should be put on hold until all consideration has been given to alternative sites which are already built and unoccupied. The land should be retained for agricultural use.

Additional Evidence Link:

Comment ID **APX926**

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

Person ID: **1120241**

Name: **Mr Ben Sykes**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

N/A

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

Sound Reason:

The cumulative effects of this site (LP1232), the Clifton "Garden Suburb" (LP1463), and the Woodhouse Lane "Garden Suburb" (LP1451) will have catastrophic effects on congestion, air quality, flooding and demands for infrastructure which will not be possible to mitigate in combination. Removal of green belt land from the the lower Calder Valley makes no sense on this scale. The costs for development of the site itself, and the necessary supporting highway infrastructure will far outweigh the benefit developing the site will provide. This site has been available for development for >10 years and has not been taken up privately which gives a strong indication that it is not economically viable. The topography of the land, its location adjacent to houses of Clifton, and a lack of demand for warehousing capacity make it very hard to understand why this site has been proposed for this purpose. Coupling this with the business taxes going to the West Yorkshire Development Authority and the fact any new employment is very unlikely to be satisfied by the local community make the economic benefits for Calderdale extremely hard to fathom.

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

Duty to Co-operate Reason:

Have the cumulative effects of the Enterprise Zone and the 2x Garden Suburbs in Brighouse been considered in conjunction with the large neighboring development in Kirkless (Bradley)?

Suggested Modifications:

Remove the Enterprise ZONE proposal and change the allocation to housing to enable the reduction in size of the Thornhill Garden suburb.

Additional Evidence Link:

Comment ID **APX959**

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

Person ID: **1182810**

Name: **Mrs Kathryn Greaves**

Organisation:

Agent ID:

Name:

Organisation:

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 totally unjustified to build unnecessary industrial units on green field land. There exists over 1 million square meters of empty warehousing in the local area so why decimate habitats, increase traffic, air pollution and the flooding risk to build some more?

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

Duty to Co-operate Reason:

Neighbouring authorities are already building similar units on more accessible land, there clearly has been no collaboration with them.

Suggested Modifications:

Respect green field land Perhaps some of this land could provide Brighouses's FAIR SHARE of the housing needed throughout Calderdale.

Additional Evidence Link:

Comment ID **APX999**

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

Person ID: **1183175**

Name: **Mr James Calverley**

Organisation:

Agent ID:

Name:

Organisation:

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 area acts as a green field buffer between Brighouse and Clifton and should be protected. There is no evidence that there is a demand for this site to be developed as proposed. The topography of the site is unsuitable for large scale industrial units and associated heavy goods traffic. There are already a significant number of commercial units vacant within the area and these should be utilised in preference to the proposed development. There is no evidence that existing brownfield sites have been investigated before proposing this greenfield site. The funding from the WYDA for a relief road through this site is essential to the plan for the development of the Garden suburb at Thornhills. Therefore Clifton, Thornhill and Brighouse have to accommodate an unnecessary industrial site in order to accommodate the 2,000 houses planned for Thornhills.

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

Duty to Co-operate Reason:

There is no evidence that Calderdale has worked with Kirklees and other bodies to ensure that the proposed development would not place too great a strain on the local transport infrastructure, on increase air pollution levels and flood risk to the region.

Suggested Modifications:

The proposed area provides a buffer between Brighouse and Clifton and ideally should be left as greenfield or possibly a sympathetically designed housing alternative to the Thornhills proposal.

Additional Evidence Link:

Comment ID **Lpp1075**

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

Person ID: **1182310**

Name: **Mrs Chris Dawson**

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/5081661>

Comment ID **Lpp1341**

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

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. LP1232 Clifton Exceptional circumstances for Green Belt release not demonstrated; access and transport impacts; ecological 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>

Comment ID **Lpp1431**

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

Person ID: **1185621** Name: **Clifton Village Neighbourhood Forum**

Organisation: **Clifton Village Neighbourhood Forum**

Agent ID: **1185607** Name: **Mr Nick Pleasant**

Organisation: **NJL Consulting**

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

Legal Compliance Reason:

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

Sound Reason:

See attachment for context of comment. Concerns regarding raised in our previous representations (Appendix 1) remain. The site has significant delivery constraints in terms of access, highways impact, key infrastructure, ground conditions and market demand. No further evidence has been provided that the site is deliverable, particularly as it has been promoted as a 'premium' employment site since 2000 but with no genuine signs of delivery.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5107469>

Comment ID **Lpp177**

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

Person ID: **1125251** Name: **Dr Andrew McElligott**

Organisation:

Agent ID: Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

The table in para 7.1 states that LP 1232 should be for B2/B8 use whilst the supporting information also includes B1 use; this requires clarification. This site is immediately adjacent to numerous residential properties and it would be disingenuous not to regard this as a residential area. B1c use is defined as "industrial processes which can take place in a residential area without damaging the amenity of that area". By extrapolation B2 (general industrial use) is likely to damage the amenity of a residential area. Despite the huge volume of objections from local residents and despite the council's own projections that much less B2 land is needed in the future, this element of the Plan has not changed one iota from the original draft. B2 and B8 development on this site will damage the amenity of the area in a very significant and irreversible manner, with likely adverse effects on the mental and physical wellbeing of local residents. The site is steeply sloping and sits above old mine workings. Any development will be enormously expensive and protracted, adding further to the misery of local residents. No mitigations for the effect on local residents have been brought forward by the council other than one reference to 'tree planting'. Trees will do little to reduce the severe light, noise and air pollution that B2 / B8 development will generate (as is clearly evidenced on Armytage Road). B2 / B8 development on this site cannot be justified and the Plan, as it stands is, therefore, unsound.

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

Duty to Co-operate Reason:

The council has received a huge number of detailed and pragmatic objections to the designation of this site and has done absolutely nothing to address the concerns of local residents.

Suggested Modifications:

As a minimum, designate this as an employment zone for B1 (preferably B1a / B1b) use only in order to create a significant opportunity for the kinds of knowledge-based employers the council purports to want to attract. Consider alternative use other than employment; even housing would be better than industrial units and would allow the council some flexibility to re-designate some land for employment which is not adjacent to a residential area. Given the cost of developing this complex site this seems like a more viable option anyway.

Additional Evidence Link:

Comment ID **Lpp240**

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

Person ID: **1181906**

Name: **Mr Timothy Davis**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The legal obligation upon the Council to engage with the community in developing the Plan carries with it not only a quantitative requirement but also a qualitative one. Accordingly, the Council must not only show that it has, for example, conducted adequate numbers of public presentations, issued adequate numbers of public information documents and conducted a consultation inviting comments but it also must show that it has taken account of the views of those consulted. In response to the 2017 draft of the Plan the Council received some 9,000 comments and yet the Publication Draft of the Plan contains very few

changes in reaction to those comments. In relation to Site LP1232 it appears that no changes at all have been incorporated as a result of so many valid comments from very concerned local residents, rather the Council has chosen to ride roughshod over the views of the community. In view of the above I do not believe the Council has met its legal obligation to engage meaningfully with the community in relation to the site or the Plan generally.

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

Sound Reason:

Is the Plan for this site positively prepared ? Positive preparation requires the Plan to demonstrate that it is "...based on a strategy which seeks to meet objectively assessed development and infrastructure requirements....". The Brighouse area has relatively low levels of unemployment and so from the perspective of employment there does not seem to be a requirement for a development such as envisaged in the Plan for this site. If the development goes ahead then it is likely that the majority of jobs based there would be fulfilled by people from areas outside of the Borough who will use the M62 as their way to get to work thereby encouraging yet more car use. This would surely frustrate national policy to reduce car usage and also frustrate efforts to improve air quality in an area that is already of poor air quality and designated an Air Quality Management area. It also seems to me that there is no demonstrated requirement for the development of this site from prospective occupants. I have not heard or seen any mention by the Council of any definitive interest from prospective occupants leading me to the conclusion that there is simply no demand for development of the site as proposed in the plan. Indeed, the impression I have gained is that currently the Council proposes to use public funds from various sources to develop the site. I question whether in principle it is appropriate for public funds to be used for speculative property development but also there must be a high risk that the development just becomes a white elephant with the unnecessary loss of green space. Equally I can see no clear evidence that the Council has worked with the neighbouring Kirklees authority and other bodies to ensure that the proposed development would not place too great a strain on Junction 25 of the M62. This junction is already heavily congested and the substantial developments being proposed for Kirklees on the other side of the M62 from LP1232 together with development of the latter could well be catastrophic for the motorway and local road network. Is the plan for this site justified ? As mentioned above the Council has not proven any definitive interest from prospective occupants for the site. At the same time, there are already a significant number of commercial units vacant within a short distance which could and should be utilised in preference to the development of this site. The Council's approach which is to advance the notion of a "crown jewel" development using public funds when there is no proven demand for it and there are existing useable brownfield sites leads me to the conclusion that development of this site is simply not justified. A further factor indicating that the plan for this site is not justified is the disproportionate employment site allocation that it represents. Looking at the Plan as a whole it appears that some 2/3 of the Employment Allocations for Calderdale are in Brighouse, an area which is already developed to the full in terms of both housing and employment sites. Such a disproportionate allocation is not justified particularly in view of the fact that levels of employment are much lower in other parts of Calderdale. Will the plan for this site be effective ? In view of the fact that there seems to be no specific interest from potential occupants for properties on the site I do not believe that the plan for this site will be effective. The most likely outcome is that any development will remain unoccupied wholly or in large part with the result that green space will have been permanently lost for no gain to the local community. Is the plan for this site consistent with national policy ? To be consistent with the economic dimension of the NPPF, the development of this site would have to be undertaken in response to a clear economic need and be able to produce a clear economic benefit. Given the already high levels of employment in the Brighouse area and the lack of any indication of specific demand from prospective occupants I believe the proposed use of this site in the Plan would fail on both counts such failure being exacerbated by the complete failure of the Plan to consider in detail and comprehensively the need for additional infrastructure. At the same time the NPPF requires such a

development to fulfil an environmental role specifically by : "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy." The proposal for this site fails comprehensively to fulfil the required NPPF environmental role on any reading of this extract from the NPPF. Indeed, such a development would damage the natural environment, have a negative impact on bio-diversity and actually be a barrier to moving to a low carbon economy encouraging, as it would, even greater vehicle use. This might on balance all be acceptable in an area of high unemployment where the economic and social net gain is clear - but this will not be the case in this instance.

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

Duty to Co-operate Reason:

The neighbouring Local Authority in Kirklees is also proposing in its Local Plan significant developments just on the other side of the M62 at Junction 25. There has been inadequate co-operation between Calderdale and Kirklees in terms of developing proposals for new and improved road infrastructures on both sides of J25 which are already heavily congested. Equally it is unclear that the Highways Agency is content that the development would not place a critical additional strain on the M62 itself. In its comment on the whole 2017 Initial Draft of the Plan the West Yorkshire Combined Authority stated under the heading of Transport : "We are encouraged that the Local Plan provides the policy hooks to ensure that developments are located and designed to encourage the use of sustainable transport modes.". The phrase "policy hooks" does not appear to be defined in the comment but since the proposal for this site would only encourage the further use of road vehicles then the conclusion can only be that the Council has not liaised adequately with the WYCA in relation to this specific site.

Suggested Modifications:

There is no clear economic need or demand for this site to be developed as proposed so I suggest the site is left undeveloped and cherished as a green buffer between Brighouse and the M62 motorway.

Additional Evidence Link:

Comment ID **Lpp448**

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

Person ID: **1126475**

Name: **Dr Christopher Savage**

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/5070229>

Comment ID **Lpp467**

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

Person ID: **1128492**

Name: **Mrs Linda Melton**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

General Comment I am trusting that this plan is legally compliant. We do not need an Enterprise Zone in Clifton. We have enough congestion and poor air quality to contend with already. An Enterprise Zone means more vehicles coming off the M62 and creating more congestion and pollution on the already overloaded Wakefield Road. We already have the Armytage Road Industrial Estate on our doorstep. The fields act as a buffer between Clifton and the industrial estate/Wakefield road. We have the invisible menace of pollution from Wakefield Road, the M62 and the industrial estate - it does not need adding to. We will also have more traffic coming to junction 25 of the M62 from the proposed Enterprise Zone at Cooper Bridge. Traffic from this Enterprise Zone may potentially be travelling through Brighouse along with traffic from the Enterprise Zone at Clifton. Add to this all the additional traffic from the housing developments at Thornhills and Woodhouse, and also down the road in Kirklees. This can only result in a traffic nightmare, not only for the residents of Clifton, but for the Brighouse area overall! The people of Brighouse would not benefit from this Enterprise Zone at all. If it is only warehousing there will be very few jobs and the chances are that employees will commute to the site along the M62 motorway. In fact, if there were other types of companies on this site, it's likely that they too would travel into Brighouse along the M62. This site is advertised as being available for advanced manufacturing - what does that mean? What kind of pollution is envisaged? Also, this site is advertised under 'Leeds City Region' Enterprise Zones development, and it is understood that the Business Rates will be paid to Leeds City Council. How will this benefit the people of Calderdale?? Planting a row of trees along the boundary of this zone will not adequately separate the Enterprise Zone from Clifton Village. The development as a whole is too close to residential areas. Who in their right mind would want to live with an Enterprise Zone over their garden fence. For the residents living in the houses that back onto this development, they will have the added worry that their properties will be considerably devalued, something which Calderdale council are apparently not concerned about. As Calderdale council is one of 23 local authorities in England that have not met their air quality targets, shouldn't they be addressing this problem before helping to shorten the lives of the residents of Clifton? When the hotel was built on Coal Pit Lane the council said it would not be setting a precedent and no further building would take place on that land. As on Thornhills, this land has been mined. It is steeply sloped and the run off water goes down onto Wakefield Road. Would building on this land cause more problems with water on Wakefield Road? Added to the problem of water with the proposed development at Thornhills, we will be needing money next for flood prevention measures in

Brighouse.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp595**

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

Person ID: **717694**

Name: **Mr Edward Spivey**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This site was first allocated for employment use in 1996 - by an Inspector. Calderdale had allocated it to continue as greenbelt. It was removed from the Greenbelt and allocated for "B1 and B2 but limited to Hi-tech manufacturing - to protect the interests of the people of Clifton". The allocation was retained in 2006. However, Calderdale now wish to widen the allocation to "B1/B2/B8". What has happened to "protecting the interests of the people of Clifton" now, I ask? The Council obtained monies from the Department of Transport in 2017. Their submission was full of errors and inaccuracies, but unfortunately, by the time we became aware of the submission (it was not published by the Council, we found out only via a landowner) and informed the DfT of the deficiencies in the submission, the money had been granted - headlines about the Government providing funds for Regional projects were prominent - perhaps truth will ways come a poor second to politics. However, that submission stated that the site was to be allocated for B1/B2/B8 uses - this was before even the Article 18 Consultation. Since then, in 2018, the Council gave itself Compulsory Purchase powers for the land and in the Committee Report, it was again stated that the land was to be allocated for B1/B2/B8. Now, either the Council intended to ignore any Article 18 consultation, Article 19 consultation and Examination in Public - which is unlawful - or they intended to overrule any contrary opinions before hearing them - which is also unlawful. Whichever it was, the Council had clearly pre-determined that this land was going to be allocated for B1/B2/B8 - no matter what came up during consultations or Examination. That is contrary to NPPF. It is unlawful, and negates the Plan.

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

Sound Reason:

The Council have used as justification for the allocation, a report by Cushman and Wakefield. In that report it states quite clearly that B8 uses have not been tested this far west on the M62 corridor in Yorkshire - so why is B8 being suggested? The report notes the success of the large warehousing on M62 (especially around Castleford) and notes that they are all over 100,000 sq ft floor area - so why is the largest B8 building being proposed here only 60,000 sq ft? The report notes the existence of at least the equivalent floor area of employment land already available within 5 miles of the site - so, not surprisingly, the report does not actually advocate the site. Instead, the best it can do is use the floor rentals at Holmfields (in Elland) as a comparison to what might be achievable here - but it carefully notes that Holmfields had the

advantage of being flat! So, there is no sound basis to suggest that this site should be used for employment purposes. There is no evidence to suggest need. The Council has sought DfT funding for a road across the site. The submission was inaccurate. It sued an inaccurate Traffic Model. It actually showed the road in place (in the Do-Something scenario) but forgot to actually have any Employment-site traffic on it! The con being played on the people of Clifton continues with this Masterplan. A very strange cul-de-sac just fails to meet the bottom end of Clifton Common - with no explanation. It is only when the other pieces of the jigsaw are added, that it becomes clear that this is where the bridge over Clifton Common is to be - and the land is not a road within the site, it is under the flyover. Without telling the residents at the bottom of Clifton Common about the road passing in front of their bedroom windows, these proposals are being sneaked in "under the radar" so that they will be a fait accompli whenever a planning application eventually arrives. The proposals show a new junction off the top of Coal Pit Lane into the site. there is a sign at the bottom of Coal Pit Lane - it says "Unsuitable for HGV's" - but there is no restriction in the Masterplan on HGV's expected to use this new junction! It is also noted as a "pedestrian and cycle link to Clifton". But Coal Pit lane is less than 6m wide with no footways at that point - it then forks and becomes either 4m wide with no footways, or 4.5m wide with one sub-standard width footway - and blind bends throughout. What maniac considers those facilities to be suitable to encourage use by pedestrians and cyclists? It would be downright dangerous. The site was Greenbelt. It has been undeveloped for the last 20 years (because it is not commercially viable to develop it due to its topography, and no-one is building out-of-Town office parks etc anymore. Home working; hot desking; lap tops; and the internet have obviated the need for such expensive developments.) Its continued lack of development has meant that it is still performing its former Greenbelt function - de facto. I see Deer crossing Coal Pit Lane to use it for forage and as part of their roaming route. I see Buzzards thermalling over it and hunting. How are these - only two of the many species using the site currently - going to survive this development? Their habitat will be destroyed. The natural environment of this site will be obliterated. How are a few "green corridors" going to make up for that? (and they are not shown on the Masterplan, either.)

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

Duty to Co-operate Reason:

The Council's failure to consider Kirklees MBC's development proposals as well as its own are shown in their total reliance on the M62. All Calderdale's housing allocations and employment land in Brighouse, coupled with Kirklees's allocations in Mirfield and Bradley, will all funnel traffic to the M62. Calderdale's IDP notes junction 24A, but Kirklees has stated that they will not be building it (and it is situated in Kirkless, so Calderdale cannot build it themselves). Highways England have reported that the M62 cannot cope with all the traffic generated by these developments. Its report considers all the possible improvement schemes at junctions and on the main line, and still concludes that the section of M62 between Brighouse and Leeds will continue to become more congested, traffic speeds will continue to slow, and pollution levels will continue to rise. The lack of cross-border co-operation has meant that Kirklees and Calderdale are both adding traffic to the same section of M62, which is already overloaded, and no-one has come up with any solution to the problems so created.

Suggested Modifications:

Remove any Employment allocation and return the site to greenbelt.

Additional Evidence Link:

Comment ID **Lpp599**

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

Person ID: **1129090**

Name: **Mr Richard Kershaw**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

The quality, accuracy and incompleteness of the Plan and the supporting evidence mean the Local Plan cannot possibly be considered to be compliant. With regard to the consultation process itself, communication has been wholly inadequate with many residents only becoming aware of the Local Plan consultation by word of mouth and via social media. There has been absolutely no official communication from Calderdale Council whatsoever. Additionally, access to the Local Plan and supporting documentation has mainly been via the Calderdale website which is far from easy to navigate. Initially a number of drop-in sessions were set up to provide information and support. Presumably the initial lack of a drop-in session in Brighouse was a deliberate attempt to keep those most affected by the plan in the dark.

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

Sound Reason:

The plan greatly concentrates proposed housing and industrial development around Brighouse and Clifton at the expense of other areas covered by the plan. In fact evidence shows there is a greater need for both types of development in other parts of Calderdale. Neither the plan nor the supporting evidence justify the need for such substantial housing or industrial developments. Many of the reports provided as evidence are either incomplete or out-of-date. Firstly, how can such a critical strategic plan be based on such reports and secondly, how can residents be expected to provide a rational and considered response when presented with such poor quality information. The plan is ill-conceived, disproportionate and grossly unfair. The two sites of particular interest will be referred to as follows: Wakefield Road / Clifton Common (LP site ref: LP1232), referred to as Clifton Common Highmoor Lane and Bradford Road, Brighouse (LP site ref. LP1463), referred to as Highmoor Lane. My concerns relate to a number of issues, including the impacts on the natural environment, air quality and traffic, along with existing infrastructure and public services around the Brighouse and Clifton areas. Biodiversity Consultation with West Yorkshire Ecology has revealed that the habitats and wildlife around Clifton are currently under recorded. Some areas are already proposed as Wildlife Habitat Network, however, it is felt that some UK BAP Priority Habitats have been overlooked and therefore the extent of the Wildlife Habitat Network of the area should be increased. In conclusion, the impact of the proposed plan on biodiversity is currently unknown. Green Belt The proposed Highmoor Lane 'Garden Village' development requires the release of approximately 141 hectares of Green Belt which is categorised as the 'most sensitive' and 'high-performing'. The release of this land doesn't appear to have been done as part of a wider consideration of Green Belt across West Yorkshire as is required. The loss of such a significant area of green space, much of which is accessible to the public for recreation will have a significant impact on the local community. The development will lead to Clifton being subsumed into the wider Brighouse area and fundamentally spoil the character of the village. Although the Clifton Common site is inexplicably not classified as Green Belt it does in effect perform the same service and would be rated as high-performing, most notably due to its role in providing 'an effective barrier to sprawl from large built up areas'. Wakefield Road / Clifton Common Site (LP1232) Assessment The site assessment outlines a number of areas of concern. The proposed site is larger than Highways England (HE) modelling and therefore significantly underestimates the potential effects of allocating the site. Schemes such as Smart Motorways will not mitigate the effects on increased traffic. Some mitigation schemes are proposed but HE and CMBC still don't understand the implications of the larger development and have yet to identify adequate mitigation. The site is given a RAG status of AMBER and is borderline RED. The report also states that; the site is 'relatively flat near to boundary with Wakefield Road' which is

completely incorrect as the site rises steeply from Wakefield Road. 'development of the site is likely to cause highway capacity issues as highlighted by HE' 'negative impact on AQMA (Air Quality Management Area) need to be addressed' - further evidence on air quality will be provided later. The site assessment takes no account of many other factors including the impact on local residents, particularly, those adjacent to the site, who will be severely affected by noise and light pollution. As well as the impact on quality of life, the development of an industrial estate at the boundary of these properties will have a catastrophic impact on property values, way in excess of the impact that a residential development would have. Clearly the evidence categorically does not support the allocation of the site for the proposed Industrial development. Waste With regard to waste management the Waste Evidence Report Update (2016) states that; 'Commercial and Industrial (C&I) arisings aren't recorded' 'projections to be treated with caution' 'forecasts are based on Regional Economic Model employment projections and the waste per employee figures and businesses split by Standard Industry Classifications' This suggests the base data used in the assessment is questionable and the highly theoretical, modelled conclusions aren't reliable. Estimated future requirements for Local Authority Collected Waste and C&I are reflected in the documents and a large new municipal waste facility is proposed on Wakefield Road at Cooper Bridge (land parcel ref. WLP4). Clearly this doesn't consider the impact on an already congested stretch of road and is in close proximity to Kirklees' proposed precision engineering and advanced manufacturing development. It is probably safe to assume that this plan hasn't been developed in conjunction with Kirklees. Water and Waste Water The Local Plan refers to Water and Waste Water requirements being covered in the Infrastructure Delivery Plan (IDP), which is from 2012 and is clearly out-of-date. With regard to water, the IDP states that; 'Yorkshire Water has a grid system across Yorkshire therefore water supply is not a blocker'. This takes no account of available treatment works (production) capacity or the supply demand balance. Raw water resources are not infinite and water supplied into distribution has to come from somewhere. Additionally, pumping water across Yorkshire through the grid is expensive both financially and in terms of carbon emissions. With regard to waste water, the IDP refers to Brighouse Wastewater Treatment Works at Cooper Bridge as having capacity for '10% population growth / 2,000 new dwellings', which is significantly less than the circa 6,000 properties planned for the Brighouse area, the Clifton Common industrial development and certainly not for development further up in the catchment, which stretches between Clifton, Rastrick, Bailiff Bridge, Lower Wyke, Shelf, Shibden, Stump Cross, Northowram and Hartshead Moor Services. There is no mention of sewerage infrastructure requirements in the IDP. There are 2 existing combined (foul and surface water) sewers crossing the M62 in the vicinity of J25 which transfer waste water from the catchment described above and through to the waste water treatment works at Cooper Bridge. The size and depth of this infrastructure under a major motorway junction means the cost of upgrade works to accommodate the required increase in capacity would be likely to run into the 10's of millions of pounds. Air Quality The impact on air quality of significant additional volumes of traffic in and around Brighouse is a major concern. The council's own website states that Brighouse already exceeds air quality objectives for traffic-related nitrogen dioxide and is an Air Quality Management Area. Additional traffic will only exacerbate this problem. A 2014 Public Health England report 'Estimating local mortality burdens associated with particulate air pollution' estimated that long-term exposure to air pollution caused the death of 93 people in Calderdale in 2010 (2,567 across the whole of Yorkshire). Whilst the council does monitor nitrogen dioxide in Brighouse, this is done via just 4 diffusion tubes, none of which are located in the most congested locations, such as the roundabout at the bottom of Clifton Common. There are, or have been, several more diffusion tubes located around the town but the collection of data from these has been discontinued. Data for particulates, which have been linked to asthma, lung cancer, respiratory diseases, cardiovascular disease, premature delivery, birth defects, low birth weight and premature death, isn't collected at all in the Brighouse area. This perfectly demonstrates the seriousness with which the council treats air quality and the health of its residents and goes against the council's own Joint Wellbeing Strategy 2012-22 (March 2013) which includes 'People have good health' as a priority outcome. Employment Land Study (NLP) The Employment Land study published in August 2017, part way through the consultation period, is still in draft form and is incomplete and inaccurate. This sums up the haphazard approach the

