

CPRE endorses the hearing statements submitted by Kirklees Community Action Network. Our own hearing statements clarify and emphasise our previous representations in the light of the Inspector's questions. Our Core Evidence Paper to the Publication Draft Plan (December 2016) sets out our position on most matters.

### **Matter 1: Legal and Procedural Issues**

#### **a) Duty to Co-operate**

CPRE considers that the Duty to Co-operate has not been fully met, in terms of how the combined effects of development proposals close to the boundaries between Kirklees, Leeds and Calderdale are to be managed and will deliver sustainable outcomes. The proposed release of Green Belt land for housing and employment uses near motorway junctions and the borders with neighbouring authorities.

CPRE does not accept that Kirklees functions as a self-contained housing market area in assessing housing targets including completion rates. This is particularly important in the context of the large proportion of new housing development proposed in locations close to the local authority boundary and close to other large allocations proposed in adjacent authorities, particularly Calderdale and Leeds.

#### **b) Sustainability Appraisal**

The Local Plan is required to deliver sustainable development, and it is of great concern that sustainability issues CPRE and others have identified have not been adequately addressed by the Sustainability Appraisal and its influence on the Plan's formulation. Local Plan targets are susceptible to circumstances beyond its control, especially in terms of economic performance, but the Plan has a responsibility to focus development towards sustainable outcomes that benefit communities, whatever those external circumstances. CPRE does not believe the Plan to be equipped to do this. Our particular concerns are outlined below.

- i. Kirklees is seeking to locate significant strategic development very close to motorway junctions, in locations not well-served by rail. As a result it is very likely that many of the jobs will be taken by people driving from elsewhere in the region; while many new homes will be occupied by commuters working across administrative borders.

- ii. The concentration of employment land allocations along the river corridors without adjacent provisions for residential developments, combined with a tendency for housing allocations to be peripheral to the urban areas in locations poorly served by public transport, will hinder the potential of the plan for urban placemaking and will worsen road traffic congestion and air quality. CPRE consider that the plan overall shows a lack urban vision to develop sustainable patterns of development through mixed use, higher density housing areas.
- iii. The Plan demonstrates no overarching target or commitment to reducing carbon emissions, nor any convincing mechanisms to do so. The road-based emphasis of employment development growth, a tendency towards greenfield housing locations, and an unsustainably low target housing density will inevitably combine to create additional road traffic, bringing congestion, air pollution and carbon emissions. There is insufficient evidence that alternative spatial scenarios have been assessed - produced in collaboration with neighbouring authorities, that may be more beneficial in relation to CO2 emissions. We consider that this puts the Local Plan in contravention of the Climate Change Act 2008 (which introduced a statutory target to reduce CO2 emissions to at least 34% of 1990 levels by 2020, and 80% of 1990 levels by 2050). In our view this means that the Local Plan is not legally compliant, in relation to Local Authorities' statutory duties under the Planning and Compulsory Purchase Act 2004, as amended by the 2008 Planning Act, and also because NPPF, as an instrument of national policy, is bound by the Climate Change Act.
- iv. We do not consider that the Plan's approach to employment land supply to be justified by economic evidence, and the housing and employment projection targets do not fit with a policy to reduce worklessness amongst the existing population and make a positive contribution to place-making.
- v. In the context of these shortcomings in the Plan, the proposed Green Belt changes will tend to facilitate an unsustainable pattern of development, and therefore the exceptional circumstances for Green Belt changes are not justified.

### **g) Long Term Requirements**

The soundness of the Plan depends on future-proofing against one or more policies becoming out-of-date and undermining the plan as a whole. To achieve this, the Plan should:

- i. Phase the development of allocated sites in three phases, in line with NPPF para 47, to enable better account to be taken of windfall sites and fluctuations in housing need and market conditions during the plan period;
- ii. Specify how the Plan's policies should be weighted in the event of housing land supply falling below five years, outlining the sustainability risks posed by policies not being implemented.

## Matter 2 - Spatial Development Strategy

a) and b) The Plan does not adequately propose a spatial strategy or vision for the area. The 'Spatial Development Strategy' describes a **quantity** of proposed development, saying nothing about how new development will enable the overall pattern of settlement to become more sustainable, for example by reducing the need for road-based journeys for goods and people, or improving air quality. It undermines urban regeneration and revitalisation of town centres and fails to address the challenges of climate change. As such, the Plan's *Vision and Place Shaping* Chapter cannot be considered to provide a clear framework for the future growth and development of different sub-areas of the Borough.

c) CPRE maintain that the plan as proposed is unsound in respect of the issues raised above. We have raised concerns about the housing and employment assumptions, including the unrealistic OAN, the focus on edge-of-town, motorway-junction based development, inadequate justification for Green Belt changes, and related shortcomings in the Duty to Cooperate, it is clear that there are alternative strategies that have not been considered. The alternatives that have been considered are simply based on even less realistic growth scenarios, and less sustainable spatial patterns, that would inevitably be discounted.

