

Hearing Statement

**on behalf of the Clifton Village
Neighbourhood Forum**

**Calderdale Local Plan Examination
Matter 13 – Employment allocations and
policies**

July 2020

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Calderdale Local Plan Examination

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1. Introduction

- 1.1 This Hearing Statement has been prepared by NJL Consulting, on behalf of the Clifton Village Neighbourhood Forum ('the Forum'), in relation to the Calderdale Local Plan Examination. It follows previous submissions to both the Initial Draft (2017) and Publication Draft (2018) plans, which raised fundamental concerns with the Plan and Evidence Base, along with Hearing Statements and attendance at Stage 1 Hearings which identified previous flaws had still not been addressed.
- 1.2 The Forum consider the concerns raised in previous submissions go to the heart of the plan strategy. The issues have still not been addressed by the Council and the Plan remains unsound. Moreover, the ongoing iterative submission of evidence during the Examination goes against the principles of evidence based plan preparation.
- 1.3 This Hearing Statement is structured such that only the relevant questions Inspector's Pre-Hearing Questions (27th May 2020) are responded to. It should be read in conjunction with all previous representations made by and on behalf of the Forum.
- 1.4 Representatives of the Forum will be appearing at the relevant Hearing Sessions.
- 1.5 The Forum, which is made up of a cross-section of the local community, is not 'anti-development' and recognises some development is needed and can be justified. However, the amount of development allocated to Brighouse is out of step with the local plan evidence base and is wholly unsustainable and undeliverable. Furthermore, the plan lacks anything close to sufficient detail on essential key infrastructure needed to accommodate proposed levels and location of growth, and there is no certainty over the deliverability of such essential infrastructure.

General comments on Local Plan evidence and soundness

- 1.6 The Forum has serious concerns regarding the Council's lack of action in providing key information and evidence requested by the Inspector, particularly as the evidence is essential for a proper examination of the plan. The Council has failed to produce evidence as required by document CC17A, despite the information being requested over a year ago. Specifically, items 7, 8, 21 and 22 in CC17A are shown as "underway".
- 1.7 These items are critical to assessing plan 'soundness', and without the further detail requested by the Inspector in 2019 the plan cannot be said to be justified or based on appropriate evidence. Items 7 and 22 are fundamental in relating to traffic modelling,

disclosure of highways data, and evidence that highway interventions necessary to deliver the two Garden Suburbs which underpin the plan are deliverable. Backfilling of evidence is not an acceptable and robust means of preparing a local plan.

- 1.8 In this context, recent Inspector conclusions on the now withdrawn Uttlesford Local Plan are relevant (the Uttlesford plan being withdrawn on Inspector advice). The Inspector concluded, in his letter to Uttlesford Council of 10th January 2020:

(122) ... it is difficult to keep track of and understand the large volume of additional material that has been submitted and continues to emerge. This is especially problematic for local residents. There is also a risk that this additional material, and any further evidence that is produced, seeks to justify the strategy set out in the plan rather than informing the plan making process which is how it should be used.

(123). Proceeding with this examination is likely to become protracted. It would be procedurally challenging to manage in practical terms and extremely difficult for participants to engage with...

... (126) ... the examination process is not intended to allow the Council to carry out major changes to the plan or to complete the preparation of its evidence base. Based on our concerns about the soundness of the plan set out above we anticipate that the changes necessary would amount its almost complete re-drafting. The Guidance advises that where the changes recommended by Inspectors would be so extensive as to require the virtual rewriting of the plan, it is likely to be suggested that the local planning authority withdraw the plan.

(127) ... key decisions to be made on the future of the Garden Communities and the spatial strategy need to be taken by the Council, in consultation with local residents. The most effective and transparent way to do this would be through the preparation of a new plan, based on a robust SA, rather than emerging as our recommendations in main modifications.'

[NJL Consulting emphasis]

- 1.9 There are clear parallels between Uttlesford and Calderdale in attempts to belatedly and retrospectively justify, and provide essential evidence for, a flawed strategy. This is unquestionably prejudicing the ability of many respondents, including the Forum, to properly respond to the Inspectors questions. The proposed plan could be so fundamentally flawed that it should be withdrawn.

2. Matter 13 – Employment allocations and policies

Issue – Are proposed employment allocations justified, effective, deliverable and in line with national policy? Are other employment policies in the Plan soundly based? [Policies SD5, SD6 and Appendix 1, Policies EE1 and EE2]

Strategic employment allocation (LP1232) - Land at Wakefield Road/Clifton Common

(a) When was the site i) originally designated for employment uses in a development plan and released from the Green Belt, and ii) identified as an Enterprise Zone?

c) How does the site fit with the local and regional economic strategy? What status and benefits does designation as an Enterprise Zone bring

- 2.1 The site was originally released from Green Belt, and designated for employment uses, in the Unitary Development Plan (1997) (UDP) almost 25 years ago. It was restricted to B1(a) and B1(b) uses, at the recommendation of the UDP Inspector, and this restriction was retained in the 2006 Replacement UDP (and 2009 amended version). Despite significant property growth and development in the interim, this site has remained undeveloped, which says much about the site and its developability. Despite this allocation and several economic cycles, the site has remained undeveloped even for uses which are more sensitive to nearby residential areas and can better deal with the steep topography.
- 2.2 The site is one part of a wider, multi-site Enterprise Zone established in April 2017. Even the Council accepted, when lodging its application for funding from the National Infrastructure Productivity Fund for the link road through the site, *'The clock is ticking on the EZ designation as the occupier incentives and LEP retention of business rates began on the 1st April 2017, hence we are keen to implement this project quickly.'*
- 2.3 This concern, expressed by the Council itself, reflects the fact there is now little if any prospect of development happening in time for occupiers to secure space in time (April 2022) to benefit from incentives such as the business rate relief/discounts. Worse still, the Government scheme allowing 100% tax-relief to a business making large investments in plant and machinery expired in March 2020 meaning it is no longer available for this site. It is therefore hard to understand how the Council still believes after almost 25 years of allocations for commercial development, encompassing numerous property boom periods, this site will somehow be developed quickly now.