council has taken in the preparation of its Local Plan and the consultation process. The council can't possibly have taken the output of this report into consideration and yet still submits this as part of its 'evidence base' for consideration by residents. The report is incomplete and includes several references to information still being required from CMBC. With regard to 'Employment Floorspace', the report suggests that Brighouse is as equally well catered for as Elland and Halifax, and much better catered for than other areas in Calderdale. Perhaps these areas would benefit from economic investment and new employment opportunities. The report states that job density in Calderdale is 'high', 'higher than for Yorkshire, Humber and Great Britain and all other nearby areas except Wakefield'. This is incorrect. Table 3.2 in the report clearly shows that Calderdale has a higher job density than Wakefield. The table shows that in fact only Leeds has a higher density. The report also states that 'until recently, CMBC collated data on development of employment land for Annual Reporting purposes' and shows that no data on the loss of employment land has been reported since 2013/14. The report concludes that it is 'important that CMBC monitors and responds to key drivers and macro trends that influence requirements for employment space including, self-employment, homeworking and increasing use of technology'. Calderdale doesn't monitor the development of land for employment or on the loss of employment land, let alone 'drivers and macro trends'. The report talks about the shared boundary with Kirklees and their proposed development at Cooper Bridge which will require the use of J25 of the M62. The report makes no reference to the impact on Wakefield Road either side of J25 between Brighouse and Cooper Bridge a section of road which is extremely congested even now. The Stakeholder Consultation referred to in the report makes reference to local businesses and others, but there is no mention of local residents. The report talks about the methodology for assessing 'Future Employment Land Requirements' and states that 'the 'Housing and Economic Development Needs Assessment' advises that Authorities should develop and have an idea of future needs based on a range of data which is correct and robust'. CMBC doesn't collect data on the development of land for employment or the loss of employment land so can't possibly understand current or future needs. The report states that 'Commercial agents have pointed out that streamlined 'office-to-residential' conversion is an issue and that a considerable amount of employment land stock is no longer fit for purpose'. If office space is being released for conversion to houses there obviously isn't a need for additional office space. Investment should be focussed on regenerating that employment land that is deemed to be unfit for purpose, rather than destroying greenfield sites. The report states that in Halifax 'large allocated sites haven't come forward and many existing sites are average to poor quality buildings'. These existing allocated sites should be brought forward and existing sites should be regenerated rather than destroying greenfield sites. The report states that West Calderdale has 'more poor quality sites than other areas of Calderdale'. Clearly existing stock is available and is in need of investment. The report concludes that CMBC should reflect best practice guidance and 'it will be important to monitor future changes in the demand and supply of employment space. CMBC monitors planning permissions granted for B-class employment... but no longer records them for Annual Reporting Reports... [it is] strongly recommended a mechanism be put in place to monitor applications so pipeline of supply can be assessed'. The evidence suggests that CMBC has no idea if there is a need for the Class B development which is proposed across the plan area and particularly on the Clifton Common site. Traffic With reference to the 'Traffic Survey: CALDERDALE LOCAL PLAN, EVIDENCE BASE - TECHNICAL NOTE 2: IMPLICATIONS OF SETTLEMENT GROWTH' produced by WSP in July 2016. With regard to the proposed residential development, the report states 17,651 properties are required and are included in the Local Plan and yet the traffic survey is based on just 11,900 properties. The Local Plan includes around 19,000 properties and therefore any conclusions drawn by WSP will significantly underestimate the impact on traffic and congestion. The report is based on 4,500 properties around Brighouse. The Local Plan includes 5,500 properties in the Brighouse area and therefore again any conclusions will significantly underestimate the impact of these numbers. This also fails to consider nearby developments in Kirklees, such as Bradley Park. The report states that the 4,500 units in Brighouse will create 3,100 new journeys in the morning peak period. This is an additional trip rate of 0.69 per property seems very low and suggests a further underestimate of the impact on traffic. The report states that '57% of new trips will be made by car and

40% will be made by active modes (walking or cycling)'. The terrain around Brighouse, particularly up towards Clifton, along with the complete lack of suitable infrastructure between Brighouse and Clifton mean cycling, and to some extent walking, is completely impractical for most people – I say this as a cyclist. This suggests that the use of cars is likely to be much higher than estimated. The report states that 'many new trips will be via Brighouse town centre which is already congested at peak times'. The report states that 'trips on A641 from Brighouse to Huddersfield likely to cause increased congestion'. The report states that 'new trips from Brighouse to Halifax via Hipperholme and Stump Cross..... due to the nature and level of congestion at these locations.... additional traffic would require currently unplanned investment'. It is perfectly clear from the report that existing traffic infrastructure is already stressed and cannot possibly cope with the density of residential development proposed for the Brighouse area. With regard to the industrial development on the Clifton Common site, the assessment is based on 32 hectares yet the Local Plan allows for 36.88 hectares therefore any conclusions will underestimate the impact of the development of traffic and congestion. The development on the Clifton Common site is split between classes B1, B2 and B8. The report assumes a very low proportion of B1 which is reported to have the highest trip rate per m2. Again, this suggests the report may underestimate trip rates and therefore traffic impacts. The calculation shows that the Clifton Common development will lead to 2,950 new trips to site between 8am and 9am. The information provided suggests this calculation is incorrect and the figure should be 4,366 new trips. Again the report potentially significantly underestimates the impact. The report discusses several 'Key Impacts on Junctions and Corridors' and frequently refers to existing congestion in and around the Brighouse area. To exacerbate the series of potential underestimates included in the report, it makes absolutely no reference to types or volumes of commercial traffic which will be associated with the industrial development on the Clifton Common site or the inevitable impact on local traffic infrastructure. Clifton Common site The Clifton Common site in particular has been part of previous Local Plans since the year 2000. If the development has yet to materialise it can only be concluded that either the site is inappropriate, or that the need, just doesn't exist, either way it is not commercially viable. Clifton Common and Coal Pit Lane are completely unsuitable access routes for the types of commercial vehicles that would service the type of industrial development that is being proposed. The site slopes sharply down towards Wakefield Road and is likely to be littered with historic mineworkings. The site is completely inappropriate for the type of development that is being proposed. • Conclusion In conclusion, I believe this response outlines the strength of evidence against the Local Plan in its current form. Whilst a degree of development is inevitable, the proposals for the Brighouse area are disproportionate and do not meet the needs of the local residents, or indeed the wider population of Calderdale. I wholeheartedly support and endorse Clifton Village Neighbourhood Forum's response to consultation and also CVNFs letter to the Department of Transport dated 4th September regarding Calderdale MBCs 'Clifton Business Park Transport Network' funding application from the 'National Productivity Investment Fund'.

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

Duty to Co-operate Reason:

There is significant over-lap and interaction with neighbouring plans in particular Kirklees' plans for Bradley Park, Cooper Bridge and Mirfield and there is little evidence to suggest that there has been a co-ordinated approach or any sort of co-operation between the two authorities in preparation of the respective Local Plans.

Suggested Modifications:

A comprehensive review of the supporting evidence is required, as per my previous comments.

Additional Evidence Link:

Comment ID **Lpp658**

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

Person ID: **1123386**

Name: **Mr James Moore**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

I do not consider that the Local Plan to be Sound for the following reasons: I do not believe the local plan takes into account in any significant manner, any of the major areas of adaptation required. I do not believe that the consultation has influenced site policies, the feedback received by the council from the consultation has led to no changes. It appears that the concerns contained in the feedback have been totally ignored and the major areas of adaptation that are required have not been addressed. The strategy does not meet objectively assessed development and infrastructure requirements, including the requirement to liaise with Kirklees and Bradford Authorities (where it is reasonable to do so and consistent with achieving sustainable development) which Calderdale have not done, as highlighted in the expression of Highways England Concern's. The plan is not deliverable in the timescales stated due to the joint working needed between local councils, this does not seem to have been worked on by cross boundary co-operation. Further the infrastructure required has not been assessed in its entirety. Lack of justification "the strategy when considered against the reasonable alternatives (based on proportionate evidence) is not the most appropriate. Green belt land is being decimated to build an industrial park which is not needed evidenced by the number of industrial units vacant in the locality of the proposed site. Neither is the site in appropriate place due to environmental, noise and ecological factors.

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

Duty to Co-operate Reason:

In terms of the council's duty to cooperate I submit the following views: The council have made it very difficult for residents to make representations. The system of how residents must respond to consultation of the document it appears to have been made purposely complex, labour intensive and near impossible for those who are not computer literate. Furthermore, deadlines on each occasion have included the school summer holidays making the timescale shorter and more pressurised for working families. Also, the councils attempt to divide the Clifton forum by removing the Thornhills residents from those in Clifton (Clifton residents firmly include Thornhills in the boundary of Clifton) why would the council wish to divide the area accept to suit themselves and divide the united residents!

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp683**

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

Person ID: **1182072**

Name: **Mr Chris Tindal**

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:

Ecology This patch of ancient countryside contains UK Biodiversity Action Plan habitats that must be taken into consideration. The patch of lowland broadleaf woodland along the bottom is very old and species diverse. There are also significant amount of old hedgerows throughout the site which are present on the old OS map of 1854. Most of the site is semi improved grassland. There are several mature trees across the common and a patch of marsh and reed-bed in the middle. Although no specific bird or mammal species have yet been recorded, there is no doubt a wide range will use the site over the summer and/or winter.

Traffic Calderdale Council states that it will be a place that has responded to climate change, reduce greenhouse gasses, become more energy conscious and efficient it its use of resources. An industrial site will mean large amounts of lorries, vans and cars moving in and out of the site. According to the 'Vision for the Local Plan' the development will be 'A place where environmental sustainability will contribute to well-being'. What will be the impact of many thousands of new vehicles on our already strained network? The comments from the council of the original draught focus on a new junction 24a, and a new lane between J24 and 25. Has funding for this been allocated? According to the Highways England, development of this site should not be commenced until later in the Plan period. Traffic assessments will need to demonstrate that the proposals will not have a severe traffic impact. Highways England state that the widening of junction 25 and signaling is unlikely to accommodate the new trips created by the development and a more significant intervention is required. Brighouse is regularly congested already so without the 'mitigation' a severe traffic impact is certain. The proposed 'bypass' is vague and the start and end points lack clarity. On the current proposed boundary there is no inclusion of a by-pass at all. Brighouse is one of the most congested parts of Calderdale already. According to Highways England, the model should demonstrate the cumulative impact of all development within the Plan. This, according to them is: Include all sites, incorporate two-way trips morning and evening. Include all the developments of neighbouring Local Plans highlight any congestion nodes which are a result of cross boundary development. Many thousands of new vehicles will be pouring in and out of this already regularly gridlocked, congested and densely populated corner of Calderdale. Have these considerations been made? Air Quality Recent research shows that poor air quality is having a detrimental effect on human health such as lung and cardiovascular disease. Calderdale Council has not met its Air Quality targets and persistently exceeds the European Limit Values for Nitrogen Dioxide concentrations. Brighouse town center is an Air Quality Management Area that exceeds the European and UK domestic NO₂ concentrations. According to Calderdale Council, they are legally obliged to meet air quality targets and there should be no more than 40 micrograms per cubic meter of NO₂ as an annual average, but this is currently 49 micrograms. According to Calderdale Council these high levels are associated with high traffic levels. There are plans to try and tackle this, but building 2000 homes on Clifton's greenbelt, an enterprise zone in the common and 1200 houses at Woodhouse's greenbelt will result in many thousands more cars and lorries coming in and out of Brighouse. Any attempts to reduce emissions will surely be offset by this huge number of vehicles in such a small and already congested corner of Calderdale.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5075613>

Comment ID **Lpp82**

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

Person ID: **1181946** Name: **Ms Christine Barraclough** Organisation:

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

I feel that the proposed development for Wakefield Road, Clifton, is unsound. It would involve the destruction of one of the area's foremost assets, valued and visited by many. Roads leading to this land are narrow country lanes ill-equipped to cope with the increase of traffic that would occur. Widening them would entirely ruin the character of the area and completely destroy its attractiveness. Wildlife, in which the area is rich, could no longer thrive there and would have to move into an adjacent area. Loss of this land in its current state would remove a valued beauty spot, necessary to the wellbeing of local residents, and decrease the number of visitors to the area, and this would be felt especially if other proposed developments to this part of Calderdale go ahead.

Additional Evidence Link:

Comment ID **Lpp862**

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

Person ID: **10988** Name: **Mr Anthony Rae** Organisation: **Coordinator Calderdale Friends of the Earth**

Agent ID: Name: Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The traffic assessment for this site needs to include an interrogation of Calderdale's strategic transport

model examining traffic volumes ('actual flow - total') as well as V/C ratios. In the case of this site we've noted the following comments in the detailed assessment, which reference a variety of issues about traffic/road/junction loadings, and site access. We've personally inspected the site and its adjacent LHN to ensure an understanding of its context, , and as part of our assessment of the LHN capacity at this location: Strategic highways issues "" Highways England: - The Highways England Network Analysis Tool (NAT) indicates that the traffic generated and attracted by this site will have a significant traffic impact on the strategic road network (SRN) at M62 junctions 24 and 25. " A mixed B1/B2 development on this site will still have a major adverse impact on M62 junction 25 and, to a lesser extent, on junction 24. " However, recent modelling undertaken as part of the Highways England West Yorkshire Infrastructure Study (WYIS) indicates that capacity improvement measures additional to the schemes included in the RIS will be needed on the SRN to cater for demand generated by development in Calderdale and neighbouring Districts during the period to 2030. - Summary The proposed site is larger than Highways England had initially included in their modelling, and so the model now significantly underestimates the potential effects of allocating this site, and committed schemes such as smart motorway will not mitigate the effects of allocating the site. Highways England are working with CMBC to understand the implications of the (larger) site and to identify mitigation measures which may facilitate its development. But as committed schemes may not provide enough mitigation, developers of the site may have to deliver or contribute to delivering required mitigation. This should be included in IDP. Suggest site is delivered later in the plan period. Categorised AMBER - but almost a red. Local highways issues: - Preliminary design work indicates that the a suitable vehicle access can be provided despite the steep gradient. Several comments made about the lack of detailed traffic assessments and existing capacity issues on the surrounding road network. The impact of the site is being assessed at a strategic level using a traffic model which will include the cumulative of other site allocations. Any planning application will also need to include detailed traffic modelling at specified junctions and demonstrate accessibility by non-car modes. Summary of highways and access: - Development of the site is likely to cause highway capacity issues on the Strategic Road network. Improvement schemes that are already committed , such as smart motorway, will not mitigate the effects of allocating the site. - The site may also have to be brought forward later in the Plan period. See the attached screenshot from the Calderdale strategic transport model.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5074079>

Comment ID **Lpp899**

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

Person ID: **1130346**

Name: **Mr M Chalker**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Recent consultation has been excessively brief, documentation wordy and difficult to understand "" particularly there is no mechanism to see changes from previous revisions. Core Strategy documentation

relates to consultation from 10 years ago in 2008/9! In Brighouse only 17 people attended a workshop "" how can this be a current indication of people's views on the Local Plan when there are 3000 houses and an industrial park being proposed! The Plan Map is SIGNIFICANTLY MISLEADING when referring to sites LP1451/LP1463 - These show as 'REJECTED' and ARE NOT INCLUDED in 'New Housing'. This WILL DECEIVE people into believing no change is planned - Despite the fact the proposal is for OVER 3000 new houses in these two locations! They will not look for 'Garden Suburbs' which is meaningless to the public. The Sustainability Report contains arbitrary targets, and provides no evidence of need (Strategic Housing Assessment) within the Brighouse area. There are areas with missing targets and no indication that targets are meaningful and have been met before.

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

Sound Reason:

The scale of development proposed around the Brighouse area is not Sustainable and isn't justified within the plan. I can see no evidence (I'm unable to find any Strategic Housing Market Assessment Report) that indicates there is a sufficient need within the Brighouse area for such significant development. The Housing Stock Report included has no detail other than to show how many houses were sold in 2017! The Sustainability Appraisal has arbitrary targets listed "" such as reducing traffic impact on the environment by increasing Rail Journeys by 50%, 25% increase in bus journeys. Has the Council got a proven track record in meeting such - How did the Council SCORE against their UDP 2006 Section 9.3 Transport/Air Quality TARGETS? Reducing pollution, raising train travel 40%, limiting traffic growth and congestion etc. The Sustainability appraisal also has 'to be developed' against the 'Efficient Use Of Land' section. Similarly providing good employment for all "" is awaiting targets. How can the plan be regarded as sustainable if this hasn't already been measured objectively! Removes the Greenfield buffer which defines Clifton. As per NPPF guidance - the essential characteristics of Green Belts are their openness and their permanence, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is the LAST remaining greenspace separating the Village of Clifton from Brighouse and it should be returned to GREENBELT designation.

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

Duty to Co-operate Reason:

The provided Statement indicates discussions with neighbouring authorities have taken place, but fails to show any meaningful, proven and costed mitigations. Particularly in relation to transport, greenbelt and air quality. Remarkably the housing stock report shows less detail for Brighouse than other areas, yet it is to take the vast majority of new housing and commercial building within the plan! The CMBC Local Plan Working Party appears BIASED - NOT ONE of the 7 Members is from the Brighouse/Rastrick Wards - which are the most affected by the plan!

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp902**

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

Person ID: **1130340**

Name: **Mr P Chalker**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Recent consultation has been excessively brief, documentation wordy and difficult to understand "" particularly there is no mechanism to see changes from previous revisions. Core Strategy documentation relates to consultation from 10 years ago in 2008/9! In Brighouse only 17 people attended a workshop "" how can this be a current indication of people's views on the Local Plan when there are 3000 houses and an industrial park being proposed! The Sustainability Report contains arbitrary targets, and provides no evidence of need (Strategic Housing Assessment or employment in area) within the Brighouse area. There are areas with missing targets and no indication that targets are meaningful and have been met before.

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

Sound Reason:

The scale of development proposed around the Brighouse area is not Sustainable and isn't justified within the plan. I can see no evidence (I'm unable to find any Strategic Housing Market Assessment Report) that indicates there is a sufficient need within the Brighouse area for such significant development. The Housing Stock Report included has no detail other than to show how many houses were sold in 2017! The Sustainability Appraisal has arbitrary targets listed "" such as reducing traffic impact on the environment by increasing Rail Journeys by 50%, 25% increase in bus journeys. Has the Council got a proven track record in meeting such - How did the Council SCORE against their UDP 2006 Section 9.3 Transport/Air Quality TARGETS? Reducing pollution, raising train travel 40%, limiting traffic growth and congestion etc. The Sustainability appraisal also has 'to be developed' against the 'Efficient Use Of Land' section. Similarly providing good employment for all "" is awaiting targets. How can the plan be regarded as sustainable if this hasn't already been measured objectively! Removes the Greenfield buffer which defines Clifton. As per NPPF guidance - the essential characteristics of Green Belts are their openness and their permanence, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is the LAST remaining greenspace separating the Village of Clifton from Brighouse and it should be returned to GREENBELT designation.

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

Duty to Co-operate Reason:

The provided Statement indicates discussions with neighbouring authorities have taken place, but fails to show any meaningful, proven and costed mitigations. Particularly in relation to transport, greenbelt and air quality. Remarkably the housing stock report shows less detail for Brighouse than other areas, yet it is to take the vast majority of new housing and commercial building within the plan! The CMBC Local Plan Working Party appears BIASED - NOT ONE of the 7 Members is from the Brighouse/Rastrick Wards - which are the most affected by the plan!

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp976**

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

Person ID: **1139631**

Name: **Mr David Smith**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

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/5077003>

Comment ID **Lpp983**

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

Person ID: **1182808**

Name: **Mr David Smith**

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:

1. There is a disproportionate allocation of houses (2,000) allocated to Clifton and the surrounding area. 2. The infrastructure is insufficient to cope with an additional 2,000 homes - no provisions for extra doctor's surgery or school - and no upgrades to roads to cope with extra congestion. 3. No account has been taken of the ecology of the Green Belt land around Clifton. 4. The Community Infrastructure Levy-effectively subsidises the development by being set at a low level. 5. The topography of the land is too steep to safely develop. No account has been made of the access of emergency vehicles through the existing road network. 6. The designation of an Enterprise Zone is not justified. The council will receive less rates and a large part will go to the West Yorkshire Combined Authority - depriving funds for local expenditure.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Local residents have not been consulted adequately.
2. Process to comment is complicated and difficult to navigate. Many concerned residents and potentially affected parties will not have registered their disapproval.
3. The legal obligation to consult the community includes a requirement to take account of the views of those consulted. The Local Authority has failed to acknowledge opposition from local residents, and not proposed alternative proposals or mitigation.
4. There was no meaningful consultation with regards to the site's connection and close proximity to LP1463 (garden suburb). Comments submitted by West Yorkshire Combined Authority imply that the development of the employment site and the garden suburb are linked. The sites should have been presented as one entity, particularly in regard to road infrastructure, in the Regulation 18 consultation.
5. The Council has, by its actions, pre-determined that land would be allocated for B1/B2/B8 regardless of any objections during the Regulation 18, or subsequent consultations.
6. The Council have erred by not sharing detailed information regarding the Enterprise Zone at regulation 18.

Council's Response:

- 1-4. 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.
5. The site was assessed in accordance with the Site Allocations Methodology and in the Employment Land Study, and identified as suitable and developable for a range of B type uses.
6. Site details and assessments for this site were presented, alongside all other sites proposed for allocation in the Plan, in the Regulation 18 consultation in 2017.
This is one of 10 sites within the Regional Enterprise Zones programme across the Region, and is being implemented with a contribution of £44.939m Growth Deal funding from the Government secured through the Leeds City Region LEP.
(see <https://www.westyorks-ca.gov.uk/projects/priority-4d-enterprise-zones/>). Additional public consultation took place prior to the submission of the Outline planning application (see Consultation Report).

Test of Soundness

Main Issues:

1. Ecology and Environment - Development will damage the natural environment, habitats will be

destroyed and the negative impact on biodiversity of the area has not been fully explored or taken account of. The proposal fails to fulfil the required NPPF environmental role.

No mitigations, apart from tree planting have been recommended to protect residents' well being.

If the proposal is endorsed development boundary to the North should be revised to provide a significant green buffer.

2. Flooding - Potential flooding due to steepness of site. History of flooding and poor drainage. A greater opportunity to contribute positively to flood alleviation and reduction of air pollution, through good site planning to include green infrastructure and Natural Flood Management / Sustainable Drainage, achieved through the rigid application of clearly phrased, strongly worded planning policy.

3. Strategic Road Network – Capacity issues. Highway England concern (rated development as 'nearly red'). Committed M62 improvements will not mitigate impacts, plus J24a is no longer planned. Suggestion that site should be positioned later in trajectory.

