

Calderdale Local Plan Examination

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Dear Mr. Seaman,

Calderdale Local Plan examination – Stage 2 post hearings letter from the Inspector

1. Thank you for the Council's contributions at the Stage 2 hearing sessions held between 6th October and 4th December 2020 and for hosting the virtual hearings on the Council's Zoom system. Following the completion of the Stage 2 sessions I am writing to set out my views on the way forward for the examination and the next steps.
2. In the months prior to the Stage 2 hearing sessions the Council published a significant number of new technical/evidence documents in support of the submitted Plan. Whilst the documents were published prior to the hearing sessions, in some cases they were available only a few weeks before the event. Furthermore, some of the documents were published during the period for preparing hearing statements, whilst others were published after the closing date. In the interests of fairness it is important that everyone involved in the Local Plan process is provided with sufficient time to digest and respond to new supporting documents that the Council puts forward. Therefore, as discussed at the hearings, one of the key actions for the Council will be to publish these documents for further comment. The Council is requested to provide details of the scope and timing of the consultation as soon as possible.
3. During the course of the Stage 2 hearing sessions I identified a number of areas where further work/information is required to support the policies and proposals in the submitted Plan. This includes technical evidence relating to strategic, site-specific and development management matters. My view, based on the current evidence and representations before me, is that this work is necessary to underpin the Council's approach and to demonstrate that the Plan meets the tests of soundness and is legally compliant.

4. Details of the work (and other potential main modifications that were discussed) are set out in the Council's Stage 2 Hearings Task List (CC85) and as such are not re-rehearsed in this letter. I am content that the list reflects the areas of work discussed at the hearing sessions, and welcome the Council's positive response on the matter. As discussed at the hearings, it will be necessary to publish many of the new evidence documents prior to any future publication of main modifications, in order to allow interested parties an opportunity to comment. The Council is requested to liaise on the scope and timing of consultation, via the Programme Officer.
5. The additional evidence and responses received will be taken into account in my deliberations on the soundness and legal compliance of the Plan and my final report. If it is necessary to hold additional hearing sessions prior to this, to examine new evidence and hear representors, I will advise the Council as soon as possible. At this stage, without prejudice, I consider that Stage 3 hearings may be necessary on transport infrastructure and housing supply, given the extent of new evidence on these matters – but there may be a need for other sessions. Stage 3 hearings will also need to cover the Habitats Regulation Assessment work that has been commissioned by the Council but was not available for the Stage 2 hearings.
6. Once the requested consultation, further work and Stage 3 hearing sessions are completed I will write to the Council to confirm the way forward for the examination. If, at that stage, I consider that the Plan is potentially capable of being found sound and legally compliant, the Council would be invited to publish proposed main modifications to the Plan for consultation purposes.
7. At the Stage 2 closing session I indicated that I would write to the Council with comments on a number of specific allocations following the completion of further site visits in January 2021, and on a few other discrete matters. Details are provided in Appendix 1 below. These comments are in addition to the potential main modifications that were discussed at the hearing sessions, as set out in CC85. It is important to stress that the views set out in the Appendix are in summary form and interim only, pending the additional work and consultation that needs to be carried out. This includes work relating to Habitats Regulation Assessment, Sustainability Appraisal and other critical strategic/infrastructure evidence. Consequently any points in the Appendix are without prejudice to my final conclusions on the Plan. My full reasoning and conclusions relating to these matters will be provided in my final report. Furthermore, the absence of comments on other sites should not be read that I have reached a final conclusion on whether they are justified or effective. As set out above, there is a range of further work and consultation that needs to be carried out that will inform my final conclusions on matters.
8. There are a number of other allocation sites where I requested that Historic England and the Council formulate an agreed position on the developable area and/or site boundary, or where I sought additional information from the Council. Once this information has been received I will deal with these matters in subsequent correspondence as necessary.