d) and e) It is disingenuous to state that 'most growth' is focused on the main urban areas. As we outlined in our Core Evidence Paper, the spatial strategy is characterised by motorway-based employment allocations and a relatively dispersed pattern of housing allocations. The proposed developments risk the coalescence of Dewsbury (Chidswell) with East Ardsley, and Huddersfield with Brighouse; and a disproportionate scale of growth in a number of smaller settlements.

j) The plans growth and spatial development strategy with its focus on large strategic sites, removed from Green Belt, places an emphasis on new locations with disproportionately large infrastructure requirements. These sites are mostly near motorway junctions and will be reliant on road use for goods, services and people mobility. This will have a significantly negative impact on air quality and carbon emissions. Regeneration schemes lack an urban vision which has sustainability in terms of reducing carbon emissions at its core. There is also no overarching vision for reducing carbon emissions across the plan.

### Matter 3 - Overall housing need

a) to e) CPRE's Core Evidence Paper (Dec 2016) explains our contention that the OAN calculations for Kirklees have been significantly inflated and are therefore not credible. We consider that any housing target in excess of 1,400 per year (25,000 over the plan period) would be contrary to national policy and planning practice guidance, and serve to undermine economic objectives within the plan to reduce worklessness.

CPRE strongly contest the figures presented and suggest an OAN based on an overly aspirational employment projection is both unsound and counter productive in economic terms. It cannot be justified by the available evidence and provides for a scenario of population growth, job growth and housing market growth that cannot reasonably be expected to occur; and it therefore inconsistent with national Planning Practice Guidance (ref 2a-003-20140306).

The headline OAHN figure masks the types, tenures and affordability of housing required to provide suitable and sustainable development. CPRE considers that the OAHN should be segmented to clarify the structure of housing need, to avoid confusion between need and demand, and crucially to make clear that affordable housing is not interchangeable with market housing in meeting the OAHN. If the OAHN is to properly inform the housing requirement, then it must be clear that providing the wrong type or price-point of housing does not amount to meeting need, even if the overall quantity of development is in line with the target.

g) It is too early to make informed adjustments to OAHN in the light of Brexit, certainly in terms of demographic implications. Clearly, however, it is very likely that there will be a period of economic instability that will render sustained growth throughout the plan period less likely. This makes ambitious growth scenarios, and associated in-migration to support a growing workforce, significantly less likely, and we consider a downward adjustment to the growth scenarios should be evaluated.

#### **Matter 4 - Housing land supply and delivery**

a) and b) The housing requirement should articulate the types and tenures of housing required in different places to achieve sustainable place-making. Otherwise, there is no way to ensure that the right development takes place in the right places.

Crucially, there is no evidence that uplifting market housing would increase delivery of affordable housing, because uptake of market housing cannot exceed demand, and this will inevitably compromise the viability of affordable delivery in market housing schemes. Our proposed segmented supply would address the issue effectively. This would be achieved by specifying the mix of types and tenures for each site at the allocation stage.

c) and d) The Housing Trajectory should clearly show a series of years in which the anticipated rate of housing completions will be sufficient to implement the plan target. Otherwise there is no relationship between the trajectory and the monitoring of performance that informs the ongoing calculation of 5-year land supply. The trajectory graph as presented is a hypothetical rate at which sites may become available for development, rather than a profile of the rate at which housing will be delivered. As such it is meaningless.

g) We do not consider that increasing the total allocations to allow for a lapse rate would be appropriate. In particular, this would raise the question of what should happen to lapsed allocations, especially if they have been drawn from Green Belt changes. Should they return to their previous status, in which case there would be additional need for Green Belt reviews; or should they trigger a selective review of the Plan as a whole? Given our view that the housing requirement is exaggerated in any case, a much more useful approach would be to implement a three-phase approach to housing supply, in which locations are identified for *possible* allocations to fulfill the year 11-15 supply, but the sites are only allocated if delivery is on-trajectory and brownfield windfalls are insufficient.

h) The plan assumes that windfall sites should not contribute to the 5 year housing supply. This contradicts the evidence of windfall as a reliable, ongoing source of supply - especially with the relaxation of permitted development rights on offices and other buildings to residential. Historically, windfall sites have accounted for the majority of housing completions since 2001. The extensive proposed new land allocations undermine the focus on urban re-development in Kirklees, despite commendably high brownfield development rates in recent years.

It is CPRE's view that the plan cannot be considered sound without it being based on up-to-date evidence that includes a brownfield register, especially when this has historically provided a rich resource for windfall sites to housing supply.

## **Matter 5 - Other Housing Matters**

- a) to g) CPRE is committed to supporting the right developments of the right homes in the right places, and a strong set of policies for affordable housing is therefore essential. In our view, policy PLP 11 will not be effective in delivering a sufficient stock of affordable housing and is therefore not fit for purpose.