4. Local Road Network – Cumulative impact of sites (including Kirklees) unacceptable. Existing congestion in area and town centre, inadequate approach roads and access, particularly for HGVs. The assessment of trip generation from the developed site is incorrect. Significant investment and prior improvement to the transport infrastructure in the area is required.

5. Access - Increased traffic on to Clifton Common, especially if through road in development is unsuitable for HGVs. Coal Pit Lane is currently unsuitable for use by HGV.

6. Air quality - Calderdale has not met its Air Quality targets. The cumulative impact of traffic from new developments in Brighouse will increase air pollution causing detrimental effect to residents' health and well being. No meaningful mitigation has been suggested for an area which already suffers poor air quality and is designated an Air Quality Management Area. Increased traffic will impede movement to a low carbon economy.

B2 and B8 development in close proximity to residential properties would harm residents mental and physical well being.

The location of an employment site in close proximity to Clifton School is inappropriate.

7. Pollution - Noise and light pollution will increase and 24 hour working could lead to unacceptable levels.

8. Infrastructure - There is no detailed information in the Plan about the infrastructure required to develop the site.

9. Loss of greenfield land/ open space. Development would adversely impact on the remaining green buffer between the residential area of Clifton Village and development in the Wakefield Road area. The land is currently used for informal recreation which promotes health and well, being and this will be lost.

There is no evidence that derelict and brownfield sites have been considered before greenfield. These should be developed first, and already having main services will have reduced development costs.

Development will remove land which is performing a 'de facto' Green Belt function.

Development on greenfield land is inappropriate when other business sites in Kirklees Local Plan are more easily developed and readily available.

Loss of greenfield land resulting from development of employment site and Thornhill garden suburb would total 167ha (410 acres).

10. Location of uncharted mineshafts , ground conditions.
- 11.The Sustainability Appraisal is incomplete.
12. Other areas in Calderdale are more suitable and in need of development.
- 13.Deliverability- Site has not been viable over the past 20 years and during periods of economic prosperity, due to constraints and topography. Development of site is not justified economically.
14. There is no market demand. Site may not be available for development.
15. Site selection - Disproportionate allocation of housing and employment land in Clifton and Brighouse, in terms of total and net developable area.
- 16.Council's key reason for allocating land is to build a relief road to open up proposed garden suburb at Thornhills. Planned garden village is dependent on development of employment sites.
17. Consideration should be given to alternative sites which are already built and unoccupied.
18. Other constraints - Due to topography significant excavation will be required, and the size of unit provided is will therefore be small. The Council's vision is for warehousing development which is not realistic or practical.
- 19.Need for new employment floorspace - There is a lack of clear, objective evidence of the need for employment land or proven demand from prospective occupiers. The Council does not have adequate monitoring systems in place. A comprehensive review of supporting evidence is required.
20. Local Authority estimates a reduction in 'B2' use over plan period, and there is a supply of vacant 'B' use buildings and facilities in the vicinity. Market demand could be met by reuse of vacant floorspace.
- 21.An opportunity to provide for digital industries would be provided if land use was limited to B1 only.
- 22.The amount of available land will increase if sites nearby in Kirklees are developed.
23. Waste - The base data used in the assessment Commercial and Industrial Waste is questionable.
24. Water treatment - The 2012 Infrastructure Delivery Plan indicates that the Brighouse Wastewater Treatment Works at Cooper Bridge has insufficient capacity for the proposed level of development.
25. General - Brighouse has a high level of employment, and there no guarantee that jobs will be created for local people. The proximity to motorway may encourage existing firms to relocate into the District with their current workforce.
26. The proposed site is contrary to the 'Vision' and requirements of Policies SO5, SO7, SD5, and other planning policies.
27. Inconsistency between Appendix and Supporting Information regarding the extent of B type uses appropriate to the site.

Council's Response:

The Council submitted an application for Outline Planning permission in June 2019. This includes a number of supporting documents which address the potential issues identified by respondents, through assessment of any potential impacts, and identification of mitigation measures if required.

1. The site contains deciduous woodland on its south-western boundary adjacent to Wakefield Road. It forms part of the Calderdale Wildlife Habitat Network. This has been removed from the developable area on recommendation of West Yorkshire Ecology. The Ecological reports are required are indicated in Appendix 1 Supporting Information.

Development of the site must comply with other Policies in the draft Plan including those in Chapter 12 - Health and Well Being.

The documents for the Outline planning application (June 2019) include the submission of a Health Impact Assessment and Chapter 11 of the Environmental Statement addresses aspects of Ecology, including the Ecological Impact Assessment.

2. The site is located in Flood Zone 1 and a number of surface water drainage issues have been reported previously, and resolved. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to an evaluation of the existing surface water drainage network, site investigation and implementation of mitigation measures. These could include the application of green and blue infrastructure on site such as SuDS, as indicated in Appendix 1. A Surface water/drainage network assessment and a Flood Risk Assessment will therefore be required.

The documents for the Outline planning application (June 2019) include the submission of a Flood Risk Assessment and Drainage survey, and Chapter 9 of the Environmental Statement addresses aspects of flood risk and surface water drainage.

3/4/5. Highways England consider that development of the site will have a significant impact on the strategic road network at M62 Junctions 24 and 25, and although capacity of the M62 will be enhanced through the completion of the smart motorways scheme it is considered that additional capacity improvement measures will be required.

Whilst Highways Development Management has advised that development of the site could give rise to potential access issues it is considered that these are resolvable.

The submitted documents for the Outline planning application (June 2019) include a Transport Assessment in Chapter 8 of the Environmental Statement, and also a Transport Assessment Addendum which addresses the concerns expressed by Highways England. The Council considers that this demonstrates a low/nil impact as a result of proposed improvements to mitigate the increase in traffic from the proposed employment development.

Access is also considered in the Design and Access Statement.

6. Environmental Health Officers have stated that consideration should be given to the West Yorkshire Air Quality guidance. In addition, there should be no service yards near residential properties.

The submitted documents for the Outline planning application (June 2019) include a Health Impact Assessment, and an Air Quality Assessment which is considered in Chapter 6 of the Environmental Statement - Air Quality Impact Assessment

7. The submitted documents for the Outline planning application (June 2019) include a Noise Assessment which is considered in Chapter 7 of the Environmental Statement.

8. The Infrastructure Delivery Plan 2019 is a compendium of projected infrastructure provision and it helps to ensure that this infrastructure is provided in a timely manner and in a coordinated and sustainable way. It sets out the infrastructure that will support the level of development that is proposed in the Calderdale Local Plan.

9. Whilst it is acknowledged that the site performs a function of 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 area of this site to meet the adopted standards.

The Appendix 1 Supporting Information for this site specifies a requirement for Masterplanning of the site. An indicative Master Plan is included in the Outline Planning application (submitted June 2019) which indicates the intention to retain 11.3 ha of the site as Green Infrastructure and the principles underlying the proposal are stated in the accompanying Environmental Statement Chapter 4 para 4.2.29

An assessment of other potential sites was included in the Employment Land Study (EV.01), the assessment of potential sites, and in the Local Plan Sites for Allocation Viability Assessment (EV.60, EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield.

The Employment Land Study (E.V.01) assesses the need to accommodate a growth in jobs in Calderdale over the plan period, and the requirement to provide for new employment land in the borough.

10. The site is not located in an area of designated unstable land. However the submitted documents for the Outline planning application (June 2019) include consideration of the aspect in Chapter 12 of the Environmental Statement - Ground conditions and stability.

11. The SA is part of the Local Plan preparation process and its purpose is to inform the development of the plan; it is not the sole contributor to proposing or rejecting site allocations. The methodology for assessing the impacts was part of the SA Framework that has been developed over a number of years. The SA Framework has been subject to a number of public consultations.

12. An assessment of other potential sites was included in the Employment Land Study (EV.01), the assessment of potential sites, and in the Local Plan Sites for Allocation Viability Assessment (EV.60, EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield.

13. The site is of strategic economic importance and is the largest of nine in the Leeds City Region M62 Corridor Enterprise Zone. The Council and the Combined Authority are committed to the delivery of the Clifton Business Park on this site and significant Growth Deal funding is earmarked to bring this site forward. An planning application was submitted in June 2019 and is pending consideration.

14. The demand for premises of this size and location is evidenced in the Employment Land Study (EV01). The Council is committed to delivering the scheme with support from the LEP.

15. 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.

LP1232 is an employment site of regional significance, and so by nature is of a size that represents a high proportion of the total land allocated for employment.

16. The site is allocated for New Employment in the current development plan - the Replacement Unitary Development Plan, and is also a key strategic employment site within the Leeds City R M62 Corridor Enterprise Zone.

17. The Employment Land Study (EV.01) considered vacancy rates when assessing the amount of new land required for employment.

18. The preferred mix of B uses on the site comprises B1, B2 and B8 uses. The proportions of floorspace specified in the Outline planning application are: 35% B1, 55% B2, and 10% B8.

19. The Employment Land Study (EV.01) was undertaken in accordance with Nppf, and assesses the requirement to allocate new employment land.

20. The forecasts indicate a reduction in the number of jobs in B2 uses. However it is also essential to provide sites of sufficient quality to meet the requirements of modern business and advanced manufacturing and for the additional reasons outlined in the Employment Land Technical Paper para 4.1.7. The Employment Land Study takes account of vacant floorspace in its assessment.

21. The development will incorporate a proportion of B1 use. 11,132 sq m of floorspace is proposed for B1 use in the outline planning application (June 2019).

22. The Employment Land Study (E.V.01) assesses the need to accommodate a growth in jobs in Calderdale over the plan period, and the requirement to provide for new employment land in the Borough.

23. Chapter 7 of the Infrastructure Delivery Plan (2019) considers Waste Management. The assessment of the capacity of existing facilities and future requirement is based on the Waste Data Update Report and the West Yorkshire Waste Assessment Model.

24. Table 6. of the Infrastructure Delivery Plan (2019) (EV42.1) indicates that there is spare capacity in the Brighouse waste water treatment site.

25. The site is of Regional significance in the M62 Corridor Enterprise Zone. It is envisaged that its development will generate growth of existing local businesses in the area which are linked in the supply chain.

26. The Council considers the allocation to be in accordance with all other policies in the Plan, and the Vision that Calderdale will be a great place to live, work, invest and visit.

27. The Council accepts that due to an error, there is inconsistency between Policy SD5 and Appendix 1 Supporting Information regarding the extent of B type uses appropriate to the site, and have proposed a modification. The Appropriate B Uses identified for the site in Policy SD5 should read B1/B2/B8.

Duty to Co-operate

Main Issues:

1. The Council has failed to cooperate with local people and neighbouring authorities.
2. There is no evidence that the Council has cooperated with Kirklees to address potential problems of congestion on local roads and J25 M62, and impact on air pollution and flooding, from the cumulative effects of development of sites in close proximity in Calderdale and Kirklees.
3. Industrial sites proposed near the motorway in Kirklees and Bradford have not been taken into account.
4. The involvement of West Yorkshire Combined Authority/ Leeds City Region is not transparent.
5. The Local Authority has not liaised adequately with West Yorkshire Combined Authority.

Council's Response:

1/5. 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. Add 'Risk of reservoir flooding' and 'Potential fluvial flood risk' to list of Constraints in Appendix 1. Prepare plan for surface water drainage.
2. Consider brownfield sites.
3. Rephrase the third bullet point of Site Specific Considerations to read ' Enhancement for flood alleviation and air quality must be secured through green and blue infrastructure on site, to include SuDS elements such as tree planting, green roofs, and rain gardens, to contribute to biodiversity and slow the flow of storm water run-off. There must be an overall reduction in the rate of run-off from the site, which may require provision for on-site storage of storm water.'
4. Add 'lighting schemes and landscape plans', to fourth bullet point under Specific Site Considerations.
5. Calderdale Council should be required to ensure the air quality is improved in line with nationally accepted targets, before any development work begins, and after completion.
6. If the proposal is endorsed the boundary of the site to the North should be revised to provide a significant green buffer to the residential area.
7. Do not allocate site for Employment use. Allocate for Residential use as possible alternative to garden suburb. Retain land for agricultural use/leave undeveloped. Open up parts of the site as additional parkland with public. Designate as Green Belt.
8. Restrict activities to Class B1 uses.
9. Restrict development to the bottom of the site along Wakefield Road.

10. Re -designate site to avoid harm to existing residents.

11. Prepare detailed plans to deal with projected levels of vehicle movement from Business Park and the Garden Villages.

Council's Response:

1. The site is located in Flood Zone 1 and a number of surface water drainage issues have been reported previously, and resolved. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to an evaluation of the existing surface water drainage network, site investigation and implementation of mitigation measures. These could include the application of green and blue infrastructure on site such as SuDS.

Reservoir and Fluvial Flood Risk are not raised as major risks at the site by consultees and are not mentioned in the site assessment or Appendix 1.

No modification required.

2. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60 , EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield. The preferred use for the site is for employment

No modification required.

3/4. The suggested wording of the site specific considerations is considered to be unnecessarily prescriptive where in practice other measures may achieve a similar result.

No modification required.

5/6. A requirement to undertake an Air Quality Assessment is specified in Appendix 1 Supporting Information, and consideration of guidance in the West Yorkshire Low Emissions strategy must be made. Proposals to develop the site must be in accordance with all other relevant policies in the Local Plan.

No modification required.

7/8. The site has been assessed in accordance with the Site Allocations Methodology and in the Employment Land Study, and identified as suitable and developable for a range of B type uses. It has a significant role in delivering the objectives and employment targets of the LCR M62 Corridor Enterprise Zone.

No modification required.

9/10 . Master planning of the site is required (see Appendix 1 Supporting Information) to ensure that the proposals meet all other relevant planning policies, including health and well being and environment.

No modification required

11. The documents submitted as part of the Outline planning application (June 2019) include a Transport Assessment, and Chapter 8 of the Environmental Statement and the Transport Addendum address aspects of transportation.

Document Section: LP1618 - New Employment Site - Brighthouse

Representations

Comment ID **APX1099**

Site ref (if applicable): **LP1618**

Person ID: **1130533**

Name: **Mr Nick Midgley**

Organisation: **Chair person rastrick
Neighbourhood Forum**

Agent ID: **1130525**

Name: **Mr Nick Midgley**

Organisation:

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

Legal Compliance Reason:

See attached

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

Sound Reason:

See attached

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

Duty to Co-operate Reason:

See attached

Suggested Modifications:

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

Comment ID **APX1129**

Site ref (if applicable): **LP1618**

Person ID: **1184942**

Name: **Mr Mark Bullen**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

See attached

Do you consider the plan to be Sound?:

Sound Reason:

See attached

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

Duty to Co-operate Reason:

See attached

Suggested Modifications:

See attached

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5084734>

Comment ID **APX394**

Site ref (if applicable): **LP1618**

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 Listed structures to Reports Required section, to comply with NPPF. The potential archaeological implication (PRN3545) can be dealt with post-determination by archaeological condition.. This should be added to Site Specific Considerations section

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 **APX615**

Site ref (if applicable): **LP1618**

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 group of three Grade II Listed Buildings at Tootal Court less than 100 metres to the north of this site. The Heritage Impact Assessment considered that the proposed site includes the fields immediately to the south of the listed building, bounded by the Ha-Ha, which were part of the wider parkland of Toothill Hall. Development on these fields will substantially affect the setting of the listed buildings and important views across the open countryside. It concluded that this is likely to result in 'major harm' to the significance of this designated heritage asset. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should all of this site be developed. In order to reduce the harm, the Heritage Impact Assessment recommended that easternmost field be removed from the allocation and put forward several other mitigation measures. If the allocation is amended as suggested, the Heritage Impact Assessment considered that this would significantly reduce the harm. Historic England fully concurs with these recommendations. However, the extent of the developable area does not reflect the recommendations of the Heritage Impact Assessment. As a result, the development of this site, as allocated, is likely to result in considerable harm to the setting of the Grade II Listed Tootal Court.

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

Duty to Co-operate Reason:

Suggested Modifications:

Policy SD5, Brighthouse - Site LP1618:- (a) Delete the easternmost field (as illustrated in the Heritage Impact Assessment), and (b) Amend the Gross Site Area and Indicative Floorspace accordingly

Additional Evidence Link:

Comment ID **APX623**

Site ref (if applicable): **LP1618**

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 group of three Grade II Listed Buildings at Tootal Court less than 100 metres to the north of this site. The Heritage Impact Assessment considered that the proposed site includes the fields immediately to the south of the listed building, bounded by the Ha-Ha, which were part of the wider parkland of Toothill Hall. Development on these fields will substantially affect the setting of the listed buildings and important views across the open countryside. It concluded that this is likely to result in 'major harm' to the significance of this designated heritage asset. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should all of this site be developed. In order to reduce the harm, the Heritage Impact Assessment recommended that easternmost field be removed from the allocation and put forward several other mitigation measures. If the allocation is amended as suggested, the Heritage Impact Assessment considered that this would significantly reduce the harm.

Historic England fully concurs with these recommendations. However, the extent of the developable area does not reflect the recommendations of the Heritage Impact Assessment. As a result, the development of this site, as allocated, is likely to result in considerable harm to the setting of the Grade II Listed Tootal Court. Even were the extent of this site to be reduced as recommended, in order to reduce the potential harm to the level identified in the Heritage Impact Assessment, the other mitigation measures which it has put forward also 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 also 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 LP1618:- (a) Delete the easternmost field (as illustrated in the Heritage Impact Assessment) and (b) Amend to the second of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Comment ID **APX8**

Site ref (if applicable): **LP1618**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Bradley rd/Fixby Rd/Bradford rd roundabout is already struggling to cope with traffic at peak times. And this proposal makes it potentially worse.

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 **APX820**

Site ref (if applicable): **LP1618**

Person ID: **1181835** Name: **Mrs Alison Costigan** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

I don't consider that the site report is an accurate assessment of the site. Please see below.

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

Sound Reason:

The site report barely acknowledges the site's role as open green space, with both natural and social heritage value, that is much-used and valued by the public. It states there are no open space issues, but I do not believe that is the case. You will see from the site plan that a very old lane (Toothill Lane/New Dick) runs along the western side of the site. That is a well-used public footpath, which then continues across the site through the fields. At the point where the footpath transfers from lane to field there is a stile comprising an engraved stone slab (dated 1859), which is the subject of local legend "" when I was a kid I was told it was the spot Asa Farrar had hung himself "" I have no idea if that is true!
<http://www.geograph.org.uk/photo/126381> I have walked this route so many times in my life, as part of a circular walk that goes over the motorway, through little patches of woodland on the Kirklees side, and back through Bradley Wood. I know this appears a small insignificant patch, but I promise it isn't. Not only does this site contribute to local distinctiveness and sense of place for those using the public footpath; for motorists and walkers entering Brighouse from Kirklees over the motorway bridge, this little patch of rural fringe is what distinguishes Calderdale from Kirklees and provides a sense of Brighouse's distinctiveness and the attractiveness of its landscape. Further, the land-use all around this site is either housing or agricultural "" to introduce an employment site to this area would totally undermine the sense of place, setting and special character of the area. This site helps to retain an attractive landscape that will be lost if this plan is implemented. I really do not consider the site report has taken the site's true value into account.

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

Duty to Co-operate Reason:

The site report makes scant reference to the fact that this Calderdale site is separated from Kirklees only by the motorway, and makes no reference to consultation with Kirklees about this site. If this site is developed it will further merge Brighouse with Huddersfield and facilitate urban sprawl, especially given Kirklees' plans to build up to the motorway.

Suggested Modifications:

I think the site report needs to be started again from scratch. If the site is properly considered I would hope the site would be removed from the local plan.

Additional Evidence Link:

Comment ID **Lpp129**

Site ref (if applicable): **LP1618**

Person ID: **1116208** Name: **Mrs Carol French Deol** Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

I am objecting to the local plan from a legal compliance perspective as I have not seen any response to comments submitted on the previous version of this plan during the last consultation process in Summer/Autumn 2017. Nor can I see how the comments previously made have been taken into consideration.

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

Sound Reason:

I object to the proposed development at LP1618 due to the traffic congestion which will be dramatically increased in an already congested area. Huddersfield Road/ Woodhouse Lane/ Tootill Lane is a very difficult junction to navigate at present, with regular accidents and near-misses. If development plans for this and the Woodhouse Garden Suburbs go ahead, the additional traffic on our roads will be unimaginable.

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

Duty to Co-operate Reason:

I do not consider that this plan complies with the Duty to Co-operate. Living close to the border of Calderdale and Kirklees, and having no direct access to the proposed developments for Kirklees, I am very concerned about the lack of transparency and lack of integration of these plans. In particular, I am concerned about the scale of proposed developments on either side of Bradley Woods, together with this proposed employment site (LP1618), and the inevitable impact these will have on traffic congestions around Huddersfield Road/Bradley Bar Roundabout, air quality, infrastructure, services, schools. Without sight or even mention of what is proposed in neighbouring districts, this consultation is not meaningful.

Suggested Modifications:

The plan needs to clearly demonstrate how infrastructure will be improved BEFORE any employment site development takes place.

Additional Evidence Link:

Comment ID **Lpp1343**

Site ref (if applicable): **LP1618**

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. LP1618 Huddersfield Road, Brighouse
Exceptional circumstances for Green Belt release not demonstrated; heritage concerns.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp859**

Site ref (if applicable): **LP1618**

Person ID: **1183585** Name: **Mr Regan Dickenson** Organisation:

Agent ID: Name: Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

To re-iterate comments made elsewhere with regard to transport infrastructure, there is scant consideration given to the increased road traffic that would ensue from this development. There is also encroachment on greenfield/greenbelt land very close to another urban centre, something the green belt was devised for in order to combat. This development would create unacceptable impacts on the environment, amenity, safety, highway, or other relevant considerations. Its location close to the M62 (itself not fit for purpose) is poor: the nearest junctions are a drive away along often congested roads. The location of this site would also impinge on proposals for a new diamond motorway junction at Bradley Bar.

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

Duty to Co-operate Reason:

Kirklees Council has had problems with the Independent Inspector with regard to DtC. It can therefore be inferred that since this is a two way process, that Calderdale has done little more than perform a box ticking exercise with regard to DtC with its neighbours. Proposals on the plan are scant and vague and do

little to address the issues they correctly identify. Consultation with the public has done little in the way of persuading the council to consider plans that might be more equitable and proportionate - current proposals would see the number of households in Brighouse and Rastrick increase by about 35% over the life of the plan which is unsustainable from structural, environmental and public health perspectives to name just three. This is in the face of the huge number of comments made which, beyond being statistically analysed, have had little difference in making the council think again and co-operate with the sentiments of its citizens.

Suggested Modifications:

Consideration needs to be given first to sites more suitable and closer to major transport links. With a local unemployment rate of just 2% in Calderdale, I would question the very need for a poorly located employment zone.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Local Authority has not responded to previous comments, or taken them into consideration by presenting plans that are more equitable and proportionate. Proposals do not address the issues identified.

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).

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. Strategic Road Network - Access to the M 62 is poor, and the location of this site would impact on proposal for new J24a and allocation is premature

2. Local Road Network - Increase in traffic on roads and at already congested junctions is unacceptable, especially with the cumulative impact with the garden suburb.

3. Access - Huddersfield Road is a heavily congested arterial route

4. Ecology - Unacceptable impact on environment. Buffer zones and green landscaping required to protect green 'lung' environment which is a key historic feature.

5. Loss of open space

6. Heritage - Development would erode the edge of historic settlement on west of Rastrick, and impact on historic sites and open spaces. Sensitivity of development density should be assessed in context of proximity to Listed Buildings. Endorse the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but no requirement for a developer to design a scheme that takes into account identified measures. The eastern most field should be removed from the site boundary.

7. Loss of Green Belt - Unacceptable loss close to urban centre. Exceptional circumstances for Green Belt release not demonstrated

8. Land stability issues

9. Pollution - Potential increase in noise and air pollution and contaminated land issues

10 .Need for employment land - The Council's economic strategy does not take into account demographic change ,and population growth will not support the employment growth indicated. More in commuting will be generated.

11. The 2016 household projections indicate a reduction in the need for new homes, and the implications for the Leeds City Region Strategic Economic Plan, and the Councils housing and employment growth strategy must be taken into consideration. Revised figures should be integrated into the Plan.