9. The Council is requested to provide an indicative timetable for the consultation and technical work, and a provisional date for commencement of Stage 3 hearing sessions. This should be published in the examination library as soon as possible.
10. Thank you for your assistance and the work of your team to date. If you have any questions or queries regarding this letter, please do not hesitate to contact me via the Programme Officer.

Katie Child

INSPECTOR

Appendix 1

EMPLOYMENT ALLOCATIONS

Land at Ainley Top, Brighouse Road, Elland (LP0021)

The tree covered mound area within the site (as shown in the Council's Heritage Impact Assessment CC68) is an attractive landscape and historic feature. If the allocation is retained in the Plan this area should be excluded from the site boundary and the site area and map in Appendix 1 altered accordingly.

The remaining area of high sensitivity within the allocation site, as identified in the Council's Heritage Impact Assessment (HIA) (August 2020) (CC68), forms part of the undeveloped ridgeline identified in the Castle Hill Setting Study (2016) (CC54) and is visible on the skyline from the Scheduled Monument as a clear gap between Fixby Hall woods and dwellings on New Hey Road. The ridgeline also affords attractive views over the wider countryside to the north and south. As such the area has a number of sensitivities.

Taking this into account, my view is that if the allocation is retained in the Plan, the indicative developable area should be amended to exclude the remaining area of high sensitivity and the estimated floorspace adjusted accordingly. The proposed modification to the HIA wording in all relevant policies (as agreed by Historic England) would provide an element of flexibility regarding the exact boundary of the indicative development area if subsequent heritage assessment is carried out by the developer and agreed by the Council, and shows that suitable mitigation measures can be achieved.

Alongside this, for reasons of effectiveness, it is my view that additional wording should be inserted in the 'site specific considerations' section which clarifies that:

- An access road may be appropriate across the area of high sensitivity, subject to suitable design and layout.
- Any subsequent HIA work should have close regard to views of the ridgeline from Castle Hill Scheduled Monument and the need for sensitive design and

layout and building heights in order to satisfactorily mitigate harm to designated heritage assets.

- Development should respect the landscape setting and historic character of the mound adjoining the allocation site.

Land off Huddersfield Road, Brighouse (LP1618)

The Council's Hearing Statement proposes that the western boundary of the site should be amended to exclude an area in the south-west corner and that an additional area of land to the north-west should be included. These changes were discussed at the hearing session on 15th October 2020 and I have subsequently carried out a further site visit. The proposed additional area of land is currently partly occupied by a number of agricultural and outbuildings and lies between the proposed allocation site and residential development to the north. It is also bounded by a strong landscaping belt to the west. If the allocation were to come forward this area would therefore not read as part of the open countryside. The current south-west corner, in contrast, is an attractive sloping field which adjoins a series of open fields to the west. Accordingly, if the allocation remains in the Plan, based on what I have seen and heard to date I consider that these proposed boundary changes would, in principle, appear to be reasonable. However, this is dependent on the outcome of an amended Green Belt site assessment by the Council and further consultation. Any detailed reasoning would, as necessary, be set out in my final report.

The Council's Hearing Statement also proposes changes to the indicative development area in the eastern section of the site. I understand that further discussion is currently taking place with Historic England on this matter, and therefore I reserve my position until these matters have been resolved.

HOUSING ALLOCATIONS

The Gate Farm, Greetland (LP0026)

This site is an additional allocation proposed by the Council in its consultation paper produced in January 2020 (CC39). It forms part of an open field on the edge of Greetland and is highly visible on the approach to the village along the B6114. There are views across the site towards Brian Royd Mills and historic buildings to the north, and the site contains a number of TPO trees and is bounded by stone walls. It forms an important gateway to the village and has an attractive appearance and character.

Based on what I have seen and heard to date I consider that the proposed development of this site for potentially 67 dwellings would cause significant harm to the character and appearance of the locality and the setting of Greetland. At the hearing session the Council indicated they may be minded to put forward a smaller area of the site for development. It remains a sensitive site with notable character. Nonetheless, the Council is requested to forward any details of potential amendments to me via the Programme Officer as soon as possible.