In planning to meet the full, objectively assessed need for market and affordable housing, the Plan should clearly segment that policy aim by setting out:

- the total proportion of all new homes that should be in affordable tenures;
- the proportion of all affordable homes that would be expected to be delivered as an element of market housing schemes;
- how the remaining affordable homes are to be delivered;
- how the type and location of development sites has been informed by the requirements for affordable housing;
- how the provision of market housing will be managed to ensure that development sites are not used up for market housing if affordable homes are not being delivered at an acceptable rate.

The Plan should also be clear that market housing schemes are not the only delivery mechanism for affordable housing, and that affordable housing provided as a proportion of homes in market schemes will still result in an accumulating shortfall of affordable housing, for which delivery mechanisms and land supply need to be identified.

## **Matter 6 - Employment needs and delivery**

a) As identified in Matter 3, CPRE considers that the employment density assumptions used to translate the OAN need for employment into land requirements is unsound. It is based on inflated projections and aspirations which depend on highly unlikely growth in the available workforce, and lacks focus on reducing worklessness within the existing population.

c) The Plan's approach to employment neglects a number of potential growth sectors (such as tourism, creative and service industries that contain higher numbers of micro-businesses) and over-emphasises others such as manufacturing, office and logistics. This in turn challenges presumptions in employment land use requirements over the plan period, and the nature and design of these sites.

Greater employment figures analysis is available in CPRE's Core Evidence Paper.



### **Matter 8 - Approach to site allocations and Green Belt releases**

- a) and b) An up-to-date brownfield register should be a pre-requisite for assessing development capacity; and increased residential densities that support sustainable settlement patterns should be used to assess site-by-site capacity.

In our view, the test of exceptional circumstances is a two-stage process.

- i. At the first stage, if comparing a realistic OAN with site availability outside the Green Belt indicates that GB boundaries would need to change, this would trigger exceptional circumstances to undertake a Green Belt review; but it should not pre-judge the findings of the Green Belt review. The Green Belt review should be undertaken alongside the Sustainability Appraisal, and should establish:
  - whether Green Belt boundaries could be changed without harming the purpose of the Green Belt;
  - whether changed Green Belt boundaries could deliver a more sustainable pattern of settlement than could be delivered otherwise;
  - which sites would form suitable allocations to implement that pattern.
- ii. The total capacity of those suitable sites then provides the top limit for how much land a Green Belt review can sustainably contribute to meeting OAN. If this is still not enough to meet OAN in full, then the Green Belt review finds a constraint on the housing requirement, which should then be less than OAN.
- iii. There should then be a further, second test of exceptional circumstances: are the advantages of meeting OAN in full are deemed to outweigh the harm to the purposes of the Green Belt, once all other policy considerations have been taken into account? For example, locating development in Green Belt locations may tend to have a greater impact on CO2 emissions, air quality, green infrastructure, but might relieve development pressure on urban green spaces.

It is not evident that this logic has been followed, nor that the sustainability of meeting OAHN in full has been adequately tested. In this context we do not accept that exceptional circumstances have been demonstrated for the proposed Green Belt changes.

- c) We consider that the proportion of land in Kirklees within Green Belt is immaterial. It is the degree to which it fulfills its purposes, both strategically and locally, that is important.



d) The methodological approach taken by Kirklees in assessing Green Belt review does not adequately take into account its function in assisting urban regeneration. Allocating land from Green Belt for both housing and employment uses in clusters near to the motorway junctions will have the effect of shifting the emphasis of development activity away from the urban areas and undermine this purpose.

We also have specific concerns that many of the proposed allocations from Green Belt will not provide housebuilding at a sufficient rate to make a meaningful contribution to land supply. This is particularly true of the urban extension sites at Bradley and Chidswell, where their proximity to other large residential allocations proposed in Leeds and Calderdale presents a high risk of market saturation in those areas, and also calls into question the plan's assumption that Kirklees operates as a self-contained housing market area.

f) and g) It is unclear whether this question refers to existing UDP safeguarded sites being carried forward, or new safeguarded sites being identified on non-Green Belt land. In either case, we see no reason why new safeguarded sites must necessarily result from Green Belt changes. The principle of safeguarded sites is that they:

- provide a source of land for possible development needs beyond the Plan period;
- require a Local Plan review to allocate them, thereby keeping them available for their intended purpose;
- avoid the need for the next Local Plan to require a Green Belt review to provide additional land.

If these requirements can be fulfilled using sites not currently in Green Belt, this would be entirely consistent with national policy and guidance. To the extent that these requirements cannot be met without reviewing the Green Belt, this forms part of the justification for Green Belt review.

A crucial concern is that safeguarded sites have not been subjected to full site assessments and sustainability appraisals, so their fit with the Plan's spatial objectives have not been properly established. This creates two key risks:

- Firstly that identification of safeguarded sites at this stage makes presumptions about that they will have a strategic fit with a future Local Plan that they do not have with the current one;
- Secondly that if these sites come forward for early development (ie during the plan period) this will distort the implementation of the Plan's spatial objectives.

This leads us to the conclusion that sites not considered suitable for implementing the current Plan's spatial objectives should not be identified as safeguarded sites.