12. Consideration needs to be given first to sites more suitable and closer to major transport links.

13. Site is not needed as the unemployment rate is 2% in Calderdale,

Council's Response:

1-3. The development of the site is unlikely to cause highway capacity issues as highlighted by Highways England. It is suggested that development of this site may need to contribute to mitigation that is likely due to the cumulative impact with other sites in the area.
Highways Development Management consider the site accessible, with a new vehicular access directly onto Huddersfield Road acceptable given the size of the site.

4. West Yorkshire Ecology Service has not indicated any concerns over ecology, however, the Council's Conservation Section (Ecology) has identified the Wildlife Habitat Network running along the west of the site boundary. Any potential adverse impact can be mitigated against, and enhancement made by providing a 20m buffer planted with locally native shrubs to the west boundary and species rich native hedgerows planted on the other boundaries.

5. No loss of designated Open Space has been identified.

6. Historic England has identified three Grade II listed buildings to the north of the site. A Heritage Impact Assessment has been undertaken which identifies an area of high sensitivity where development could effect the setting of the listed buildings at Toothill Hall and Toothill Court. Consideration of recommendations in the Heritage Impact Assessment should be given at the planning application stage. 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.

7. 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.

8. The site is not located in an area of designated unstable land. However, if evidence comes to light demonstrating land stability issues at the site, a Land Stability Report will be required at the planning application stage.

9. Environmental Health has not raised either air or noise pollution as issues resulting from the development of the site. However, following comments raised by objectors previously, they state that the West Yorkshire Low Emission Strategy has been adopted by the Council which gives guidance on good practice for mitigating air quality impacts.

Land contamination has been listed as a possible issue with a land contamination report a requirement of developing the site.

Duty to Co-operate

Main Issues:

1. Calderdale has not cooperated adequately with neighbouring authorities. 'Duty to cooperate' should allow a more strategic approach to plan development in a more sustainable way.

2. No evidence to show the cumulative impacts developments on traffic congestion and air quality, infrastructure and services have been assessed across boundaries.

3. No in depth analysis of reported issues of Green Belt being a key strategic constraint on delivering housing needs across West Yorkshire.

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.

2. 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).

3. 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.

Suggested Modifications

Council's Response:

Document Section: Policy SD5 Allocated Employment Sites - Elland

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0009 - New Employment Site - Elland

Representations

Comment ID **APX1053**

Site ref (if applicable): **LP0009**

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:

Buffers to sensitive areas such as river corridors are encouraged; however this policy could be further strengthened by requesting a PEA and associated protected species surveys, along with mitigation provided within a sensitive landscape scheme (including SuDs) incorporating the retention of areas of grassland and which aims to achieve a net gain in biodiversity. Sensitive lighting schemes should also be implemented. This should be managed in the long term for botanical interest through an EMP (Ecological Management Plan).

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 **APX1259**

Site ref (if applicable): **LP0009**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

Comment ID **APX291**

Site ref (if applicable): **LP0009**

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: ZPC Route 275kv two circuit from Elland substation in Calderdale to ZPC003 tower in Kirklees. (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 **Lpp939**

Site ref (if applicable): **LP0009**

Person ID: **1183629**

Name: **Mr Geoff Sweaney**

Organisation: **Trustee Calder Rivers Trust**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Insufficient opportunity taken to achieve river rimprovement

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

Duty to Co-operate Reason:

Suggested Modifications:

Require developer to enhance river corridor ecosystems as a part of the development. Stand-off of 20m from the river bank. Consult with Calder Rivers Trust on development proposals

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Ecology -Requirement for Preliminary Ecological Appraisal and protected species survey would strengthen the Policy. Mitigation measures should be provided within a sensitive landscape scheme including in the retention of grassland areas, sensitive lighting schemes, and management through an Ecological Management Plan.

Insufficient opportunity taken to achieve river improvement.

2. Flooding - Appendix 1 does not reflect flooding constraints on the site.

3. Utilities -National Grid high voltage electricity transmission overhead line crosses the site.

Council's Response:

1. In terms of Ecology, the river and adjacent woodland are UK BAP Priority habitats, and most of the site lies within a Wildlife Habitat Network with corridors along the river and the railway. It is suggested that a 20m buffer zone is maintained from the river and at least 10m along the railway corridor in order to mitigate against any harmful impact to the areas. No further ecological reports are required and no further ecological site specific considerations suggested.

2. The majority of the site is located in Flood Zone 1 and one surface water drainage issue has been reported previously. The Council's Flooding and Drainage Section consider the site can be prepared for the development after mitigation appraisal including a hydrological assessment and a Flood Risk Assessment for the site. They recommend the inclusion of SuDS, and also the realignment of a retaining wall to adjacent area. This is reflected fully in Appendix 1.

3. The design of the development scheme will take into account the location of the high voltage lines.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Preliminary Ecological Appraisal and protected species survey' to Reports Required.

2. Add 'Retain grassland area and manage through an Ecological Management Plan' to Site Specific Considerations.

3. Add 'Overhead power line crosses the site' under Constraints.

4. Add 'Retention of overhead power line in situ, and maintain access/easement for maintenance' under Specific Site Considerations.

5. Add 'Refer to 'A Sense of Place' guidelines for development near overhead lines (National Grid/ David Lock Associates) under Site Specific Considerations.

6. Add 'Consult with Calder Rivers Trust on development proposals' under Site Specific Considerations.

7. Add 'Risk of reservoir flooding', 'Historic Landfill' and 'Adjacent to River Calder' to list of constraints in Appendix 1.

Council's Response:

1/2. In terms of Ecology, the river and adjacent woodland are UK BAP Priority habitats, and most of the site lies within a Wildlife Habitat Network with corridors along the river and the railway. It is suggested that a

20m buffer zone is maintained from the river and at least 10m along the railway corridor in order to mitigate against any harmful impact to the areas. No further ecological reports are required and no further ecological site specific considerations suggested.

No modification required.

3-5. Whilst Land beneath highvoltage lines can be incorporated into the design of the development scheme, the Council is agreeable to the suggested additions to site constraints and site specific considerations if deemed necessary at examination.

No modification required.

6. The Council is amenable to including the proposed modification

7. Potential fluvial flooding from the River Calder is referenced in the constraints box in Appendix 1. Consultees did not identify a risk of reservoir flooding as a constraint to development on the site.

No modification required.

Document Section: LP0021 - New Employment Site - Elland

Representations

Comment ID **APX1112**

Site ref (if applicable): **LP0021**

Person ID: **229412**

Name: **Thornhill**

Organisation: **Thornhill Estates**

Agent ID: **229408**

Name: **Mr Jonathan Dunbavin**

Organisation: **Associate I D Planning**

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

Legal Compliance Reason:

See attachment

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

Sound Reason:

See attachment

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

Duty to Co-operate Reason:

See attachment

Suggested Modifications:

See attachment

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5082083>

Comment ID **APX616**

Site ref (if applicable): **LP0021**

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:

Castle Hill, to the south of Huddersfield, is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a

fundamental aspect of its setting. Castle Hill is designated as a Scheduled Monument, with Victoria Tower designated as a Grade II Listed Building. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. That document, 'The Castle Hill Setting Study' also examined current features which detract from this setting, outlined particularly sensitive aspects of the asset's setting and identified future risks and issues related to the impact of further development in the surrounding area. The study built upon the 'Castle Hill Conservation Management Plan' (2006) which identified the need for careful management of the setting of Castle Hill over the coming decades to ensure that the key characteristics and features of this setting are appropriately conserved, and that new developments are appropriate in terms of scale, mass and design. The Castle Hill Setting Study makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill's setting. The Heritage Impact Assessment noted that the proposed allocation sits atop a significant ridgeline identified in Kirklees Council's 'Castle Hill Setting Study 2016'. Although the area to the south of the ridgeline is mainly suburban in form, the site lies at the edge of the built area on the ridgeline and, along with the surrounding fields, is considered rural and undeveloped in character. This rural character is apparent in views from Castle Hill, contributing to its historic significance. It considered that the surrounding landscape, of which the potential allocation forms part, is a fundamental component of Castle Hill's setting. The landscape defines the views to and from the Hill providing the character of the ridgelines further afield on which the allocation is situated. The Heritage Impact Assessment concluded that industrial development on this site will substantially affect the setting of Castle Hill given the location of the allocation on an identified significant ridgeline. It considered development will impact on wide-ranging views to and from Castle Hill affecting the important contribution of the ridgeline to the significance of the asset and its setting. It concluded that this is likely to result in 'major harm' to the significance of this designated heritage asset. As a result, it recommended that, either the allocation is deleted, or that only the northern part of this site should be allocated. In addition, any development on this area should be of a scale similar to that of the adjacent dwellings. For the second of these two options to be effective, the Heritage Impact Assessment identified several mitigation measures which would need to be implemented. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should this site be developed and fully concurs with the recommendations regarding this site. The extent of this allocation does not reflect the recommendations of the Heritage Impact Assessment. As a result, the development of this site, as allocated, is likely to result in considerable harm to the setting of the Scheduled Monument at Castle Hill.

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

Duty to Co-operate Reason:

Suggested Modifications:

Policy SD5, Elland - Site LP0021 either:- (a) Delete this allocation entirely or (b) Delete the northern part of this site (as illustrated in the Heritage Impact Assessment), and (c) Amend the Gross Site Area and Indicative Floorspace accordingly

Additional Evidence Link:

Comment ID **APX625**

Site ref (if applicable): **LP0021**

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:

Castle Hill, to the south of Huddersfield, is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. Castle Hill is designated as a Scheduled Monument, with Victoria Tower designated as a Grade II Listed Building. In order to better understand the contribution which the area around the monument makes to its setting, in 2016 Kirklees Council commissioned a Study to examine the extent to which the significance of Castle Hill is derived from its setting. That document, 'The Castle Hill Setting Study' also examined current features which detract from this setting, outlined particularly sensitive aspects of the asset's setting and identified future risks and issues related to the impact of further development in the surrounding area. The study built upon the 'Castle Hill Conservation Management Plan' (2006) which identified the need for careful management of the setting of Castle Hill over the coming decades to ensure that the key characteristics and features of this setting are appropriately conserved, and that new developments are appropriate in terms of scale, mass and design. The Castle Hill Setting Study makes it clear that the extensive wide-ranging views from the hilltop across the surrounding landscape are a critical component of Castle Hill's setting. The Heritage Impact Assessment noted that the proposed allocation sits atop a significant ridgeline identified in Kirklees Council's 'Castle Hill Setting Study'. Although the area to the south of the ridgeline is mainly suburban in form, the site lies at the edge of the built area on the ridgeline and along with the surrounding fields, is considered rural and undeveloped in character. This rural character is apparent in views from Castle Hill, contributing to its historic significance. It considered that the surrounding landscape, of which the potential allocation forms part, is a fundamental component of Castle Hill's setting. The landscape defines the views to and from the Hill providing the character of the ridgelines further afield on which the allocation is situated. The Heritage Impact Assessment concluded that industrial development on this site will substantially affect the setting of Castle Hill given the location of the allocation on an identified significant ridgeline. It considered that development will impact upon wide ranging views to and from Castle Hill affecting the important contribution of the ridgeline to the significance of the asset and its setting. It concluded that this is likely to result in 'major harm' to the significance of this designated heritage asset. As a result, it recommended that, either the allocation is deleted, or that only the northern part of this site should be allocated and that any development on this area should be of a scale similar to that of the adjacent dwellings. For the second of these two options to be effective, the Heritage Impact Assessment identified several mitigation measures which would need to be implemented. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should this site be developed and fully concurs with the recommendations regarding this site. The extent of this allocation does not reflect the recommendations of the Heritage Impact Assessment. As a result, the development of this site, as allocated, is likely to result in considerable harm to the setting of the Scheduled Monument at Castle Hill. Even were the extent of this site to be reduced as recommended, in order to reduce the potential harm to the level identified in the Heritage Impact Assessment, the other mitigation measures which it has put forward also 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 also 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 LP0021 either:- (a) Delete this allocation entirely or (b) Delete the northern part of this site (as illustrated in the Heritage Impact Assessment) and (c) Amend the third of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Comment ID **APX9**

Site ref (if applicable): **LP0021**

Person ID: **1129577**

Name: **Mr Anthony Dolphin**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

This site will almost certainly flood. In addition, the traffic lights at the cross roads are already too busy, and this will compromise access by the fire brigade from the nearby station, trying to get to j24 of the M62 which is not effective anyway and has an accident almost daily.

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 **Lpp1330**

Site ref (if applicable): **LP0021**

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. LP0021 Ainley Top Exceptional circumstances for Green Belt release not demonstrated; heritage 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>

Comment ID **Lpp901**

Site ref (if applicable): **LP0021**

Person ID: **1130346**

Name: **Mr M Chalker**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Recent consultation has been excessively brief, documentation wordy and difficult to understand "" particularly there is no mechanism to see changes from previous revisions. Core Strategy documentation relates to consultation from 10 years ago in 2008/9! In Brighouse only 17 people attended a workshop "" how can this be a current indication of people's views on the Local Plan when there are 3000 houses and an industrial park being proposed! The Sustainability Report contains arbitrary targets, and provides no evidence of need (Strategic Housing Assessment) within the Brighouse area. There are areas with missing targets and no indication that targets are meaningful and have been met before.

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

Sound Reason:

The scale of development proposed around the Brighouse area is not Sustainable and isn't justified within the plan. I can see no evidence (I'm unable to find any Strategic Housing Market Assessment Report) that indicates there is a sufficient need within the Brighouse area for such significant development. The Housing

Stock Report included has no detail other than to show how many houses were sold in 2017! The Sustainability Appraisal has arbitrary targets listed "" such as reducing traffic impact on the environment by increasing Rail Journeys by 50%, 25% increase in bus journeys. Has the Council got a proven track record in meeting such - How did the Council SCORE against their UDP 2006 Section 9.3 Transport/Air Quality TARGETS? Reducing pollution, raising train travel 40%, limiting traffic growth and congestion etc. The Sustainability appraisal also has 'to be developed' against the 'Efficient Use Of Land' section. Similarly providing good employment for all "" is awaiting targets. How can the plan be regarded as sustainable if this hasn't already been measured objectively! Fails to take account of Building nearby by Kirklees.

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

Duty to Co-operate Reason:

The provided Statement indicates discussions with neighbouring authorities have taken place, but fails to show any meaningful, proven and costed mitigations. Particularly in relation to transport, greenbelt and air quality. Remarkably the housing stock report shows less detail for Brighouse than other areas, yet it is to take the vast majority of new housing and commercial building within the plan! The CMBC Local Plan Working Party appears BIASED - NOT ONE of the 7 Members is from the Brighouse/Rastrick Wards - which are the most affected by the plan!

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp911**

Site ref (if applicable): **LP0021**

Person ID: **1130340**

Name: **Mr P Chalker**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Recent consultation has been excessively brief, documentation wordy and difficult to understand "" particularly there is no mechanism to see changes from previous revisions. Core Strategy documentation relates to consultation from 10 years ago in 2008/9! In Brighouse only 17 people attended a workshop "" how can this be a current indication of people's views on the Local Plan when there are 3000 houses and an industrial park being proposed! The Sustainability Report contains arbitrary targets, and provides no evidence of need (Strategic Housing Assessment) within the Brighouse area. There are areas with missing targets and no indication that targets are meaningful and have been met before.

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

Sound Reason:

The scale of development proposed around the Brighouse area is not Sustainable and isn't justified within the plan. I can see no evidence (I'm unable to find any Strategic Housing Market Assessment Report or local employment) that indicates there is a sufficient need within the Brighouse area for such significant development. The Housing Stock Report included has no detail other than to show how many houses were sold in 2017! The Sustainability Appraisal has arbitrary targets listed "" such as reducing traffic impact on the environment by increasing Rail Journeys by 50%, 25% increase in bus journeys. Has the Council got a

proven track record in meeting such - How did the Council SCORE against their UDP 2006 Section 9.3 Transport/Air Quality TARGETS? Reducing pollution, raising train travel 40%, limiting traffic growth and congestion etc. The Sustainability appraisal also has 'to be developed' against the 'Efficient Use Of Land' section. Similarly providing good employment for all "" is awaiting targets. How can the plan be regarded as sustainable if this hasn't already been measured objectively! All remaining greenbelt around Brighouse will be removed in this plan.

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

Duty to Co-operate Reason:

The provided Statement indicates discussions with neighbouring authorities have taken place, but fails to show any meaningful, proven and costed mitigations. Particularly in relation to transport, greenbelt and air quality. Remarkably the housing stock report shows less detail for Brighouse than other areas, yet it is to take the vast majority of new housing and commercial building within the plan! The CMBC Local Plan Working Party appears BIASED - NOT ONE of the 7 Members is from the Brighouse/Rastrick Wards - which are the most affected by the plan!

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. Recent consultation was inadequate - excessively brief and documentation is not understandable. It is difficult to see changes from previous revisions.

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).

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. Drainage -The requirement for localised widening and realignment of the drainage network was not required by the Council in consideration of a planning application in 2016.

2. Ecology -The requirement to retain all woodland and a 10m buffer is unduly prescriptive, and contrary to the Council's assessment of the developable area.

3. Archaeology -The requirement for an Archaeological Evaluation is unjustified. The Council concluded that archaeological matters could be addressed through a condition.

4. Air Quality

-The requirement to consider the guidance in the West Yorkshire Low Emission Strategy is not a Site Specific Requirement and should be deleted.

5. Heritage - The development of this site, as allocated, is likely to result in considerable harm to the setting of the Scheduled Monument at Castle Hill in Huddersfield.

6. HIA - There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.

7. Flooding – Increased risk of flooding.

8. Local Road Network - Traffic lights at cross roads are too busy and development will compromise access to the M62 from the fire station in the vicinity.

9. Green Belt - Exceptional circumstances for Green Belt release are not demonstrated

10. Sustainability -Plan cannot be regarded as sustainable as targets have not been adequately identified, and previous plan not measured objectively.

Council's Response:

1. The site is wholly located within Flood Zone 1, and a few land drainage issues have been reported previously. The Council's Flooding and Drainage section consider the site is suitable for development subject to localised widening and realignment of the drainage network for the development proposed. Additionally, SuDS will need to be provided and a Flood Risk Assessment and a Hydrological Assessment provided. Whilst the comment is noted that widening and realignment of the drainage network was not required in consideration of a planning application in 2016, each application and development proposal will differ and are therefore treated on their individual merits.

2-4. The reports and site specific considerations listed in points 2-4 have been suggested by West Yorkshire Ecology, West Yorkshire Archaeology Advisory Service and Environmental Health following consultation and are considered to be necessary in order to bring the site forward for development.

5. The constraints box in Appendix 1 for the site refers to the 'proximity to and setting of Listed Buildings in Kirklees', including Castle Hill and recognises that this is an aspect that must be taken into account in the design and layout of the development.

6. 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.

7. The site is wholly located within Flood Zone 1, and a few land drainage issues have been reported previously. The Council's Flooding and Drainage section consider the site is suitable for development subject to localised widening and realignment of the drainage network for the development proposed. Additionally, SuDS will need to be provided and a Flood Risk Assessment and a Hydrological Assessment provided.

8. Highways Development Management consider that site access is achievable from New Hey Road, however, development of the site could cause significant traffic impacts which will require mitigation works and footway improvements.

9. The circumstances that have necessitated the allocation of sites that are in the designated Green Belt in the RCUDP are outlined in para.3.17 - 3.18, and 3.24 'Exceptional circumstances for the release of Green Belt - Technical paper (EV09). Para 5c9) of the Council's response to the Inspector's MIQs for the Stage 1 hearings outlines the response for allocating this site.

10. The Sustainability Appraisal is part of the Local Plan preparation process and its purpose is to inform the development of the plan by appraising the Local Plan's Objectives, Targets, Policies, and Allocations in relation to their sustainability, establishing their likely impacts, cumulative impacts, and the scope for mitigating any possible negative impacts. The methodology for assessing the impacts was part of the SA Framework that has been developed over a number of years. The SA Framework has been subject to a number of public consultations.

Duty to Co-operate

Main Issues:

1. Statement indicates discussions with neighbouring authorities, but does not provide details of meaningful, proven and costed mitigations.

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 Site Specific Considerations should be amended to read 'Retention of woodland where possible and provision of a landscape buffer planted with native wild flowers'.

2. Delete requirement to consider guidance in the West Yorkshire Low Emission Strategy.

3. Delete requirement for Archaeological Evaluation under 'Reports Required'.

4. Amend the third of the Site Specific Considerations to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"

5. Either:-

(a) Delete this allocation entirely or

(b) Delete the northern part of this site (as illustrated in the Heritage Impact Assessment), and

(c) Amend the Gross Site Area and Indicative Floorspace accordingly.

Council's Response:

1-3. The reports and site specific considerations listed in points 1-3 have been suggested by West Yorkshire Ecology, West Yorkshire Archaeology Advisory Service and Environmental Health following consultation and

are considered to be necessary in order to bring the site forward for development.
No modification required.

4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
No modification required.

5. The Council's preferred option for this site is new employment, based on information in the site Employment Land Study, the Site Assessment and the Viability Study.
No modification required

Document Section: LP0059 - New Employment Site - Elland

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Land Contamination - Historic Landfill.
2. Flooding - Appendix 1 does not reflect flooding constraints on the site.
3. Risk of Flood from Reservoir.

Council's Response:

1. Environmental Health has not raised issue with land contamination at the site.

2. The site is located in Flood Zone 1, with one land drainage issue being previously reported. The Drainage and Flooding Section consider the site to be developable subject to analysis of existing drainage network and any historical surface water flooding, preparation of a flood risk assessment and provision of SuDS. This is reflected fully in Appendix 1.

3. Reservoir Flood Risk is not raised as a major risk on the site by consultees and is not mentioned in the site assessment or Appendix 1 as a result.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add Risk of Flood from Reservoir and Historic Landfill to list of constraints in Appendix 1.

Council's Response:

1. Reservoir Flood Risk is not raised as a major risk at the site by consultees and is not mentioned in the site assessment or Appendix 1 as a result.
No modification required.

Document Section: LP0960 - New Employment Site - Elland

Representations

Comment ID **APX1051**

Site ref (if applicable): **LP0960**

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

This policy does not mention the sites proximity to the CWHN. Although we encourage the planting of locally native species, we feel this policy could be strengthened by requesting a PEA and associated protected species surveys, along with sensitive landscape schemes (including SuDs) and lighting plans to protect the CWHN. This should include retention of BAP habitat on site and proposals to achieve 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 **APX1260**

Site ref (if applicable): **LP0960**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5240165><http://calderdale-consult.objective.co.uk/file/5233421>

Comment ID **Lpp1332**

Site ref (if applicable): **LP0960**

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. LP0960 South Lane, Elland Inappropriate location for B1 uses "" offices should be more centrally located.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Ecology - There is no reference to the site's proximity to the Calderdale Wildlife Habitat Network. Policy could be strengthened by requesting a Preliminary Ecological Appraisal and protected species survey will be required.

Mitigation measures should be required to protect the Wildlife Habitat Network

2. Horncliffe Quarry Landfill on western part of the site.

3. Inappropriate location for B1. Offices should be more centrally located.

Council's Response:

1. A small part of the site is located in the Calderdale Wildlife Habitat Network. The Council is agreeable to the inclusion of Wildlife Habitat Network in the constraints box. Whilst the Council does not think a Preliminary Ecological Appraisal is necessary, a Protected Species Survey is included in the Reports Required box.

2. The Council is agreeable to the inclusion of the former quarry/disused tip in the Constraints box.

3. The site is located on the boundary of an existing business/industrial park. B1c, B2 and B8 uses are considered appropriate and indicated in Appendix 1.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Preliminary Ecological Appraisal and protected species survey' to Reports Required.

2. Add 'Mitigation measures to protect Wildlife Habitat Network' to Site Specific Considerations

3 Add 'Horncliffe Quarry Landfill' to Constraints in Appendix 1.

Council's Response:

1/2 - A small part of the site is located in the Calderdale Wildlife Habitat Network. The Council is agreeable to the inclusion of Wildlife Habitat Network in the Constraints box. Whilst the Council does not think a Preliminary Ecological Appraisal is necessary, a Protected Species Survey is included in the Reports Required box.

3. The Council is agreeable to the inclusion of the former quarry/disused tip in the Constraints box.

Document Section: LP1223 - New Employment Site - Elland

Representations

Comment ID **APX1261**

Site ref (if applicable): **LP1223**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link:

<http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

1. The majority of the site is located in Flood Zone 2 and a couple of surface water drainage issues have been reported previously in the vicinity. The Council's Flooding and Drainage Section consider the site to be

suitable for development subject to an evaluation of the existing surface water drainage network, site investigation and implementation of mitigation measures such as SuDS. A Flood Risk Assessment is also required prior to development of the site. This is reflected fully in Appendix 1.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Potential fluvial flood risk' to list of constraints in Appendix 1.
2. Add 'Risk of reservoir flooding' to list of constraints in Appendix 1.