Land off Scar Bottom Lane, Greetland (LP1407)

As with LP0026 the site is in a sensitive location on the edge of Greetland and has an attractive character and appearance. The site is bounded by stone walls and there are pleasant views across the site to the adjoining historic dwellings, with longer

distance views to the south over fields to the wider countryside. Based on the current evidence before me I consider that development on the site would cause significant harm to the character and appearance of the locality and to the setting of Greetland and the adjoining historic dwellings. As such I consider that the allocation should be deleted from the Plan. Further detailed reasoning will be set out in my final report.

Land adjacent Ellistones Place, Greetland (LP0177)

This site is an additional allocation proposed by the Council in its consultation paper produced in January 2020 (CC39). At the hearing the Council confirmed that a road would be needed to the south of Greetland Academy on land outside the indicative developable area, in order to access the eastern section of the site.

The proposed road would extend into the corridor of open land adjoining the river. The attractive riverside setting is a well-used area for recreation, being crossed by public footpaths, and there are pleasant rural views across the grazing land towards the nearby listed building of Bradley Hall Farmhouse (seen through the trees). The fields adjoining the river are identified in the Council's HIA (CC68) as an area of high sensitivity that should be excluded from the allocation or remain free of built development and/or changes of use that compromise its setting.

The field adjoining the northern side of the river rises to an attractive escarpment edge which is bounded by a stone wall and mature trees. Notwithstanding the need to demonstrate suitable flood mitigation measures, the proposed road would cut into the slope of the escarpment and/or extend outwards beyond the slope into the river valley, and would be a highly visible and alien feature in the landscape. Overall, my interim summary view is that a proposed road south of the escarpment edge would cause significant harm to the character and appearance of the river valley and detract from the setting of the listed building. As such, if the proposed site is included as a modification, I consider that either the eastern section of the indicative developable area should be removed, or that alternative access arrangements are identified. The Council is requested to confirm whether there are potential alternative options and how it would like to proceed with this matter.

Linked to this I consider that additional wording should be inserted in the 'site specific considerations' section of the policy to specify that southern section of the site south of the escarpment should be retained as open land. Alternatively, this area should be excluded from the site boundary.

Land at New Gate Farm, Greetland (LP0952)

This site is an additional allocation proposed by the Council in its consultation paper produced in January 2020 (CC39). The north-western corner of the site at the junction of Saddleworth Road and Gate Head Lane (to the north of the existing dwelling and bounded by a stone wall to the east) is highly visible and forms a key gateway into the village. If the allocation is to be included as a main modification it is my view that additional policy text should be inserted which specifies the provision of an attractive landscaped/open area at this key gateway. Or alternatively the indicative developable area should be amended to exclude this part of the site.

Westercroft, Northowram (LP1523)

This site is an additional allocation proposed by the Council in its consultation paper produced in January 2020 (CC39). The eastern part of the site is identified in the Council's HIA (CC68) as an area of high sensitivity which should be excluded from the allocation. The adjoining historic hamlet of Westercroft has an attractive semi-rural appearance and the provision of a gap would help to preserve the setting and character of the undesignated heritage asset.

As such, if the proposed site is to be included in the Plan, I consider that the area of high sensitivity should be excluded from the indicative developable area and the site capacity adjusted accordingly. The proposed modification to the HIA wording in all relevant policies (as agreed by Historic England) would provide an element of flexibility regarding the indicative development area if subsequent heritage assessment is carried out by the developer and agreed by the Council, and shows that suitable mitigation can be achieved.