Council's Response:

1. The Council is agreeable to the inclusion of fluvial flood risk in the constraints box.
2. Reservoir Flood Risk is not raised as a major risk at the site by consultees and is not mentioned in the site assessment or Appendix 1 as a result.
No modification required.

Document Section: Policy SD5 Allocated Employment Sites - Halifax

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0105 - New Employment Site - Halifax

Representations

Comment ID **APX473**

Site ref (if applicable): **LP0105**

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:

Comment ID **APX475**

Site ref (if applicable): **LP0105**

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:

Comment ID **APX476**

Site ref (if applicable): **LP0105**

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:

Comment ID **APX480**

Site ref (if applicable): **LP0105**

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:

Comment ID **Lpp985**

Site ref (if applicable): **LP0105**

Person ID: **1120106** Name: **Mr Robert Masheder**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

This makes no reference to the fact that the rock exposure is a Local Geological Site. The previous draft of the Local Plan stated 'To the north east of the site in the Greenbelt the land is identified as having regional geological importance however this is beyond the site and likely relates to the rock face which at that location borders Godley Lane. This would not be impacted upon by the use of the site for industrial purposes.' This may well be the case but the Local Plan and the development of the site need to recognise the need to - retain and manage the exposure and - ensure that access is provided to it to ensure that it can be viewed. For the latter purpose consideration needs to be given to the distance required to obtain the good views of the geological features. There should be specific reference to the need for consultation with the West Yorkshire Geology Trust.

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. Geology - The regional geological significance of the rock face to the NE of the site should be recognised. The Plan should acknowledge the need to retain and manage the exposure, and ensure access is provided within a suitable distance to ensure good views.

Council's Response:

1. The site is located in close proximity to Regionally Important Geological or Geomorphological Site Beacon Hill and Godley Lane. The Council is agreeable to the site being added to the summary of constraints (expanding on the cutting already being listed as a constraint) and for West Yorkshire Geology Trust to be consulted at the planning application stage and any future Local Plan consultations.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Include requirement for consultation with West Yorkshire Geology Trust.
2. Include requirement under Site Specific Considerations to provide suitable access to view geological feature.

Council's Response:

1/2. The site is located in close proximity to Regionally Important Geological or Geomorphological Site Beacon Hill and Godley Lane. The Council is agreeable to the site being added to the summary of constraints (expanding on the cutting already being listed as a constraint) and for West Yorkshire Geology Trust to be consulted at the planning application stage and any future Local Plan consultations.

Document Section: LP0472 - New Employment Site - Halifax

Representations

Comment ID **APX395**

Site ref (if applicable): **LP0472**

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 the up-standing remains of PRN5785, within the site, to the Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX626**

Site ref (if applicable): **LP0472**

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 opposite the Halifax Town Centre Conservation Area. The cantilevered footpath and weir, on the east bank of Hebble Brook, and Halifax Station, opposite this site, are Grade II Listed Buildings. The Heritage Impact Assessment considered that development on this site will affect the setting of both the

listed building and Conservation Area together with important views both from the building and of the river environs. It concluded that this is likely to result in 'moderate harm' to the significance of these designated heritage assets. As a result, it put forward a number of measures to reduce the harm to the heritage assets within its vicinity. 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 LP0472 - Amend the sixth of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Comment ID	Lpp422	Site ref (if applicable):	LP0472		
Person ID:	1183072	Name:	Mr Graham Trehella	Organisation:	Director Cass Associates Ltd
Agent ID:	1183046	Name:	Mr Graham Trehella	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:

Nestle UK is generally supportive of this allocation. The land can either be used in association with the factory or independently, subject to a review of access arrangements.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage -The Heritage Impact Assessment concluded that development will result in 'moderate' harm to Grade II listed Building in the vicinity. There is no requirement for developer to implement recommended mitigation measures and the wording of the Site Specific Considerations in regard to historic environment is not likely to be effective, and should be amended.

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 sixth of the Site Specific Considerations to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
No modification required.

Document Section: LP1018 - New Employment Site - Halifax

Representations

Comment ID **APX396**

Site ref (if applicable): **LP1018**

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 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 **APX617**

Site ref (if applicable): **LP1018**

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 south of this area including Holdsworth House which is a Grade II* Listed Building. The Heritage Impact Assessment considered that development of the southern part of the site will substantially affect the remaining rural setting of the listed buildings and important

remaining rural views north-west from the buildings. It concluded that this is likely to result in 'major harm' to the significance of these designated heritage assets. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should this site be developed. In order to reduce the harm, the Heritage Impact Assessment recommended that southernmost field be removed from the allocation. If the allocation is amended as suggested, the Heritage Impact Assessment considered that this would significantly reduce the harm. Historic England fully concurs with these recommendations. Whilst, the tree belts have been taken out of the developable area, the extent of the site does not reflect the recommendations of the Heritage Impact Assessment. As a result, the development of this site, as allocated, is likely to result in considerable harm to the setting of the Listed Buildings around the Grade II* Listed Holdsworth House.

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

Duty to Co-operate Reason:

Suggested Modifications:

Policy SD5, Halifax - Site LP1018:- (a) Delete the southernmost field (as illustrated in the Heritage Impact Assessment), and (b) Amend the Gross Site Area and Indicative Floorspace accordingly

Additional Evidence Link:

Comment ID **APX627**

Site ref (if applicable): **LP1018**

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 south 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 development of the southern part of the site will substantially affect the remaining rural setting of the listed buildings and important remaining rural views north-west from the buildings. It concluded that this is likely to result in 'major harm' to the significance of these designated heritage assets. Historic England would concur with that analysis and with the assessment of the likely degree of harm that would be caused should this site be developed. In order to reduce the harm, the Heritage Impact Assessment recommended that southernmost field be removed from the allocation put forward several other mitigation measures including that the mature tree belts to the south and east of the allocated area be retained and enhanced as necessary. If the allocation is amended as suggested, the Heritage Impact Assessment considered that this would significantly reduce the harm. Historic England fully concurs with these recommendations. Whilst, the tree belts have been taken out of the developable area, the extent of the site does not reflect the recommendations of the Heritage Impact Assessment. As a result, the

development of this site, as allocated, is likely to result in considerable harm to the setting of the Listed Buildings around the Grade II* Listed Holdsworth House. Even were the extent of this site to be reduced as recommended, in order to reduce the potential harm to the level identified in the Heritage Impact Assessment, the other mitigation measures which it has put forward also 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 also 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 LP1018:- (a) Delete the southernmost field (as illustrated in the Heritage Impact Assessment) and (b) Amend the fourth of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"☐

Additional Evidence Link:

Comment ID **Lpp1335**

Site ref (if applicable): **LP1018**

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. LP1018 and LP1219 Holmsfield Industrial Estate extensions Unsustainable location in access terms (as identified in the site report); ecological concerns.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp921**

Site ref (if applicable): **LP1018**

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:

The site uses some greenbelt land. Greenbelt land was set up to prevent this sort of encroachment and the irreversible environment damage resulting. Using existing brownfield sites first and fully should be required before loss of greenbelt.

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

Sound Reason:

There are established industrial units in the area (which is good and a positive help for employment in North Halifax). However there are already problems with traffic on nearby local roads. This plan does not recognise the difficulty caused by commercial vehicle traffic on roads used by large numbers of schoolchildren (Trinity Academy, NHGS). Nor does it make any proposal to prevent or manage HGV traffic on small local roads such as Whitehill Road where HGV's try to access to and from Keighley Road. Making plans to develop employment and business in the local area without considering the incremental impact and mitigations on local roads and safety is irresponsible. The site contains footpaths linking to the Calderdale Way which provide a pleasant, quiet woodland walk. The woodland is an important environmental complement to the neighbouring greenfield areas in an area which contains bats, owls, deer, hedgehogs and numerous bird species. Removing the woodland habitat alters the balance of habitats in the area.

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

Duty to Co-operate Reason:

Suggested Modifications:

The Local Plan should restrict development to the brownfield sites and leave greenfield/greenbelt areas. This should allow the habitat balance of the local area to be protected. This Local Plan (and others in the area) should be linked to actions which manage the traffic infrastructure better so that increased use does not incrementally increase risks and accidents. There is plenty of scope to create a proper network of pedestrian and cycle paths in and around the Illingworth/Holmfild area which could provide safe, lit access to schools and housing without the risks of using roads and pavements with commercial traffic. Commercial vehicles should be actively restricted from housing areas, narrow roads and difficult junctions.

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Loss of Green Belt. Utilise brownfield sites first.
2. Extent of site should be reduced to reflect the recommendation of the Heritage Impact Assessment, to avoid causing major harm to nearby Listed Buildings (including Grade II*)
3. Site Access – Unsustainable
4. Local Road Network- Inadequate local network. Existing problems caused by HGVs and school traffic. Lack of consideration of cumulative effects.
5. Ecology – Removal of woodland habitat will alter the balance of habitats in the area.

Council's Response:

1. The site is currently allocated for new Employment in the RCUDP. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60 , EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield.
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. Highways Development Management consider that access to the site depends on other sites coming forward and care needs to be taken in designing an access that is suitable for employment traffic. A Transport Assessment and Travel Plan would be required.
4. Highways Development Management state that any Transport Statement submitted as part of a planning application must assess the impact on the local road network.
5. The area of deciduous woodland within the boundary of the site which is a UK Biodiversity Action Plan priority habitat is excluded from the developable area. There would be no other impacts on environmentally sensitive areas or loss of designated Open Space.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend boundary to exclude field in south.
2. Amend Gross Site Area and Indicative Floorspace accordingly.
3. Amend the sixth of the Site Specific Considerations to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"
4. Create network of pedestrian and cycle paths.

Council's Response:

1/2. The site report in Appendix 1 indicates the developable area of the site, and the floorspace capacity has been assessed accordingly.

No modification required

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

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

No modification required.

4. The site specific considerations include requirements for comprehensive and good quality design and layout, including access. The provision of pedestrian and cycle access will therefore be considered.

No modification required.

Document Section: LP1133 - New Employment Site - Halifax

Representations

Comment ID **APX1059**

Site ref (if applicable): **LP1133**

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

PEA and protected species surveys will be required in addition to sensitive landscape schemes (including SuDs) to retain woodland. This should be managed through an EMP to achieve a net gain in biodiversity and ensure that there is 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 **APX397**

Site ref (if applicable): **LP1133**

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 Listed structures nearby, to Reports required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

Comment ID **APX628**

Site ref (if applicable): **LP1133**

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 between a Group of Grade II* Listed Buildings at Shaw Lodge Mill and the Grade II Registered Historic Park and Garden at Stoney Royd Cemetery. National policy guidance makes it clear that Grade II* Listed Buildings are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. The Heritage Impact Assessment considered that Development on the site will affect the wider setting of the Listed Mill complex and key views towards it. The potential loss of mature trees would substantially alter the character and appearance of the setting of the listed buildings. Any remaining evidence of the former Calder Hebble Navigation could be lost. It concluded that this is likely to result in 'moderate harm' to the significance of these designated heritage assets. As a result, it put forward a number of measures to reduce the harm to the heritage assets within its vicinity including the reduction in the extent of the developable area. 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 LP1133:- (a) Amend the sixth of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Considerations:- "Retention and reuse of the non-Listed buildings identified in the Heritage Impact Assessment" (c) Retention of the stone boundary walls and the former warehouse wall along Shaw Hill Lane"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Ecology - Retention of woodland and management through an Ecological Management Plan. Preliminary Ecological Appraisal and protected species survey will be required.
2. Heritage - There is no requirement for developer to implement recommended mitigation measures of the Heritage Impact Assessment and the wording of the Site Specific Considerations in regard to historic environment is not likely to be effective, and should be amended.

Council's Response:

1. The site contains the Hebble Brook and some lowland mixed deciduous woodland which is a UK Biodiversity Action Plan priority habitat. West Yorkshire Ecology has recommended that the Hebble Brook is restored back to the surface unless there are significant environmental reasons for not doing so. Further, the woodland is to be retained and a stand-off from the beck of at least 10m should be maintained. No mention is made by consultees of an Ecological Management Plan, Preliminary Ecological Appraisal or a Protected Species Survey.
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. Add 'Preliminary Ecological Appraisal and protected species survey' to Reports Required.
2. Add 'Retain woodland and manage through an Ecological Management Plan' to 5th bullet point of Site Specific Considerations.
3. Amend the sixth of the Site Specific Considerations to read:-“Implementation of the mitigation measures set out in the Heritage Impact Assessment”.
4. Add the following additional Site Specific Considerations:-
“Retention and reuse of the non-Listed buildings identified in the Heritage Impact Assessment” and
“Retention of the stone boundary walls and the former warehouse wall along Shaw Hill Lane”.

Council's Response:

1/2. The site contains the Hebble Brook and some lowland mixed deciduous woodland which is a UK Biodiversity Action Plan priority habitat. West Yorkshire Ecology has recommended that the Hebble Brook is restored back to the surface unless there are significant environmental reasons for not doing so. Further, the woodland is to be retained and a stand-off from the beck of at least 10m should be maintained. No mention is made by consultees of an Ecological Management Plan, Preliminary Ecological Appraisal or a Protected Species Survey.
No modification required.

3/4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.
No modification required.

Document Section: LP1134 - New Employment Site - Halifax

Representations

Comment ID **APX1060**

Site ref (if applicable): **LP1134**

Person ID: **228336**

Name: **Yorkshire Wildlife Trust**

Organisation: **Yorkshire Wildlife Trust**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

PEA and protected species surveys will be required along with suitable mitigation and buffers for CWHN. Sensitive landscape schemes (including SuDs) and sensitive lighting plans will be required to protect CWHN from fragmentation 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 **APX629**

Site ref (if applicable): **LP1134**

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:

Development of this site could impact upon the significance of a number of designated heritage assets in its vicinity. These include a Group of Grade II* Listed Buildings at Shaw Lodge Mill, the Grade II Registered Historic Park at Stoney Royd Cemetery and a Scheduled Monument. National policy guidance makes it clear that Grade II* Listed Buildings and Scheduled Monuments 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 will substantially affect the setting of the listed buildings and important views of them within the historic townscape. It also felt that development of poor quality and design or causing loss of buildings of merit will substantially harm the setting of the listed building and key views of the buildings in the wider townscape. As a result, it put forward a number of measures to reduce the harm to the heritage assets within its vicinity including the reduction in the extent of the developable area. 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 LP1134:- (a) Amend the third of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Consideration:- "Retention and repair of the stone setts and the stone boundary walls" (c) Amend the Indicative Developable Area shown on the accompanying map to exclude the area of 'High Sensitivity' identified on the Heritage Impact Assessment

Additional Evidence Link:

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 survey will be required. Mitigation measures should be required to protect the Wildlife Habitat Network.
2. Heritage - There is no requirement for developer to implement recommended mitigation measures of

the Heritage Impact Assessment. The wording of the Site Specific Considerations in regard to historic environment is not likely to be effective, and should be amended.

Council's Response:

1. All of the site lies within the Wildlife Habitat Network. West Yorkshire Ecology recommend that a woodland edge scrub habitat is provided along the western boundary adjacent to the railway. A site specific policy will ensure the buffer is planted with locally native scrub and woodland species, to protect habitats. Consultees have not stated that a Preliminary Ecological Appraisal or a Protected Species Survey are 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.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Preliminary Ecological Appraisal and protected species survey' to Reports Required.
2. Add 'Mitigation measures to protect Wildlife Habitat Network' to Site Specific Considerations.
3. Amend the third of the Site Specific Considerations to read:-'Implementation of the mitigation measures set out in the Heritage Impact Assessment'.
4. Add the following additional Site Specific Consideration:- 'Retention and repair of the stone setts and the stone boundary walls'.
5. Amend the Indicative Developable Area shown on the accompanying map to exclude the area of 'High Sensitivity' identified on the Heritage Impact Assessment.

Council's Response:

- 1/2. All of the site lies within the Wildlife Habitat Network. West Yorkshire Ecology recommend that a woodland edge scrub habitat is provided along the western boundary adjacent to the railway. A site specific policy will ensure the buffer is planted with locally native scrub and woodland species, to protect habitats. Consultees have not stated that a Preliminary Ecological Appraisal or a Protected Species Survey are required.
No modification required.
- 3/4/5 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: LP1217 - New Employment Site - Halifax

Representations

Comment ID **APX398**

Site ref (if applicable): **LP1217**

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 Listed buildings in vicinity, to Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage Impact Assessment should be undertaken.

Council's Response:

1. The Conservation section (Heritage) do not consider there would be any significant impact on nearby

listed buildings, but suggest the retention and enhancement of the landscaped area in the south, to protect views from the listed buildings. Undertaking a Heritage Impact Assessment is not considered necessary.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add requirement of Heritage Impact Assessment to 'List of Reports Required'.

Council's Response:

1. The Conservation section (Heritage) do not consider there would be any significant impact on nearby listed buildings, but suggest the retention and enhancement of the landscaped area in the south, to protect views from the listed buildings. Undertaking a Heritage Impact Assessment is not considered necessary. No modification required.

Document Section: LP1218 - New Employment Site - Halifax

Representations

Comment ID **APX399**

Site ref (if applicable): **LP1218**

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:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage Impact Assessment should be undertaken.

Council's Response:

1. The Conservation Section (Heritage) consider any impact to the setting of nearly listed buildings

(Holdsworth House and Brigg Royd) would be minor and can be mitigated against by the planning of trees along the SE boundary. Undertaking a Heritage Impact Assessment is not considered necessary.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add requirement of Heritage Impact Assessment to 'List of Reports Required'.

Council's Response:

1. The Conservation Section (Heritage) consider any impact to the setting of nearly listed buildings (Holdsworth House and Brigg Royd) would be minor and can be mitigated against by the planning of trees along the SE boundary. Undertaking a Heritage Impact Assessment is not considered necessary.
No modification required.

Document Section: LP1219 - New Employment Site - Halifax

Representations

Comment ID **APX1004**

Site ref (if applicable): **LP1219**

Person ID: **1183647**

Name: **Julie Kerwin**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

This is a green field site.

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

Sound Reason:

The plan is using a green field site, rather than a brown field site. It impacts on the Calderdale Way path, restricting access to open land. We need to promote the recreational facilities in our area. There are many people already living here, who need access to green areas and fresh air, as a means of well being. There are already problems with traffic congestion and pollution in the area. In fact one of our children has needed hospital treatment, due to breathing problems, believed to be caused by pollution. Turning this into an industrial area will only add to these problems, due to higher volume of traffic in this already busy 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:

Comment ID **Lpp1337**

Site ref (if applicable): **LP1219**

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. LP1018 and LP1219 Holmsfield Industrial Estate extensions Unsustainable location in access terms (as identified in the site report); ecological concerns.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The site is greenfield.
2. Access to green areas should be promoted for residents well being, and development would limit access to open land and impact on the Calderdale Way.
3. Existing problems of traffic congestion and pollution would increase with a high volume of traffic from development.
4. Health issues caused by increase in pollution.
5. Access – unsustainable location.
6. Ecological concerns.

Council's Response:

1. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60 , EV.61). A shortfall in the amount of available and deliverable brownfield land, has required the inclusion of sites which are currently greenfield.
2. Improved access to green areas for residents is promoted in section 20: Green Infrastructure and Natural Environment of the Local Plan. Policy GN1 deals with securing green infrastructure, Policy GN3 seeks to achieve better management of Calderdale's natural environment, Policy GN6 safeguards areas of protected open space, sport and recreation facilities and Policy GN7 seeks to protect allotments. Locally, the Calderdale Open Space, Sport and Recreation Study: Open Space Assessment Report, 2006 (EV 43) sets open space standards which have been carried forward in the 2015 update (EV 44).
- 3/4. Environmental Health has not identified any significant impacts of development. There is contaminated land within the site any development should be accompanied by an appropriate contaminated land assessment, with any mitigation measures identified. No issues relating to an increase in pollution have been raised.
5. There would be no significant impact on the strategic road network should the site be developed, however in terms of site access arrangements, evidence of confirmed access proposals to unlock the site would be required.
6. Strines Beck runs down the eastern fringe of this proposed allocation, which is a UK Biodiversity Action Plan priority habitat. A site specific policy would therefore be required in order to ensure a 10m buffer zone is maintained.
West Yorkshire Ecology has recommended that the habitat corridor is considered by including flood water attenuation wetlands linked to the beck corridor with invert levels set to retain at least 100mm of water. Further it is advised that the buffer zone is planted with rich fen habitat.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP1231 - New Employment Site - Halifax

Representations

Comment ID **APX400**

Site ref (if applicable): **LP1231**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

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

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage Impact Assessment should be undertaken.

Council's Response:

1. The Council's Conservation Officer (Heritage) has stated that 151 Shay Lane is a grade II listed Building

and that the majority of site will not impact on the building, however site includes existing stone buildings immediately to south of listed building.

Although the surrounding area does contain a mix of building styles and materials, the buildings immediately surrounding the listed building are all natural stone and as such, retain some traditional character to the buildings setting.

The reuse of the building along the roadside south of 152 Shay Lane is preferred. If replaced, new development should respect scale and height of the existing building to prevent.

The Council's Conservation Officer (Heritage) has not requested that a Heritage Impact Assessment be undertaken.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add requirement of Heritage Impact Assessment to 'List of Reports Required'.

Council's Response:

1. The Council's Conservation Officer (Heritage) has stated that 151 Shay Lane is a grade II listed Building and that the majority of site will not impact on the building, however site includes existing stone buildings immediately to south of listed building.

Although the surrounding area does contain a mix of building styles and materials, the buildings immediately surrounding the listed building are all natural stone and as such, retain some traditional character to the buildings setting.

The reuse of the building along the roadside south of 152 Shay Lane is preferred. If replaced, new development should respect scale and height of the existing building to prevent.

The Council's Conservation Officer (Heritage) has not requested that a Heritage Impact Assessment be undertaken.

No modification required.

Document Section: Policy SD5 Allocated Employment Sites - Mytholmroyd

Representations

Comment ID **APX368**

Site ref (if applicable): **LP1622**

Person ID: **1128107**

Name: **Mrs Julie Simcock**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The site is currently designated as a 'most sensitive green belt parcel' and a special landscape area containing wildlife corridors in the existing Development Plan. This designation means the area makes a significant contribution to preventing urban sprawl, and the Council will need to demonstrate 'exceptional circumstances' to change the green belt. When it rains heavily, Hall Bank Lane turns in to a river. This piece of land helps keep the flooding away from adjacent properties including current Top Land industrial units. It is one of the few areas of flat open land to catch water before it hits properties. Top Land Industrial Park is officially accessed by Cragg Road, but some Industrial Park tenants regularly use Hall Bank Lane to access it, despite planning regulations stating that it should not be used. Hall Bank Lane is in places a steep single track road places with two blind corners and no footpath. At the beginning of Hall Bank Lane there is barely sufficient room for cars to pass pedestrians. We are concerned that increased development will lead to increased road usage on Hall Bank Lane. The site backs on to peoples home and gardens. It currently provides a buffer between Top Land industrial site and people's homes. We are concerned about increased noise and other pollution. Currently there are restriction on times of use of the existing site but these are not effectively enforced, and neighbours are disturbed by traffic and noise during the weekends and evenings. Infrastructure "" there are currently no specific details about any improved infrastructure to meet additional housing and industrial developments within the draft development plan. The specific concern that we have concerning the proposed development is the potential for an increased number of HGV and delivery vehicles coming through the village which will increase noise, congestion and pollution in Mytholmroyd. There is no drainage on the existing access road from Cragg Road, so if water cannot be absorbed by the fields because they no longer exist, this will cause increased run-off problems According to Zoopla, there are currently existing empty units at Top Land, Moderna Craggies and Caldene industrial estates "" how do we know that there is a demand for more? Why cannot any additional requirements be built at Moderna Industrial Estate which has space and did not flood? The proposed area is the second biggest area suggested for employment development in the whole of the plan, which makes it disproportionately large for the size of the village. A large area of industrial development is not consistent with retaining the distinctive character of Mytholmroyd as a village. There are also listed buildings which are adjacent to the road side and any increase in the size of Tops Lands industrial park , would also increase the risk to these properties from both traffic flooding. As a resident of Hall Bank Lane, we have already experienced large haulage Lorries, trying to use this narrow single lane track as a way into top lands. This is despite the road sign to show it is a dead end lane. This has resulted in Lorries becoming stuck, damage to private property and stone walls destroyed. Therefore as any increased to Top Land Industrial park would generate more traffic, we believe this situation would happen more frequency.