Land off Hall Lane, Northowram (LP0766)

This site is an additional allocation proposed by the Council in its consultation paper produced in January 2020 (CC39). The area of high sensitivity as identified in the Council's HIA (CC68) is excluded from the indicative developable area. However, following my site visit I consider that given the intervening distance between the site and Marsh Hall and the presence of tree belts on parts of the northern boundary of the proposed allocation, there is likely to be some scope for built development within this area. The exact extent will be dependent on mitigation measures such as additional planting and sensitive design and layout. However, notwithstanding my final conclusion on the soundness of the proposed allocation, if the proposal is to be included in the Plan I consider the indicative developable area should extend further into the northern field, with consequential adjustments to the site capacity. Further policy text is also necessary to specify that development in this area has careful regard to design, layout and landscaping, in order to satisfactorily mitigate any harm to designated heritage assets.

EMPLOYMENT LAND SUPPLY

The issue of employment land supply was dealt with at the hearing session on 3rd December 2020. Potential sources of supply identified by the Council include completions since 2016, outstanding commitments, new employment and mixed use allocations, and intensification of existing employment sites.

During the discussion the Council queried whether the completion figures in the supply calculation should be gross or net – e.g. with the latter taking account of losses since 2016 in addition to new provision. On the face of it calculating the amount of new employment land likely to come forward over the Plan period would involve taking account of losses, so an accurate picture of additional land provision can be obtained. However, the Council's methodology for assessing employment land requirements (as set out in the Employment Land Study EV01) incorporates an allowance for loss (in stage 3 of the process). As such it would therefore appear that loss of employment land space is already accounted for in the equation, and that using net completions in the supply figures would involve double counting of loss. On this basis, in the case of

Calderdale, it would appear that comparing need against supply should involve the use of gross completions figures.

The Council is requested to reflect on this matter and confirm its position via the Programme Officer.

WASTE

The Local Plan allocates four sites for waste management facilities. Three of the sites are located in the Green Belt whilst the fourth site adjoins an existing waste management facility outside Todmorden.

The Council has provided an overview of the site selection process in document EV22.1 which indicates that a wide range of potential site options were assessed. However, at the Stage 2 hearing session the Council stated that employment allocations in the Plan had not been assessed for their potential to accommodate an element of waste management facilities. Waste management facilities (including those classed as B2 development) can sometimes be suitable uses on business parks. A robust appraisal of non-Green Belt options is necessary in order to demonstrate exceptional circumstances for the release of Green Belt land and be consistent with national policy. I am also cognisant that the Local Plan identifies a supply of employment land which markedly exceeds identified needs over the Plan period – and that the amount of additional waste land required is modest. Paragraph 4 in the National Planning Policy for Waste also highlights that when allocating sites, Waste Planning Authorities should *'give priority to the re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages'*. The evidence currently before me does not make it clear whether this approach has been taken.

As it currently stands, I consider there is insufficient evidence before me to demonstrate that the proposed waste allocations in the Plan are justified and consistent with national policy. The Council is requested to review its position on the matter and confirm how it would like to proceed. It is my view that additional work may be necessary, for example, to review potential employment allocations or other existing business parks that may be suitable for waste facilities, and to demonstrate how the priority approach has been applied.

As expressed at the hearing, I also have concerns about the effectiveness of the Council's proposal to retain the three proposed waste allocation sites within the Green Belt. Sites WLP2 and WLP3 contain some temporary sheds and structures whilst the additional land at WLP4 is predominantly undeveloped. There are some types of waste management facilities that do not require buildings, for example outside composting. However, there is no evidence before me that development on these sites would be likely to take this format, or that the exceptions to development in the Green Belt in paragraphs 145 and 146 in the NPPF 2019 would be satisfied. Determining whether Very Special Circumstances exist (paragraph 144 in NPPF) involves looking at the specifics of a particular application and therefore cannot be pre-empted at the Local Plan stage. As such, if there is still a justified need for waste allocations on Green Belt land in Calderdale and exceptional circumstances are demonstrated, it is my view the Council would need to consider removing any such sites from the Green Belt for reasons of effectiveness.