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 **APX369**

Site ref (if applicable): **LP1622**

Person ID: **1128107**

Name: **Mrs Julie Simcock**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The site is currently designated as a 'most sensitive green belt parcel' and a special landscape area containing wildlife corridors in the existing Development Plan. This designation means the area makes a significant contribution to preventing urban sprawl, and the Council will need to demonstrate 'exceptional circumstances' to change the green belt. When it rains heavily, Hall Bank Lane turns in to a river. This piece of land helps keep the flooding away from adjacent properties including current Top Land industrial units. It is one of the few areas of flat open land to catch water before it hits properties. Top Land Industrial Park is officially accessed by Cragg Road, but some Industrial Park tenants regularly use Hall Bank Lane to access it, despite planning regulations stating that it should not be used. Hall Bank Lane is in places a steep single track road places with two blind corners and no footpath. At the beginning of Hall Bank Lane there is barely sufficient room for cars to pass pedestrians. We are concerned that increased development will lead to increased road usage on Hall Bank Lane. The site backs on to peoples home and gardens. It currently provides a buffer between Top Land industrial site and people's homes. We are concerned about increased noise and other pollution. Currently there are restriction on times of use of the existing site but these are not effectively enforced, and neighbours are disturbed by traffic and noise during the weekends and evenings. Infrastructure "" there are currently no specific details about any improved infrastructure to meet additional housing and industrial developments within the draft development plan. The specific concern that we have concerning the proposed development is the potential for an increased number of HGV and delivery vehicles coming through the village which will increase noise, congestion and pollution in Mytholmroyd. There is no drainage on the existing access road from Cragg Road, so if water cannot be absorbed by the fields because they no longer exist, this will cause increased run-off problems According to Zoopla, there are currently existing empty units at Top Land, Moderna Craggies and Caldene industrial estates "" how do we know that there is a demand for more? Why cannot any additional requirements be built at Moderna Industrial Estate which has space and did not flood? The proposed area is the second biggest area suggested for employment development in the whole of the plan, which makes it disproportionately large for the size of the village. A large area of industrial development is not consistent with retaining the distinctive character of Mytholmroyd as a village. There are also listed buildings which

are adjacent to the road side and any increase in the size of Tops Lands industrial park , would also increase the risk to these properties from both traffic flooding. As a resident of Hall Bank Lane, we have already experienced large haulage Lorries, trying to use this narrow single lane track as a way into top lands. This is despite the road sign to show it is a dead end lane. This has resulted in Lorries becoming stuck, damage to private property and stone walls destroyed. Therefore as any increased to Top Land Industrial park would generate more traffic, we believe this situation would happen more frequency.

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 **APX370**

Site ref (if applicable): **LP1622**

Person ID: **1128107**

Name: **Mrs Julie Simcock**

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The site is currently designated as a 'most sensitive green belt parcel' and a special landscape area containing wildlife corridors in the existing Development Plan. This designation means the area makes a significant contribution to preventing urban sprawl, and the Council will need to demonstrate 'exceptional circumstances' to change the green belt. When it rains heavily, Hall Bank Lane turns in to a river. This piece of land helps keep the flooding away from adjacent properties including current Top Land industrial units. It is one of the few areas of flat open land to catch water before it hits properties. Top Land Industrial Park is officially accessed by Cragg Road, but some Industrial Park tenants regularly use Hall Bank Lane to access it, despite planning regulations stating that it should not be used. Hall Bank Lane is in places a steep single track road places with two blind corners and no footpath. At the beginning of Hall Bank Lane there is barely sufficient room for cars to pass pedestrians. We are concerned that increased development will lead to increased road usage on Hall Bank Lane. The site backs on to peoples home and gardens. It currently provides a buffer between Top Land industrial site and people's homes. We are concerned about increased noise and other pollution. Currently there are restriction on times of use of the existing site but these are not effectively enforced, and neighbours are disturbed by traffic and noise during the weekends and evenings. Infrastructure "" there are currently no specific details about any improved infrastructure to meet additional housing and industrial developments within the draft development plan. The specific concern that we have concerning the proposed development is the potential for an increased number of HGV and delivery vehicles coming through the village which will increase noise, congestion and pollution in Mytholmroyd. There is no drainage on the existing access road from Cragg Road, so if water cannot be absorbed by the fields because they no longer exist, this will cause increased run-off problems According to Zoopla, there are currently existing empty units at Top Land, Moderna Craggies and Caldene industrial

estates "" how do we know that there is a demand for more? Why cannot any additional requirements be built at Moderna Industrial Estate which has space and did not flood? The proposed area is the second biggest area suggested for employment development in the whole of the plan, which makes it disproportionately large for the size of the village. A large area of industrial development is not consistent with retaining the distinctive character of Mytholmroyd as a village. There are also listed buildings which are adjacent to the road side and any increase in the size of Tops Lands industrial park , would also increase the risk to these properties from both traffic flooding. As a resident of Hall Bank Lane, we have already experienced large haulage Lorries, trying to use this narrow single lane track as a way into top lands. This is despite the road sign to show it is a dead end lane. This has resulted in Lorries becoming stuck, damage to private property and stone walls destroyed. Therefore as any increased to Top Land Industrial park would generate more traffic, we believe this situation would happen more frequency.

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:

- Issues regarding Top Land
 - Green Belt designation requires demonstration of exceptional circumstances.
 - Impact on wildlife and landscape
 - Development will lead to increase in traffic on Hall Bank Lane, HGVs, pollution and noise
 - No details provided for improved infrastructure to meet additional housing and employment development.
 - No drainage on access road
 - Unclear if there is a demand for more employment land, which could be provided elsewhere.
 - Development is disproportionate to the size of Mytholmroyd.
 - Increased risk to Listed Buildings from flooding and traffic

Council's Response:

refers to site LP1622

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP1622 - New Employment Site - Mytholmroyd

Representations

Comment ID **APX283**

Site ref (if applicable): **LP1622**

Person ID: **1181969**

Name: **Mr Paul Burnside**

Organisation:

Agent ID:

Name:

Organisation:

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 my opinion that although in the draft it is stated that consideration should be given to Bank House and also new Delight both of which are grade two listed building's I feel that consideration should also be given to other implications that will be effected from this proposal, the greenbelt land proposed on this site is a wildlife haven with deers birds a foxes and badgers, the field is on a steep incline that runs parallel to hall bank Lane and abbutts a relitvly new housing development, in heavy rain Hall Bank Lane gushes with surface water and the drains overflow due to the volume of water I don't think concideration has been given to drainage should this site become tarmacked. Cragg Road where the entrance to the site is already congested as is the main Burnley Road a new employment site would increase traffic to the local area where the roads are already struggling with the volume of traffic. Having also looked on the top lands website I can see there are a lot of empty units already to let this again leaves me asking why if there are already so many empty units is there really a need for more?

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX334**

Site ref (if applicable): **LP1622**

Person ID: **1130784**

Name: **Mrs Margaret 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?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

As a residents of Hall Bank Lane, we are horrified at the idea of turning a beautiful greenfield area that is farmland with wildlife including deer and woodland in to a bigger industrial site than we have already got. Firstly Hall Bank Lane can not take any more traffic up to the overspill car park for Sweet and Maxwell as the tarmac part of the entry road is already disintegrating and the car park is on a bad state of repair, there is no drainage to it so when it rains we get the run off from the fields and the car park down our driveway as the only drain for this is on our section and is permanently blocked. As for pedestrian access we have had to fence off our property at our expense not only for privacy and security but there was a danger of being hit by stones skipped up from the passing cars. When we came to live here eleven years ago there was only a right of way path through the estate at our end (no cars) so no car park. As for the extra amount of traffic that not only the bridge to Cragg Road will have to endure it surely does have its limits especially as there is to be a large car park in the pipeline for the Railway Station. Does Mytholmroyd need more empty buildings that would have to be decided.

Additional Evidence Link:

Comment ID **APX385**

Site ref (if applicable): **LP1622**

Person ID: **1182363**

Name: **Mr Jason Boom**

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

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Due to the over intensive use of the site which lies in greenbelt and the impact it would have on traffic flows in the area. The current development has a number of units available and adequately meets the needs for employment accommodation.

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 **APX401**

Site ref (if applicable): **LP1622**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Need to add requirement for a Heritage Impact Assessment on close Listed buildings, to Reports Required section, to comply with 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 **APX550**

Site ref (if applicable): **LP1622**

Person ID: **1182669**

Name: **Rob & Jane Carroll**

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:

We agree with the concerns we understand have already been raised in relation to potential increases in traffic flow on Hall Bank Lane, which is very narrow in places and despite being mainly without footpaths has a lot of pedestrian use. The proposed development could also increase traffic flow on Cragg Road making it harder to cross the road where Scout Road meets Cragg Road. There will be loss of land which can act to soak up flood water, loss of a barrier between the current units on site and the residential area and loss of attractive environment. We also question whether further development, if permitted, shouldn't be limited to a smaller area as the current proposal appears large for the size of Mytholmroyd.

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 **APX630**

Site ref (if applicable): **LP1622**

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 row of four Grade II Listed Buildings immediately to the east of this site. The Heritage Impact Assessment considered that development on the north-eastern part of the site will substantially affect the setting of the listed buildings and important views across the open countryside. As a result, it put forward a number of measures to reduce the harm to the heritage assets within its vicinity including the reduction in the extent of the developable area. 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 LP1622:- (a) Amend the fifth Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment" (b) Add the following additional Site Specific Consideration:- "Retention and repair of the stone boundary walls" (c) Amend the Indicative Developable Area shown on the accompanying map to exclude the area of High Sensitivity identified on

the Heritage Impact Assessment.

Additional Evidence Link:

Comment ID **Lpp1088**

Site ref (if applicable): **LP1622**

Person ID: **1130743**

Name: **Mrs Heather Readyhough**

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 area is designated as most a sensitive Green Belt area and as such we feel this land should be protected in this wildlife corridor protecting urban sprawl not increasing urban sprawl. Hall Bank Lane, as Calderdale are very aware, turns into a river during periods of heavy rain which can be demonstrated by many photographs which have been forwarded to Calderdale in the past. This piece of land contributes to a catchment area to slow the flow and reduces flooding to the current Top Land Industrial Park and other properties lower down Hall Bank Lane. Top Land Industrial Park should be officially accessed by Cragg Road however despite the planning regulations stating this access, we currently have a problem with vehicles accessing Top Land via Hall Bank Lane. Recently a HGV came up Hall Bank Lane and knocked down a wall as he ploughed up the very narrow road to access Top Land. He then denied he had driven up the road until he was shown photographs of his vehicle and the damage it had caused. Hall Bank Lane is a steep single track road with blind corners and no footpath, the road leads to many footpaths and is a well used road by walkers and given the width of the road, if a vehicle and a pedestrian are using the road at the same time then the vehicle has to wait for the walker to get to a passing place - this is how narrow this road is. The concern is that if the proposal were approved, this would lead to further increase in traffic up this notoriously narrow steep dangerous road. The site backs onto peoples homes and gardens. The area currently acts as a buffer from noise and pollution from the current Top Land Industrial site. Currently Top Land Industrial Site has time restrictions however these are not adhered to and the concerns are increased noise and traffic during evenings and weekends also. There are no specific details around improved infrastructure within the development plan given the increase in volume of HGV and vehicles coming into Mytholmroyd which will increase the noise, congestion and pollution in Mytholmroyd which is already suffering from these. Drainage from Stake Lane and the land above is an issue which Calderdale have been investing time and money into over the past few years. This area has been part of the discussions around taking water away from the area above the old tip on Scout road to prevent further landslip. This area is very important in these calculations for water absorption which Calderdale have been in consultation with external agencies over this problem to prevent water flow into the TIP SITE which would destabilise the extensive works which have been in progress for many years now. This proposal will be working against those plans which Calderdale have been working with to prevent the further landslip on Scout Road. There are concerns that we currently have many industrial units in Mytholmroyd which are empty and therefore poses the question as to is there a demand for anymore industrial units in Mytholmroyd???? The proposed area is the second biggest area suggested for employment in the whole of the plan, which makes it disproportionately large for the size of the village. A large area of industrial development is not consistent with retaining the distinctive character of Mytholmroyd as a village.

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 **Lpp112**

Site ref (if applicable): **LP1622**

Person ID: **1124024**

Name: **Miss Katherine Welsh**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

It was submitted after the deadline.

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

Sound Reason:

I don't believe this plan to be sound, as I do not think the consequences of it being enacted have been fully thought through. The plan to expand the business park will have environmental, social and infrastructural implications which appear to have been set aside. The pedestrian access for the new development will be via Hallbank Lane. This road has recently had the Chapel redeveloped for offices with a car park half way up. The road itself is wide enough for just one car but no pavement. With the increased number of people who will be using this road to walk up and down for access to the business park and the increased traffic, it will be a matter of when rather than if there is an accident. Please see attachment one to show the road and lack of pavement. The full development boundaries are far too close to residential properties, in some cases only meters away. This needs to be reassessed as it damages the quality of life for the residents surrounding; whether this be through, noise, pollution, vehicle and pedestrian access or flood risk. The fields the proposed for development are on are not only green belt but the area surrounding is prone to flooding. This development risks extending and increasing this problem. The path at the bottom of the proposed development is already showing signs of erosion and the drop at the other side is substantial with residential properties at the bottom. This village has already suffered one landslide in the last few years and there seems to be little consideration in preventing a reoccurrence. Removing the run off area will add to this problem. Please see attachment 2 with proposed boundary highlighted, you can see the land is clearly eroding with fence on its way over the edge. Finally by removing this green belt area it is damaging a beautiful part of our valley. This countryside village is being turned in an industrial zone suited more to towns with better road infrastructure and more brown field sites. We should be looking to protect these areas and their wildlife instead of further encroaching on our landscape.

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/5058872>

Comment ID **Lpp1345**

Site ref (if applicable): **LP1622**

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. LP1622 Cragg Vale, Hebden Bridge Exceptional circumstances for Green Belt release not demonstrated; landscape 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>

Comment ID **Lpp386**

Site ref (if applicable): **LP1622**

Person ID: **1182589**

Name: **Viscountess Bob Rayner**

Organisation:

Agent 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 development in Mytholmroyd. This proposal would enable more local employment and services.

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 **Lpp571**

Site ref (if applicable): **LP1622**

Person ID: **1128188**

Name: **Ms Jane O'Neill**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

Because this site was submitted after the closing date.

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

Sound Reason:

This development is likely to create a significant increase in traffic on the A646 and Cragg Road, including an increase in HGV usage. This will impact on: Residents - particularly on people who live in the bottom of the valley and will suffer the effects of increased pollution and noise The ability of traffic to move easily around Mytholmroyd "" particularly on New Bridge where large vehicles already cause problems as they struggle to cross the bridge when traffic is queuing Minor roads e.g. Scout Road and Heights Road as congestion in the valley increases. I am certainly aware of occasions where large HGVs have got stuck at the bottom of Scout Road whilst trying to avoid the current flood works. Tourism "" The upper Calder valley depends on tourism for a significant contribution to its economy. Busy roads that cause delays and make pedestrian access challenging may well act as a deterrent. Cragg Road is a very popular road with cyclists with its fame for being the longest incline and also featuring in the Tour de France. As a cyclist myself I know that at busy time the road can be uncomfortable to cycle, an increase in traffic (particularly HGV) could well deter cycle tourism. The impact on residents and pedestrians on Hall Bank Lane of increased traffic thinking they can short cut to Top Land and people using it as a short cut to park and walk on to Top Land - this is a narrow road with two blind corners and no pavement which barely has room for pedestrians and cars to pass. The impact of the council not enforcing the breach of planning permission when a through road to Top Land was built has meant a big increase on traffic on this road with large vehicles trying to access Top Land and then trying to turn round to get back down Hall Bank Lane. For the elderly and people with young children, especially with pushchairs, navigating vehicles is a nightmare. It is an accident waiting to happen. The loss of SSI greenbelt area which is enjoyed by wild geese and deer and is currently farmed. If developed the site would destroy a section of habitat and a green buffer zone between housing and industrial land. The visual impact on Mytholmroyd as a village with an increase on industrial

urban sprawl. The site would be visible widely across the village. Mytholmroyd already has a large number of industrial units and is in danger of losing its village identity completely. The risk of increased flooding in the valley bottom. The proposed area currently acts as a catchment area for water when it rains heavily. The increase in noise and pollution for residents who live near the proposed site. Current restrictions on usage are not enforced with traffic and noise from Top Land throughout the weekend and evenings. People who rent units on the site have 24 hour 7 day access to the gate at the Top of Hall Bank Lane and they use it. The proposed sight is very large (8.38 hectares) and I am very concerned about the impact of developing such a large site will have on all the factors listed above. Calderdale has a large number of unused brownfield sites which can and should be developed instead. The rebuild of Russel Dean has proved that it is possible to build on a flood plane.

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 **Lpp598**

Site ref (if applicable): **LP1622**

Person ID: **1130750**

Name: **Mr Hal 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:

As a resident of 5-7 New Delight, Hall Bank Lane I wish to object to the designation of TOP LAND Cragg Vale Site LP1622 From Green to Brown Belt. I don't believe this plan to be sound the plan to expand the business park will have serious environmental and social and issues. Our property and next door are listed buildings. Industrial building within the proposed proximity can only have a negative impact on the character and appearance of this area. Development of this land can only increase traffic causing noise pollution and increased safety issues for local residents. There are no pathways for pedestrian protection. Pedestrian access for the new development will be via Hall Bank Lane. The road itself is wide enough for just one car but no pavement. The increased number of people who will be using this road to walk up and down for access to the business park and the increased traffic will increase the current safety issues. The development boundaries are far too close to residential properties, in some cases only metres away. The resident's premises will be in full view. Pollution issues: noise, pollution, vehicle and pedestrian access or flood risk. The fields the proposed for development are on are not only green belt but the area surrounding is prone to flooding. Current pathways are already showing signs of erosion. The village has already experienced landslide on Scout Road, consideration should be given to prevent further recurrence, If the run off area is removed this can only add to the problem. Removing this green belt area is damaging the beauty of this valley. This countryside village is being turned in an industrial zone. There are other more suitable site between the two industrial areas in the valley. Flood dangers will be increased if further

development decreases land availability to absorb rainwater. Hall Bank Lane is subject to severe run off during flash flood and heavy rain. Water and rubble are collected and delivered by water torrents all the way down to Scout road. See attached video.

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/5073990>

Comment ID **Lpp660**

Site ref (if applicable): **LP1622**

Person ID: **1183521**

Name: **Mrs Caroline Bate**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

It was submitted after the deadline had closed and therefore should not have been allowed

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

Sound Reason:

The site is currently designated as a 'most sensitive green belt parcel' and a special landscape area containing wildlife corridors in the existing Development Plan. This designation means the area makes a significant contribution to preventing urban sprawl, and the Council will need to demonstrate 'exceptional circumstances' to change the green belt. I do not feel that this application justifies an exceptional circumstance. When it rains heavily, Hall Bank Lane turns in to a river. This piece of land helps keep the flooding away from adjacent properties including current Top Land industrial units. It is one of the few areas of open land to catch water before it hits properties. Top Land Industrial Park should only be accessed by Cragg Road and not Hall Bank Lane, but some Industrial Park tenants regularly use Hall Bank Lane to access it, despite planning regulations stating that it should not be used. Hall Bank Lane is a steep single track road places with two blind corners and no footpath. At the beginning of Hall Bank Lane there is barely sufficient room for cars to pass pedestrians. We are concerned that increased development will lead to increased road usage on Hall Bank Lane which will be of danger to pedestrians and drivers. In addition to this, the conversion of the Methodist Chapel at the bottom of Hall Bank Lane into offices will further increase the traffic flow on Hall Bank Lane. The site backs on to peoples home and gardens. It currently provides a buffer between Top Land industrial site and people's homes. We are concerned about increased noise and other pollution. Currently there are restriction on times of use of the existing site but these are not effectively enforced, and neighbours are disturbed by traffic and noise during the weekends and evenings. Infrastructure "" there are currently no specific details about any improved infrastructure to meet additional housing and industrial developments within the draft development plan. The specific concern that we have concerning the proposed development is the potential for an increased number of HGV and delivery vehicles coming through the village which will increase noise, congestion and pollution in Mytholmroyd. There is no drainage on the existing access road from Cragg Road, so if water cannot be absorbed by the fields because they no longer exist, this will cause increased run-off problems According to

Zoopla, there are currently existing empty units at Top Land, Moderna Craggies and Caldene industrial estates "" how do we know that there is a demand for more? Why cannot any additional requirements be built at Moderna Industrial Estate which has space and did not flood? The proposed area is the second biggest area suggested for employment development in the whole of the plan, which makes it disproportionately large for the size of the village. A large area of industrial development is not consistent with retaining the distinctive character of Mytholmroyd as a village.

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:

1.Site submitted after the deadline

Council's Response:

Test of Soundness

Main Issues:

1. Ecology - Impact on wildlife.

2. Landscape

- Impact of development and loss of countryside.
- Impact on Special Landscape Area.

3. Green Belt

- Loss of Green Belt would result in village becoming an industrial zone. Land should be protected.
- There is a need to demonstrate exceptional circumstances.

4. Heritage

- Development would have a negative impact on the character and appearance of the area, and cause risk to the adjacent Listed Buildings from traffic and flooding.
- Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but no requirement for a developer to design a scheme that takes into account identified measures.

5. Open space - Loss of greenfield land and buffer between housing and industrial.

6. Brownfield land

- Unused brownfield sites should be developed first. Possible to build on flood plain. Suitable alternative

locations are suggested.

7. Drainage

- Risk of increased flooding in valley bottom . Land is a catchment area containing flow to the Industrial Park and Hall Bank Lane. Hall Bank Lane is subject to severe run off during flash floods and heavy rain.
- No consideration has been given to the impact of development on drainage.
- Impact of development must be understood in the context of potential landslip and the works to prevent further landslip on Scout Road.

8. Infrastructure

- No details of improved infrastructure to meet additional housing and industrial development.

9. Road Network

- Inadequate local road network, e.g. A646 and Cragg Road, New Bridge, specifically capacity, congestion and road safety.
- Potential increase in number of HGVs.

10. Access

- Additional development will lead to increased use of Cragg Road, and Hall Bank Lane, which is inadequate and unsafe for pedestrians, and currently used in contravention of planning permissions. Hall Bank Lane is not suitable for pedestrian access to new development

11. Residential amenity

- Increased noise and pollution
- Site boundaries should be revised to provide greater distance to existing properties and reduce impact to residents' quality of life.

12. Requirement for additional employment premises

- The need is questioned.

13. Size

- The size of the proposed site is disproportionate to the size of the village and not consistent with the distinctive character of Mytholmroyd.

14. Tourism

- Development could impact on roads affecting pedestrian access in area and deterring cycle tourism.

Council's Response:

1. Natural England, West Yorkshire Ecology, Yorkshire Wildlife Trust and the Council's Conservation Officer have been consulted on the proposal and have given detailed comments where necessary. Various mitigation measures including a buffer zone have been suggested.
West Yorkshire Ecology state that the site is within 1.9km of Broadhead Clough SSSI and the South Pennines SAC/SPA and encroaches on the Wildlife Habitats Network. The land around the site has potential to be used by SPA birds, and as such a Habitats Regulations Assessment is likely to be required.
Lowland Mixed Deciduous Woodland is situated to the western edge of the site, and should be retained with a 20m buffer to protect habitats. The developable area has been reduced accordingly. It is also recommended that species-rich native hedgerows should be planted along other boundaries and across centre of site.
2. 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.

3. The NPPF states that once established, the green belt should only be changed in exceptional circumstances during a development plan review.

Document EV 09 Exceptional Circumstances for the Release of Green Belt (2018) considers the process that the Council has followed in relation to the potential need to release land from the Green Belt. It can be seen that a methodical approach has been built into each stage of the process and that ultimately this process has dovetailed with the Government's emerging policy on exceptional circumstances.

4. A Heritage Impact Assessment (HIA) has been carried out due to the close proximity of the site to four grade II listed buildings. The purpose of the HIA is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.

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

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

5. The site is 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 catchment of this site to meet the adopted standards. The visual impact of any development should be considered and the rights of way safeguarded.

6. An assessment of other potential sites was included in the Employment Land Study (EV.01) and in the Local Plan Sites for Allocation Viability Assessment (EV.60 , EV.61). A shortfall in the amount of available and deliverable brownfield land has required the inclusion of sites which are currently greenfield.

7. The site is located in Flood Zone 1 and no surface water drainage issues have been reported previously. The Council's Flooding and Drainage Section consider the site to be suitable for development subject to an evaluation of the existing surface water drainage network, site investigation and implementation of mitigation measures. These could include the application of green and blue infrastructure on site such as SuDS. A Flood Risk Assessment will be required prior to developing the site.

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

9/10. Highways Development Management state that the size of the site is likely to lead to significant traffic generation. Access from Hall Bank Lane not suitable. All access would need to be from Cragg Road and an assessment of Cragg Road is required up to junction with A646 Burnley Road, and improvements at existing vehicle access onto Cragg Road would be required with any intensification. Transport Assessment with capacity assessments is therefore required.

11. Environmental Health have identified no major issues. They state that a noise impact assessment should be undertaken to include the impact of industrial/commercial noise upon residential amenity. Mitigation should include a standoff between industrial/commercial sources and residential properties.

There is some land contamination within the site, and any development should be accompanied by an appropriate contaminated land assessment, with any mitigation measures identified.

12/13. The Employment Land Study (EV.01)and the Employment Technical Paper (EV.02) identify the need for new employment land in the Borough. Due to the constraints of the Upper Valley, this is the only New Employment site allocated in western part of the Borough and will therefore provide a significant new provision for the area.

14. The policies within the Local Plan support the achievement of the Local Plan Transport Objective, 'To ensure the provision of a sustainable, safe and efficient transport system which reduces car dependency and improves quality of life through a balance of promoting economic growth, enhancing environments and improving transport access for communities'

To achieve these objectives the Council is developing a range of strategies and interventions, and the Local Plan has a role to play in supporting these, but also ensuring development proposals meet these objectives and contribute more widely to an integrated 'active mode' network.

Detailed Information on transport infrastructure in Calderdale is provided in Chapter 13: Infrastructure and Master Planning of the Local Plan and in the WSP Technical Reports (EV54.1 – EV54.12) in the Local Plan Examination Library.

Infrastructure considerations to include the impact of development on the local road network have been taken into consideration as part of the site assessment process.

The impact of developing this site on cycle tourism is considered to be minimal.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend the fifth Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

2. Add the following additional Site Specific Consideration:- "Retention and repair of the stone boundary walls"

3. Amend the Indicative Developable Area shown on the accompanying map to exclude the area of High Sensitivity identified on the Heritage Impact Assessment.

Council's Response:

1/2/3. A Heritage Impact Assessment (HIA) has been carried out due to the close proximity of the site to four grade II listed buildings. The purpose of the 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: Policy SD5 Allocated Employment Sites - Ripponden

Representations

Comment ID **Lpp491**

Site ref (if applicable): **LP1640**

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?: **Yes**

Sound Reason:

I do consider the Plan to be sound in respect of allocation of this land as a New Employment Site. It is brownfield and therefore accords with the NPPF, in a location that is characterised by commercial development, has good access to the local highway network and is large enough to accommodate a B1/2 use of meaningful proportions.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: Policy SD5 Allocated Employment Sites - Sowerby Bridge

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP1220 - New Employment Site - Sowerby Bridge

Representations

Comment ID **APX402**

Site ref (if applicable): **LP1220**

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:

Comment ID **APX631**

Site ref (if applicable): **LP1220**

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

There is a group of Grade II Listed Buildings at Old Hall on Washer Lane. We welcome the reference to the proximity of these designated heritage assets in the Constraints. This will alert potential developers of the need to ensure that any development proposals take account of the need to ensure that those elements

which contribute to their significance are not harmed

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **Lpp687**

Site ref (if applicable): **LP1220**

Person ID: **1183562**

Name: **Mrs Patricia Robinson**

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:

We would like to point out that this field adjacent to Lloyds off Washer Lane is a wild life corridor. We have badger sets in the field. Deer, foxes, birds, geese are regularly seen in this field. Also we are in a toad breeding zone, and we have Toad Road signs up Washer Lane as it is a breeding ground for them.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - Requirement for Heritage Impact Assessment.

2. Ecology - Impact on Wildlife Corridor

Council's Response:

1. Both Historic England and the Council's Conservation Officer (Heritage) have been consulted and have made various comments regarding the impact of development on the grade II listed buildings at Old Hall on Washer Lane. An assessment has been made and mitigation measures have been proposed. It is not considered that a further HIA is required.
2. The site is situated adjacent to the Wildlife Habitat Network. The Council's Conservation Officer (Ecology), West Yorkshire Ecology and the Yorkshire Wildlife Trust have been consulted on the proposed allocation and have carried out a full assessment. Various mitigation measures have been suggested including the reduction of the developable area and the provision of species rich hedgerows.
The Council is amenable to the inclusion of reference to the adjacent Wildlife Habitat Network in the Site Constraints box.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add requirement for 'Heritage Impact Assessment in 'Reports' section
2. Ecology - Impact on Wildlife Corridor

Council's Response:

1. Both Historic England and the Council's Conservation Officer (Heritage) have been consulted and have made various comments regarding the impact of development on the grade II listed buildings at Old Hall on Washer Lane. An assessment has been made and mitigation measures have been proposed. It is not considered that a further HIA is required.
No modification required.
2. The site is situated adjacent to the Wildlife Habitat Network. The Council's Conservation Officer (Ecology), West Yorkshire Ecology and the Yorkshire Wildlife Trust have been consulted on the proposed allocation and have carried out a full assessment. Various mitigation measures have been suggested including the reduction of the developable area and the provision of species rich hedgerows.
The Council is amenable to the inclusion of reference to the adjacent Wildlife Habitat Network in the Site Constraints box.

Document Section: 8.4 Paragraph

Representations

Comment ID **Lpp259**

Site ref (if applicable):

Person ID: **1182147**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Agent ID: **1182144**

Name: **Mr Alan Goodrum**

Organisation: **Halifax Civic Trust**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

Halifax Civic Trust believes this chapter should link more strongly with the town centre and there are major opportunities for the future which need to be brought together in a supplementary planning document.

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

Duty to Co-operate Reason:

Suggested Modifications:

Add after 8.4: Because the Town centre is changing and benefitting from significant public investment it represents a major opportunity for private sector investment, The Council will give further consideration to the sites in the Halifax town centre (and Dean Clough) and prepare a supplementary planning document which will promote mixed use, residential, leisure and retail sites and facilitate investment and infrastructure delivery.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. There should be a stronger link between the Mixed Use and Town Centre chapters. Major opportunities

should be presented in a supplementary planning document.

Council's Response:

1.The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration and development in the Town Centre. The Council will review the need to publish supplementary planning guidance if the need arises.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1.Add after paragraph 8.4: Because the Town centre is changing and benefitting from significant public investment it represents a major opportunity for private sector investment, The Council will give further consideration to the sites in the Halifax town centre (and Dean Clough) and prepare a supplementary planning document which will promote mixed use, residential, leisure and retail sites and facilitate investment and infrastructure delivery.

Council's Response:

1.The Halifax Town Centre Delivery Plan sets out the long term focus for regeneration and development in the town centre. The Council will review the need to publish supplementary planning guidance if the need arises.

Document Section: Policy SD6 Allocated Mixed Use Sites

Representations

Comment ID **Lpp1034**

Site ref (if applicable):

Person ID: **515785**

Name:

Organisation: **The Smith Foundation**

Agent ID: **515780**

Name: **Mr Paul Leeming**

Organisation: **Carter Jonas**

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

Legal Compliance Reason:

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

Sound Reason:

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

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

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

Duty to Co-operate Reason:

Suggested Modifications:

In order to address this issue we consider the Plan should identify additional housing allocations, from the pool of Filtered (Rejected) sites, including LP0893.

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

Comment ID **Lpp1046**

Site ref (if applicable):

Person ID: **515785**

Name:

Organisation: **The Smith Foundation**

Agent ID: **515780**

Name: **Mr Paul Leeming**

Organisation: **Carter Jonas**

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

Legal Compliance Reason:

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

Sound Reason:

See attached representation for full details. Site LP0893 was identified as a draft Local Plan allocation within the Regulation 18 consultation document. A number of evidence base documents deal with the Council's site selection process, comprising a review of sieved out /non-compliant sites and one dealing with 'Filtered Sites' where sites have been removed as a consequence of the Council's site appraisal. For site LP0893 the Council's conclusion and site assessment concludes: 'given the numerous constraints, specifically site access and ecology, and having regard to the Council's housing need, the Local Plan's spatial strategy, the supply of more suitable and available sites elsewhere and the need to protect the Green Belt as far as possible, this site has been filtered.' A number of site constraints are identified which the appraisal considers are reconcilable and a range of impacts upon nature conservation and ecological impacts which can be mitigate. A number of technical and delivery matters are also identified, for instance drainage and highways/and access. It is considered that these matters can be addressed over the plan period. A viability assessment identifies the site is viable and can deliver housing. Within the summary, it also highlights that the Boothroyd site performs a poor Green Belt function. It suggests that the removal of

the site from the Green Belt and allocation for mixed use (residential and education) development would not undermine the wider function of the Green Belt.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

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

Comment ID	Lpp1458	Site ref (if applicable):
Person ID: 1183599	Name: Mr Andrew Wood	Organisation: Consultant Planner CPRE
Agent ID:	Name:	Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

See attachments for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policies HW1 to HW3: Health and Wellbeing In our view the key spatial policies in the Plan (SD3 to SD7) will fail to address key aspects of the health and wellbeing policies, in particular: HW1 (iii) " promoting and enabling healthy lifestyles as the normal, easy choice"; HW2 "" HIA expectation (vi) for active travel, public transport and accessibility; HW3 5th bullet " Strongly encouraging the re-use of vacant and derelict buildings and spaces (brownfield land) ".

Crucially, these are presented as development management considerations, but there is no evidence offered as to how the spatial policies of the Plan will create the conditions for those considerations to be implemented. We cannot expect an HIA of a development to deal properly with active travel if it is on an allocated site in an adopted Plan, but that site is not well-located to promote active travel. Therefore, in our view, the health and wellbeing policies need to be significantly re-framed to set good standards for enhancing health and wellbeing at the Plan level. It is also very significant, and worrying, that there are no monitoring indicators and targets offered for these policies, and therefore no sense of the direction or rate of progress that is hoped for. This must be addressed if the Plan is to be considered sound.

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

Duty to Co-operate Reason:

Suggested Modifications:

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

Comment ID **Lpp1525**

Site ref (if applicable):

Person ID: **1183599**

Name: **Mr Andrew Wood**

Organisation: **Consultant Planner CPRE**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Please see attachment for context of comments. Introductory paragraph of Evidence Paper 2 states that: Please note that it was our intention to divide up this document and submit it in relevant sections using the representation form, but having downloaded the form we found that key entry fields were locked. Given that the representation system is in any case not well-suited to comments that develop a narrative and contain figures and tables, we have therefore reverted to submitting full documents. These are structured as carefully as possible to enable you to use them. It is our view that the Publication Draft is not positively prepared to deliver sustainable development. It is not justified by the most appropriate and up-to-date evidence of development needs. And it will not be effective in delivering sustainable development, due to fundamental internal contradictions between the scale and distribution of development and other key policies in the Plan. This evidence paper explains our position on these points, and we conclude that very substantial modifications will be needed to make the Plan sound. Policy SD6 Mixed-use sites We support the principle of mixed-use sites and, as above, we would wish to see a greater proportion of new housing and employment uses (including B1, B2 and non-B uses) being focused on mixed-use developments, especially where this increases re-use of brownfield sites and secures the re-modelling of under-used land. Indeed it is very disappointing to see so few sites allocated for mixed-use.

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 **Lpp319**

Site ref (if applicable):

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

The approach taken towards the Mixed Use site allocations is inconsistent with that used for the housing allocations. For each of these mixed use allocations, Appendix 1 identifies the constraints, sets out the additional reports which will be required, and lists a number of detailed measures which are considered necessary to ensure that these sites will be developed in a sustainable manner. Where the development of these sites is likely to impact upon the historic environment, the Council has undertaken a Heritage Impact Assessment. The Site Specific Considerations set out in Appendix 1 broadly reflect the recommendations and mitigations that have been put forward in these Heritage Impact Assessments. In order for the development of these allocations to be compatible with not only national policy guidance but also the Plan's Policies for the conservation of the historic environment, these mitigation measures need to be implemented as part any development proposals. Consequently, the development principles which are set out in Appendix 1 need to be firmly and effectively tied into this Local Plan Policy. It is not sufficient simply to refer to the Supporting Information in Appendix 1 within the reasoned justification for Policy SD6. In order to assist both those preparing detailed schemes for these allocations and those determining the appropriateness of proposals which do come forward this Policy needs to be amended to include a requirement for any development proposals to have regard to the development principles set out in Appendix 1. Such an approach would help to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites and help ensure that these sites are developed in a sustainable manner. [Our comments on the detailed Supporting Information for each of the proposed Mixed Use Sites that is set out in Appendix 1 of the Plan are detailed on the Schedule which accompanies this letter]

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

Duty to Co-operate Reason:

Suggested Modifications:

Add the following to the end of Policy SD6:- 'Planning Applications will need to address the issues identified in in Appendix 1'

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. The approach taken towards the Employment site allocations is inconsistent with that used for the housing allocations. The policy wording needs to be amended to tie the development principles with Policy effectively, and should include a requirement that any development proposals have regard to the development principles set out in Appendix 1
2. Different density of dwelling per hectare figures are applied to different housing and mixed use sites without an indication of the rationale for identified density.
3. A greater proportion of new housing and employment uses (both B and non B type) should be included in mixed use development.
4. This Policy, and other key spatial policies, will fail to address key aspects of the Health and Well Being Policies, (especially HW1 (iii), HW2 (vi), HW3 (5th bullet)). Development management policies cannot address health and wellbeing if the sites allocated in the Plan are not well suited to promoting active travel.

Council's Response:

1. To enable consistency the Council is amenable to including a requirement for planning applications to address issues identified in the Site Assessment Reports in Appendix 1, within the text of the Policy.
2. A number of Mixed use sites are located within or on the edge of Halifax town centre, and additional studies have been undertaken to identify the preferred mix and level of development, feasibility and viability. In circumstances where no further studies have yet been undertaken the capacity for dwellings or employment floorspace is made with reference to the site and viability assessments, and assumptions of the mix of uses within the site, and the application of standard capacity criteria (see Site Allocations Assessment Methodology (EV51.1) and Employment Land Study para 7.74 (EV 01)
3. The Council has considered the recommendations of the Employment Land Study, (EV.02) and the conclusions of individual Site Assessments and of other studies undertaken in the context of regeneration initiatives in identifying sites that are suitable for mixed use development.
4. Forthcoming proposals are required to adhere to policies in the Health and Wellbeing chapter of the Local Plan, including those relating to the promotion of active travel. Allocations included in the Local Plan are situated in locations in close proximity to facilities and services to encourage active travel. 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. A process which reflects the presumption in favour of sustainable development. Further, 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.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add the following to the end of Policy SD6: - Planning Applications will need to address the issues identified in Appendix 1. 

Council's Response:

1. To enable consistency the Council is amenable to including a requirement for planning applications to address issues identified in the Site Assessment Reports in Appendix 1, within the text of the Policy.

Document Section: Policy SD6 Allocated Mixed Use Sites - Brighouse

Representations

Comment ID **Lpp1197**

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>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. A number of sites have been allocated for Mixed Uses that are unlikely to come forward and deliver the number of dwellings indicated

Council's Response:

1. Two sites in Brighouse are proposed for Mixed use.

- LP0579 Bradford Road - is in single ownership and has been confirmed as available for development. The dwelling capacity is based on conversion of the existing building.

-LP0771 Junction of Birkby Lane and Bradford Road - was granted outline planning permission in September 2018 for 41 dwellings.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0771 - Mixed Use Site - Brighthouse

Representations

Comment ID **APX632**

Site ref (if applicable): **LP0771**

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 Former St Aidan's Mission Church to the north-west of this site is a Grade II Listed Building. The development of this site could affect elements which contribute to the significance of this building. The Heritage Impact Assessment considered that development would change the character of the site and could dominate the streetscene, but impact will depend on the quality of design of new development given the limited contribution the site makes to the setting. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, there is no mention of the recommendations of the Heritage Impact Assessment or the requirement to 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 LP0771 add an additional Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"²

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - There is no mention of the recommendation of the Heritage Impact Assessment , or a requirement to implement any mitigation measures.

Council's Response:

1. The Council would be agreeable to reference to the former St Aidan's Mission Church to the north west of the site (Grade II Listed Building) being included in the site constraints.
The Council would also be agreeable to including the following statement in the Site Specific Considerations: "Consideration to recommendations provided within the HIA"
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. Add "Implementation of the mitigation measures set out in the Heritage Impact Assessment" to site specific considerations.

Council's Response:

1. The Council would be agreeable to reference to the former St Aidan's Mission Church to the north west of the site (Grade II Listed Building) being included in the site constraints.
The Council would also be agreeable to including the following statement in the Site Specific Considerations: "Consideration to recommendations provided within the HIA".
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: Policy SD6 Allocated Mixed Use Sites - Elland

Representations

Comment ID **Lpp1202**

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>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. A number of sites have been allocated for Mixed Uses that are unlikely to come forward and deliver the number of dwellings indicated

Council's Response:

1. Two of the sites allocated for Mixed Use in Elland include an element of residential development.
-LP1088 - a planning application for residential accommodation with care comprising 67 apartments for

elderly people on the whole of the site is pending a decision.
-LP1123 is in single ownership and availability has been confirmed.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0509 - Mixed Use Site - Elland

Representations

Comment ID **APX226**

Site ref (if applicable): **LP0509**

Person ID: **11850**

Name: **Asda Stores Ltd**

Organisation:

Agent ID: **1139900**

Name: **Emma Ridley**

Organisation: **Pegasus Group**

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Planning Assessment We have previously submitted representation to promote the wider allocation of land at Dewsbury Road at Elland. The site comprises previously developed, brownfield land with a number of vacant units. Access points to the site can be provided from Dewsbury Road and Huddersfield Road and is located within Flood Zone 1 in accordance with the Environment Agency Flood Map for Planning. Policy SD6 "Allocated Mixed Use Sites Policy SD6 states that: "Proposals including a mix of the Use Classes specified will be permitted provided that the proposed development: - relates well in scale and character to the locality; and does not create any unacceptable impacts on the environment, amenity, safety, highway, or relevant considerations; and is not piecemeal development that would prejudice the comprehensive development of the site; and 4. is consistent with Policies for Retail and Town Centres, and other relevant policies in the Local Plan. Proposals to develop a Mixed Use site for a single use, or which include a disproportionate high amount of one particular use will only be permitted in exceptional circumstances. Such applications will need to be justified in terms of their non-suitability for mixed use development, or their contribution to the overall mix of uses in the local area, or their inclusion within a wider regeneration project where added benefits can be justified." Under this policy Site Ref. LP0509 allocates a gross area of 1.90 to be used to develop buildings within use class A1, B1a, B1c and D. It is also stipulated that the total 'B' floorspace required to be delivered on the site is 4,908 sqm. Whilst the allocation of this land for mixed use is supported, further clarification is needed with regards to the additional information provided for each site. In the case of Site Ref. LP0509 there is no clear indication as to whether the 'B' floorspace figure of 4,908 is referring to "B class" uses as per the Use Classes Order? Furthermore, in the case of other identified allocations in Brighouse, Halifax and Hebden Bridge, the figure for 'B' floorspace has been listed as 'indicative'. Therefore, further clarification is required with regards to: where the figure for requirement has been derived from and whether this is indicative; and whether the figure is an upper limit across the whole site. This allocation has been extended to include land previously unallocated and under the ownership of ASDA. The allocation of the land as proposed within the Publication Draft Local Plan is something that ASDA support. Conclusion The proposed allocation of the land on Dewsbury Road (Site Ref. LP0509) for mixed use development accords with the tests of soundness and will enable the redevelopment of the site. As such, the site can be brought back into a viable use in line with the principles of sustainable development as outlined in the NPPF. For the reasons outlined above, it is considered that this land is suitable for mixed use allocation, is available and should be included as presently identified as an allocation within the Calderdale Local Plan. We trust that the above comments will be taken into account in progressing the Calderdale Local Plan. Please advise us of further opportunities to comment on emerging policies in the future.

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/5056124>

Comment ID **APX633**

Site ref (if applicable): **LP0509**

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 opposite the boundary of Elland Conservation Area. The Heritage Impact Assessment considered that new development on this site could improve the quality of the surrounding urban environment and restore the urban grain, which would have a positive impact on the character of the conservation area and setting of the listed former Town Hall nearby. However, there is no mention of the proximity of the designated heritage assets or to the recommendations of the Heritage Impact Assessment. 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 LP0509:- (a) Add an additional Constraint:- "Proximity to Elland Conservation Area and Grade II Listed Building (former Town Hall) (b) Add an additional Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Floorspace requirement - Clarification is needed as to how the specified floor space for B uses has been calculated and whether it is an indicative figure across the site, or an upper limit.
2. Heritage - The proximity of the designated heritage assets and the recommendations of the Heritage Impact Assessment are not referred to.

Council's Response:

1. The assessment of an indicative capacity of B1 floorspace is based on the assumptions of one third of the site providing equal areas of B1a and B1c use. The Council is agreeable to including this information within the site assessment report and Appendix 1 for clarification.
2. Council would be agreeable to the inclusion of reference to the Elland Town Hall and the Elland Conservation Area in the site constraints.
The Council would also be agreeable to including the following statement in the Site Specific Considerations: "Consideration to recommendations provided within the HIA".
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. Add "Proximity to Elland Conservation Area and Grade II Listed Building (former Town Hall) to 'Constraints.
Amend Site Specific Consideration to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"
2. Floorspace requirement - Clarification is needed as to how the specified floor space for B uses has been calculated and whether it is an indicative figure across the site, or an upper limit.

Council's Response:

1. Council would be agreeable to the inclusion of reference to the Elland Town Hall and the Elland Conservation Area in the site constraints.
The Council would also be agreeable to including the following statement in the Site Specific Considerations: "Consideration to recommendations provided within the HIA".
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may

wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice; other measures may achieve a similar result.

2. The assessment of an indicative capacity of B1 floorspace is based on the assumptions of one third of the site providing equal areas of B1a and B1c use. The Council is agreeable to including this information within the site assessment report and Appendix 1 for clarification.

Representations

Comment ID **APX1209**

Site ref (if applicable): **LP1088**

Person ID: **962381**

Name: **M Shutt**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

We know of no reason to believe that the present version of the Local Plan, which has been in gestation for a long time due to local delays as well as delays caused in part (but obviously but not entirely) by changes in central government's planning policies and procedures, does not comply with the Government's three basic requirements, namely Legally Compliant, Soundness and Duty to Co-operate

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

Sound Reason:

Further to our previous four representations on the Calderdale Local Plan making process, dated 11 th Dec 2012, 15 th March 2014, 17 th December 2015, and 28 th September 2017 (copies of the 3 rd and 4th of these are enclosed) we make the following points: - We are pleased to note that several of the various matters which we have previously raised have been accepted into the final draft of the Local Plan which has now been published by the Council and is currently in the consultation period before being submitted to the appropriate government department. We also understand the Local Plan follows the recent National Standard Methodology for calculating housing need We are broadly in favour of the Local Plan's strategic approach which is based on development where it is most appropriate and useful in the vicinity of existing township areas where much of the necessary infrastructure such as transport links, retail shopping and school provision already exist (especially the Garden Villages proposals, which apparently coincide with current Government priorities) rather than development on a miscellaneous collection of sites in areas that are not appropriate for development (in particular the sites in Greetland & Stainland ward originally proposed for development(sites LP0177, LP1625, LP0952 and LP1470) which have now, together with other sites in the ward, sensibly been excluded from potential development) We acknowledge that the proposals in the Local Plan (in terms of sites proposed for development on the one hand and sites excluded from development on the other) in respect of the Greetland and Stainland ward area have been made after discussion during the plan making process between Council officers, local Councillors and, not least, the Greetland, Norland and West Vale Neighbourhood Plan forum, who have made several sensible suggestions, notably in respect of the Horsfall Mill site (LP1088), and we are aware that the Stainland and District emerging Parish Council and many individuals throughout the Greetland & Stainland ward (as well as ourselves) will have made representations to the Council during the various consultation periods in the plan making process. No doubt there will be objections to the present Local Plan, both in terms of its overall strategy in general and proposed development sites in particular, from a variety of sources (not least from disappointed landowners) but these should not be allowed to delay the timetable for the Local Plan process as there will be ample opportunities for any issues raised thereby to be raised again at the time of the enquiry/inspection process due to be carried out by the government-appointed inspector during the course of 2019.

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/5101336><http://calderdale-consult.objective.co.uk/file/5101334><http://calderdale-consult.objective.co.uk/file/5101335><http://calderdale-consult.objective.co.uk/file/5112155>

Comment ID **APX1262**

Site ref (if applicable): **LP1088**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link: <http://calderdale-consult.objective.co.uk/file/5240165><http://calderdale-consult.objective.co.uk/file/5233421>

Comment ID **APX403**

Site ref (if applicable): **LP1088**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Need to add requirement for a Heritage Impact Assessment on the close Listed building & on West Vale Mills (PRN3675), 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 **APX635**

Site ref (if applicable): **LP1088**

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:

92 Saddleworth Road opposite this site is a Grade II Listed Building. The Heritage Impact Assessment considered that development involving loss of the remaining mill buildings will remove an important heritage asset, and substantially harm the setting of the listed building, the historic townscape and character of the area. It also felt that development of poor quality and design or causing loss of buildings of merit could further harm the setting of the listed building and historic townscape. 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 LP1088 amend the last of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Comment ID **APX768**

Site ref (if applicable): **LP1088**

Person ID: **1134408**

Name: **John Horsfall and Sons**

Organisation:

Agent ID: **1182031**

Name: **Alison Dumville**

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

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

Legal Compliance Reason:

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

Sound Reason:

We consider the plan to be sound for the following reasons: Positively prepared: The mixed-use allocation on the site would form a sustainable source of new development for the West Vale area. It would allow a judgement to be made at a suitable time about what mix, and form of development would be most appropriate for this centrally placed brownfield site. Justified: The site is considered suitable for the following reasons: Location within the centre of West Vale/ Greetland The site is relatively flat and therefore easier to develop Good access to local public transport networks and a range of services and facilities Effective: The site is in single ownership and the owner is willing to release the land for development in the near future meaning the site can be delivered within the 5-year period. Consistent with national policy: The site is sustainable in accordance with national policy for the following reasons: The development of the site for mixed-use would enhance the vitality and viability of the town centre A large part of the site is within Flood Zone 1. The mixed-use allocation would allow for flexibility in the smaller area in Flood Zone 3 for 'less vulnerable' uses to be developed in these areas The release of this site would reduce pressure on undeveloped greenfield sites Site is free from any notable highway or access constraints Any impact from developing the site on ecology, listed buildings and noise 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 **Lpp1173**

Site ref (if applicable): **LP1088**

Person ID: **1069334**

Name: **Ms Megan Pashley**

Organisation: **Gladman Developments Ltd**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

Gladman are fully supportive of the identification and proposed allocation of mixed use sites across the Borough. 5.6.2 We are pleased to note that the potential for mixed use development (B1a and C3) at Local Plan site LP1088 is recognised. However, the site represents the ideal locations for Use Class C2 Apartments with care for the elderly. Adlington, part of the Gladman Group, have submitted a planning application for 67 C2 Apartments with Care and have also undertaken pre-application discussions with the Council and Neighbourhood Plan Group (who fully support the allocation of this site for C2 Apartment with care for the elderly (Extra Care/Assisted Living)). 5.6.3 A copy of the pre-application response from the Council is appended to this representation (Appendix 1). The pre-application response states that: "£ The site has been identified as a mixed use site in the 2017 Local Plan Initial Draft Consultation. The Local Plan is in preparation at present and the publication draft will be considered by members in June and the relevant policies/allocation in this document can be found at www.calderdale.gov.uk/localplan. "£ As the proposal is for a proposed development of Use Class C2 residential accommodation with care, comprising of apartments for the elderly along with associated landscaping, access road, car parking bin stores and services, the proposal would be considered acceptable in principle. As the a proposal for C2 apartment with care is acceptable in principle and a planning application has been submitted as a result of this advice; the significant need for specialist elderly accommodation identified in policy HS4 and lack of allocations made for specialist elderly accommodation means that this demonstrable suitable site should be allocated for C2 apartments with care. Development of this nature would bring about a range of community benefits including but not limited to; "£ Fulfilling some of the needs of older people with care needs; Reducing the burden on the NHS and Adult Social Services by reducing visits to doctors and the length of stay in hospital and maintaining those who self-fund their care; Comprehensive redevelopment of previously developed land; Frees up much needed family housing; Significant economic benefits in the form of job creation during the construction period and once built owing to the 16 FTE jobs created on site and owing to the nature of the proposal a significant boost for local shops 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: <http://calderdale-consult.objective.co.uk/file/5089285>

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.
2. Allocation - The site should be allocated for C2 apartments with care for older people. A planning application has been submitted for this use, and pre-application discussions indicated that the proposal would be considered acceptable in principle.
3. Flooding - Appendix 1 does not reflect flooding constraints on the site.

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. A planning application for residential accommodation with care comprising 67 apartments for elderly people on the whole of the site was validated on 18/10/2018 after the publication of the draft Plan, and is currently pending a decision (at July 2019).
3. The area of land within flood zone 3a has been removed from the developable area of the site. However the Council would be agreeable to reference to flooding constraints in the site specific Constraints box.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Risk of reservoir flooding', 'Potential fluvial flood risk' and 'Non main watercourse (Black Brook)' to list of constraints in Appendix 1.
2. Amend the last of the Site Specific Considerations to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment".

Council's Response:

1. The area of land within flood zone 3a has been removed from the developable area of the site. However the Council would be agreeable to the inclusion of flooding constraints in the cConstraints box, such as those suggested by the Environment Agency, along with Flood zone 3a.
2. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may

wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.

Document Section: LP1123 - Mixed Use Site - Elland

Representations

Comment ID **APX1263**

Site ref (if applicable): **LP1123**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link:

<http://calderdale-consult.objective.co.uk/file/5233421><http://calderdale-consult.objective.co.uk/file/5240165>

Comment ID **APX769**

Site ref (if applicable): **LP1123**

Person ID: **1138694**

Name: **Benjamin Whitely & Sons**

Organisation:

Agent ID: **1182031**

Name: **Alison Dumville**

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

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

Legal Compliance Reason:

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

Sound Reason:

We consider the plan to be sound for the following reasons: Positively prepared: The mixed-use allocation on the site would form a sustainable source of new development for the Elland area. It would allow a judgement to be made at a suitable time about what mix, and form of development would be most

appropriate for this former industrial brownfield site. Justified: The site is considered suitable for the following reasons: Location within an existing urban area (Elland) The site is relatively flat and therefore easier to develop Good access to local public transport networks including the proposed new train station at Elland, and close to a range of services and facilities Effective: The site is in single ownership and the owner is willing to release the land for development in the near future meaning the site can be delivered within the 5-year period. Consistent with national policy: The site is sustainable in accordance with national policy for the following reasons: The development of the site for mixed-use would encourage multiple benefits from the use of the land in this urban area Approximately half of the site is within Flood Zone 1 with the remainder in Flood Zone 2. The mixed-use allocation would allow for flexibility in the area in Flood Zone 2 where a range of commercial and other uses are considered appropriate The release of this site would reduce pressure on undeveloped greenfield and Green Belt sites Site is free from any notable highway or access constraints Any impact from developing the site on trees, air and noise pollution, drainage and land contamination 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:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Flooding - Appendix 1 does not reflect flooding constraints on the site.

Council's Response:

1. The Council would be agreeable to the inclusion of surface water flooding in the site Constraints box.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add 'Risk of reservoir flooding' and 'Potential fluvial flood risk' to list of constraints in Appendix 1.

Council's Response:

Council's response:

1. The Council would be agreeable to the inclusion of flooding constraints in the Constraints box, such as those suggested by the Environment Agency.

Document Section: Policy SD6 Allocated Mixed Use Sites - Halifax

Representations

Comment ID **Lpp1193**

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>

Comment ID **Lpp423**

Site ref (if applicable): **LP0479**

Person ID: **1183072**

Name: **Mr Graham Trehwella**

Organisation: **Director Cass Associates Ltd**

Agent ID: **1183046**

Name: **Mr Graham Trehwella**

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:

Nestle UK can support this allocation for mixed use. The mill building can be converted independently of used in a way that is consistent with an overarching masterplan.

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1.A number of sites have been allocated for Mixed Uses that are unlikely to come forward and deliver the number of dwellings indicated

Council's Response:

1. A majority of Mixed Use sites in Halifax are located within or on the edge of Halifax town centre, and are advocated in existing economic regeneration strategies including the Halifax Town Centre Delivery Plan (2014) and the Halifax Eastern Gateway Place Making Study (2017). The Council and its partners are fully committed to securing the delivery of these sites, and the the capacity of these sites will be finalised once further work has progressed.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0264 - Mixed Use Site - Halifax

Representations

Comment ID **APX404**

Site ref (if applicable): **LP0264**

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 & PRN 6523 , to Reports Required section, to comply with the NPPF. The Heritage Impact Assessment will be different from the predetermination archaeological evaluation mentioned (as this will deal with the below-ground archaeological potential of PRN8939).

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 **APX636**

Site ref (if applicable): **LP0264**

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:

Stone Dam Mills, to the north of this site, is a Grade II Listed Building. The site also lies adjacent to the

boundary of the Halifax Town Centre Conservation Area. The Heritage Impact Assessment considered that development on this site will affect the setting of the listed building and important views of the building within the landscape although it felt that development could improve the quality of the surrounding urban environment and restore the urban grain; but poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. 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 LP0264 amend the third Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.

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

---, to be open

Main Issues:

Council's Response:

Suggested Modifications

1. Amend the third Site Specific Consideration to read:-
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”

Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to ‘require’ the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.

Document Section: LP0289 - Mixed Use Site - Halifax

Representations

Comment ID **APX405**

Site ref (if applicable): **LP0289**

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 Listed buildings, in the Reports Required section, to supplement the desk-based archaeological assessment (& possibly additional field evaluation) mentioned, 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 **APX637**

Site ref (if applicable): **LP0289**

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:

Site lies within the Halifax Town Centre Conservation Area, includes 4 Grade II Listed Buildings and is adjacent to the Playhouse Theatre which is also Grade II Listed. The Heritage Impact Assessment

considered that development on this site will affect the setting of the listed building and important views of the building within the landscape. Any loss of listed buildings will cause substantial harm. It also felt that development had the potential to improve the quality of the surrounding urban environment and restore the urban grain; but poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. 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 LP0289 amend the second of the Site Specific Considerations to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"²

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.

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 of the Site Specific Considerations to read:-
“Implementation of the mitigation measures set out in the Heritage Impact Assessment”

Council's Response:

1. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to ‘require’ the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.

Document Section: LP0370 - Mixed Use Site - Halifax

Representations

Comment ID **APX406**

Site ref (if applicable): **LP0370**

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 Listed buildings close by, to Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - there are Listed buildings in the vicinity and therefore a Heritage Impact Assessment is required.

Council's Response:

1. English Heritage consider that development is unlikely to result in harm to any designated heritage asset

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Add ‘ Requirement for Heritage Impact Assessment’ to Reports Required.

Council's Response:

1. English Heritage consider that development is unlikely to result in harm to any designated heritage asset.
No modification required.

Document Section: LP0749 - Mixed Use Site - Halifax

Representations

Comment ID **APX407**

Site ref (if applicable): **LP0749**

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 structures, to supplement the requirement for a pre-determination archaeological evaluation, in the Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX638**

Site ref (if applicable): **LP0749**

Person ID: **10978**

Name: **Mr Ian Smith**

Organisation: **Historic England**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

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

Sound Reason:

There are a number of Grade II Listed Buildings in the vicinity of this site including Bailey Hall Mill, the Railway Viaduct, the Coal Drops and Halifax Railway Station. The Heritage Impact Assessment considered

that development on this site will affect the setting of the listed building and important views of the building within the landscape. Loss of the listed building will cause substantial harm. It felt that development could improve the quality of the surrounding urban environment; but poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Moreover, there are several of the recommended mitigation measures set out in the Heritage Impact Assessment which also need to be included in the Site Specific Considerations if the potential harm to the historic environment is to be reduced to the level identified. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective.

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP0749:- (a) Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment including '...', etc" (b) Add the following additional Site Specific Considerations:- "Retention and restoration of the Listed Coal Drops" Retention and reuse of the other Listed Buildings on the site"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.

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 including etc."
- Add the following additional Site Specific Considerations:-
"Retention and restoration of the Listed Coal Drops" and
"Retention and reuse of the other Listed Buildings on the site"

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: LP1170 - Mixed Use Site - Halifax

Representations

Comment ID **APX1061**

Site ref (if applicable): **LP1170**

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:

Retention of Hebble Brook will be necessary to protect biodiversity features on site. PEA and protected species surveys will be required along with suitable mitigation and buffers from banks of Hebble Brook. Sensitive landscape schemes (including SuDs) and sensitive lighting plans will be required to protect CWHN from fragmentation 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 **APX408**

Site ref (if applicable): **LP1170**

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 plus a pre-determination archaeological evaluation on the potential below-ground archaeological remains, to the

Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above

Additional Evidence Link:

Comment ID **APX640**

Site ref (if applicable): **LP1170**

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 Church of St John the Baptist to the south of this site is a Grade I Listed Building. The site also lies adjacent to the boundary of the Halifax Town Centre Conservation Area. National policy guidance makes it clear that Grade I 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 will affect the setting of the listed building and important views of the building within the landscape. Development could improve the quality of the surrounding urban environment and restore the urban grain; but poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. Moreover, there are several of the recommended mitigation measures set out in the Heritage Impact Assessment which also need to be included in the Site Specific Considerations if the potential harm to the historic environment is to be reduced to the level identified. Therefore, as currently worded, the Site Specific Consideration insofar as it relates to the historic environment is Unsound as it is not likely to be effective

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

Duty to Co-operate Reason:

Suggested Modifications:

Site LP1170:- (a) Amend the first 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 repair of the stone boundary walls"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Ecology - Requirement for Preliminary Ecological Appraisal and protected species survey.
2. Protection of biodiversity features of Hebble Brook and Calderdale Wildlife Habitat Network through mitigation measures, including the retention of the brook with buffers to the bank, sensitive landscaping and lighting schemes.
3. Heritage -Should include a requirement for a pre-determination archaeological evaluation on the potential below-ground archaeological remains.
4. Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but there is no requirement for a developer to design a scheme that takes into account identified measures.
Mitigation measures recommended in the Heritage Impact Assessment should be included in Site Specific Considerations section, the wording of which is not likely to be effective as it stands.

Council's Response:

1. In light of the UK BAP priority habitat, the Council would be agreeable to the inclusion of a Preliminary Ecological Appraisal and a Protected Species Survey in the reports required box.
2. The developable area has been reduced significantly in light of the ecological constraints present on the site. Landscaping and lighting considerations will be addressed at application stage following consultation with the necessary bodies and in accordance with the relevant policies in the Local Plan.
3. The Council is agreeable to the inclusion of a Predetermination Archaeological Assessment in the Reports Required box.
4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may

wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result. The Council considers there is a requirement for developers to design a scheme that takes into account measures identified in the HIA.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Require Preliminary Ecological Appraisal and protected species survey.
2. Specify mitigation measures, including retention of Brook and buffers to the bank, sensitive landscaping and lighting scheme
3. Add requirement for pre-determination archaeological survey to Reports section.
4. Amend the first 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 repair of the stone boundary walls"

Council's Response:

1. In light of the UK BAP priority habitat, the Council would be agreeable to the inclusion of a Preliminary Ecological Appraisal and a Protected Species Survey in the Reports Required box.
2. The developable area has been reduced significantly in light of the ecological constraints present on the site. Landscaping and lighting considerations will be addressed at application stage following consultation with the necessary bodies and in accordance with the relevant policies in the Local Plan.
3. The Council is agreeable to the inclusion of a Predetermination Archaeological Assessment in the Reports Required box.
4. The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.

Document Section: LP1287 - Mixed Use Site - Halifax

Representations

Comment ID **APX409**

Site ref (if applicable): **LP1287**

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 & Listed buildings to supplement pre-determination archaeological evaluation mentioned, in Reports Required section, to comply with NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Comment ID **APX410**

Site ref (if applicable): **LP1287**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Need to add requirement for a Heritage Impact Assessment on adjacent Conservation Area & Listed

buildings in Reports Required section, to supplement the pre-determination archaeological evaluation mentioned, 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 **APX642**

Site ref (if applicable): **LP1287**

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:

Site lies within the Halifax Town Centre Conservation Area. 17 to 25 Northgate, opposite, are Grade II Listed Buildings as is the bus station to the north-east. The Heritage Impact Assessment considered that new development on this site could improve the quality of the surrounding urban environment and restore the urban grain, which would have a positive impact on the character of the conservation area and setting of the listed buildings. Development of poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme which takes account of, and puts into effect, the recommended mitigation measures. 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 LP1287 amend the second Site Specific Consideration to read:- "Implementation of the mitigation

measures set out in the Heritage Impact Assessment"?

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but there is no requirement for a developer to design a scheme that takes into account identified measures.

Council's Response:

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

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

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

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

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

The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may

wish to submit a further HIA, which may make varying recommendations in terms of mitigation. It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.

Document Section: LP1292 - Mixed Use Site - Halifax

Representations

Comment ID **APX411**

Site ref (if applicable): **LP1292**

Person ID: **1024937**

Name: **Mr Ian Sanderson**

Organisation: **Principal Archaeologist
West Yorks Archaeology
Advisory Service**

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

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

Sound Reason:

Need to add requirement for a Heritage Impact Assessment on adjacent Conservation Area & close Listed buildings, to Reports Required section, to comply with the NPPF.

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

Duty to Co-operate Reason:

Suggested Modifications:

See above.

Additional Evidence Link:

Comment ID **APX643**

Site ref (if applicable): **LP1292**

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:

Site lies adjacent to the Halifax Town Centre Conservation Area. The Heritage Impact Assessment considered that new development on this site could improve the quality of the surrounding urban environment and restore the urban grain, which would have a positive impact on the character of the

conservation area. However it also felt that development of poor quality and design could further harm the character and appearance of the conservation area and its 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 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 LP1292 amend the third Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but there is no requirement for a developer to design a scheme that takes into account identified measures.

Council's Response:

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

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

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily

prescriptive where in practice other measures may achieve a similar result.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend the third Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

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

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

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

Document Section: LP1632 - Mixed Use Site - Halifax

Representations

Comment ID **APX413**

Site ref (if applicable): **LP1632**

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 Listed buildings within site & in proximity, 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 **APX644**

Site ref (if applicable): **LP1632**

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 a Grade II Listed Building. It also lies in the Halifax Town Centre Conservation Area. The Heritage Impact Assessment considered that new development on this site could improve the quality of the surrounding urban environment and restore the urban grain, which would have a positive impact on

the character of the conservation area and setting of the listed buildings. However, development of poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings. Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme 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 LP1632 amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

1. Heritage - Endorsement of the mitigation measures to reduce harm to the historic environment as identified in the Heritage Impact Assessment, but there is no requirement for a developer to design a scheme that takes into account identified measures

Council's Response:

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

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

It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily

prescriptive where in practice other measures may achieve a similar result.

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

1. Amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

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

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

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

Document Section: Policy SD6 Allocated Mixed Use Sites - Hebden Bridge

Representations

Comment ID

Site ref (if applicable):

Person ID:

Name:

Organisation:

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

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

Duty to Co-operate Reason:

Suggested Modifications:

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

Council's Response:

Test of Soundness

Main Issues:

Council's Response:

Duty to Co-operate

Main Issues:

Council's Response:

Suggested Modifications

Council's Response:

Document Section: LP0922 - Mixed Use Site - Hebden Bridge

Representations

Comment ID **APX1264**

Site ref (if applicable): **LP0922**

Person ID: **11803**

Name: **Mr Abdul Gaffar
Environment Agency**

Organisation: **Environment Agency**

Agent ID:

Name:

Organisation:

Do you consider the plan to be Legally Compliant?:

Legal Compliance Reason:

Do you consider the plan to be Sound?:

Sound Reason:

THIS COMMENT WAS RECEIVED AFTER THE CLOSURE OF THE REPRESENTATION PERIOD. See attached.

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

Duty to Co-operate Reason:

Suggested Modifications:

See attached.

Additional Evidence Link:

<http://calderdale-consult.objective.co.uk/file/5240165><http://calderdale-consult.objective.co.uk/file/5233421>

Comment ID **APX23**

Site ref (if applicable): **LP0922**

Person ID: **855422**

Name: **Mr Phil Kelly**

Organisation:

Agent ID:

Name:

Organisation:

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

Legal Compliance Reason:

There hasn't been any significant community involvement regarding this proposal specifically and it has serious implications for public parking in Hebden Bridge

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

Sound Reason:

UNless there is an additional plan to provide replacement car parking elsewhere - then this would reduce the level of off street parking in Hebden Bridge significantly - when it is already inadequate to meet current

needs for the local community and visitors to the area.

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

Duty to Co-operate Reason:

I am aware of no significant attempts to relate this proposal to any local neighborhood consultation on car parking requirements in and around Hebden Bridge

Suggested Modifications:

The area excluding the current car park has previously been the subject of much community interest when proposals to develop a supermarket were put forward. The site is brown field and is suitable for housing development potentially - but only if it is suitable to the local area architecturally and includes adequate car parking for residents as part of any proposal

Additional Evidence Link:

Comment ID **APX646**

Site ref (if applicable): **LP0922**

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 Hebden Bridge Conservation Area. The Town Hall, to the south, and the works used by Calrec Audio, on Hangingroyd Lane, to the west 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 and restore the urban grain, which would have a positive impact on the character of the conservation area and setting of the Listed Buildings. However, development of poor quality and design could further harm the character and appearance of the conservation area and setting of the listed buildings Historic England would concur with that analysis and with the assessment of the degree of harm that the development of this site would be likely to cause. Historic England would also endorse the mitigation measures which have been put forward in the Heritage Impact Assessment and considers that these are likely to be effective in reducing the harm to the level indicated. However, in order to reduce the potential harm to that level, the mitigation measures which the Heritage Impact Assessment has put forward need to be implemented as part of any future development proposals for this area. Unfortunately, as worded, all a potential developer has to do is to 'consider' the recommendations that have been put forward in the Heritage Impact Assessment. There is no requirement, at all, for them to actually design a scheme 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 LP0922 amend the second Site Specific Consideration to read:- "Implementation of the mitigation measures set out in the Heritage Impact Assessment"²

Additional Evidence Link:

Main Issues and Council Response

Legal Compliance

Main Issues:

1. There has been no significant community involvement regarding the specific proposal.

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). Residents had the opportunity to raise issues such as parking during the consultation periods.

Test of Soundness

Main Issues:

1. Parking - Development would reduce the level of off street car parking unless replacement provision is made. The level of car parking is already inadequate.
2. Heritage -There is no requirement for the mitigation measures identified in the Heritage Impact Assessment to be put into effect.

Council's Response:

1. Highways Development Management has stated that further information will be needed regarding parking provision in any forthcoming application for development of the site.
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.

Duty to Co-operate

Main Issues:

1. Consultation - No local neighbourhood consultation to relate the proposal to car parking requirements.

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).
Residents had the opportunity to raise issues such as parking during the consultation periods.

Suggested Modifications

1. Amend the second Site Specific Consideration to read:-
"Implementation of the mitigation measures set out in the Heritage Impact Assessment"

Council's Response:

1. The purpose of the Heritage Impact Assessment (HIA) is to inform the site allocation process of the Local Plan. Through assessment of the significance of the historic environment, the likely impact of allocation on affected heritage assets, both designated and non-designated, is identified and consideration given to whether such impact can be mitigated.
The mitigation measures identified within the HIAs are recommendations to be considered by applicants and Development Management case officers. At the time of a full application submission, applicants may wish to submit a further HIA, which may make varying recommendations in terms of mitigation.
It is considered that to 'require' the mitigation measures included within the HIAs would be unnecessarily prescriptive where in practice other measures may achieve a similar result.