(e) What size of units is the site capable of accommodating, taking account of topography, market requirements and other factors?

- 2.4 As outlined above, the site has been allocated and available for well over 20 years for B1 development which generally can be accommodated in smaller floorplates better suited to sites such as this with challenging topography. Despite the steep gradient, the Council is now proposing to add B2 and B8 uses. Generally, where sites for B2 and B8 development are so close to motorway intersections, the market is requiring larger and larger floorplates of between 100,000 and 1.5 million sqft. The topography of this site is such it will only be able to accommodate units a fraction of this size.
- 2.5 There is a real risk once again the site will not be suited to the market and will not attract the types of businesses for which the proposed allocation is intended, because they need much larger floorplates which simply cannot be accommodated due to the topography of the site. The Forum also has serious concerns this type of development can be adequately mitigated to protect residents from noise, air quality and light pollution all of which will be far worse from B2 and B8 uses.
- 2.6 The allocation should therefore remain as is, or for a mix of uses which may even include residential. This way a development can be encouraged which has at least a chance of meeting some market requirements and can most certainly be far better accommodated without such significant impacts on very close by residents.

f) What role does the site play in separating the settlements of Brighouse and Clifton and supporting the identity of and setting of Clifton village?

The site is part of a strategic gap which separates Brighouse and Clifton and retains the identity and physical separation as two distinct settlements. The setting of Clifton is really defined by being surrounded by green agricultural fields. The site is no longer Green Belt because the Council decided it had a deliverable proposition for its development to benefit the Calderdale economy. So far it has been proved wrong and we are now all faced with the dilemma of what the site should be developed for since removal from Green Belt is permanent.

g) What effect would the proposal have on the character and appearance of the area and the setting of Clifton village?

- 2.7 It is crucial this site is developed for uses which, although they can never maintain the separation between Clifton and Brighouse, can at least be sympathetic to the historic setting of Clifton. This means smaller scale, smaller footprint commercial B1

development and/or residential, with strict controls to ensure visual and other impacts are mitigated as far as possible.

- 2.8 The reality is the proposed B2 and B8 shed development will never be able to satisfy this requirement. The scale and appearance of buildings and the brightness and extent of lighting necessary for external yard and other areas is such this kind of development will only ever be completely incongruous with and cause significant harm to, the setting of the village.

h) What transport and highways work has been undertaken relating to the scheme? Does the evidence show that the site can be safely accessed, and that impacts on the Strategic Highways Network can be mitigated? Are there any outstanding concerns from Highways England?

- 2.9 The Council's traffic and transport evidence for the Local Plan is completely flawed, as pointed out in the Forum's Draft Plan and Publication Plan responses, and as set out at the Stage 1 Hearings. The Forum's position has been fully evidenced over the last 3 years by the Forum's transport consultants TTHC, including with reference to journey time surveys which demonstrate queue lengths and levels of congestion way beyond what the Council's flawed evidence suggests; that detailed TTHC evidence has never been challenged by the Council.
- 2.10 Highways England has also consistently pointed out the flaws in the Council's evidence.
- 2.11 This evidence fails to establish a 'base' position which is accurate in recognising the severe levels of congestion which already exist on the Brighouse and Strategic highway networks. It is imperative this modelled position be rectified to then understand the existing levels of congestion.
- 2.12 It must then be clarified, once and for all, just what the potential mitigation the Council has so far alluded to consists of, how it will be funded, when and by whom, and when it will be delivered.
- 2.13 Only then will it be possible to understand what the benefits of such mitigation might be and whether it can do anything more than simply help to relieve existing severe levels of congestion.
- 2.14 As things stand, there are doubts when existing levels of demand and congestion are correctly modelled, the proposed mitigation would be able to accommodate anything like the levels of development proposed in Brighouse under the Local Plan.

2.15 In respect of site LP1232 itself, the most recent work carried out was a Transport Assessment Addendum (Doc Ref: SC/190297/TAA/3) undertaken by SCP in October 2019. This assessment outlines the future (2029) capacity and queuing on all approaches to Junction 25 of the M62 motorway. Table 2.6 demonstrates, with traffic growth, committed development and the Clifton Enterprise Zone (LP1232) the existing road layout will be operating far beyond theoretical capacity on every single approach, ranging from 104% of capacity at best 152% at worst.

2.16 The Forum has seen no evidence to demonstrate whether this level of impact can be mitigated. Highways England have already gone on record to state that signalisation of Junction 25 of the M62 will not provide sufficient mitigation.

i) Is development of this site critical to unlocking the provision of a new strategic road to the east of Brighouse, linking the A644 and A641? If so, should this be specified in Appendix 1 to the Plan?

2.17 In its application seeking funding from the National Productivity Investment Fund (copy of application form attached) the Council stated the link through site LP1232 would bring other benefits which include accommodating demand from the proposed Thornhills Garden Suburb. It therefore identified an additional benefit of "future proofing the network to enable housing development".

2.18 The Forum's position is the road through site LP1232 would be critical to the wider strategic route to the east of Brighouse between the A644 and A641.

2.19 The Forum maintains its position there is no certainty at all this new strategic road is deliverable. As identified in the responses to Matters 8 and 15, there is confusion and contradiction over when the Council consider the strategic road might be delivered and what the cost may be. Comparison with the estimated cost of the Bradley link road in Kirklees (see response to Matter 8) suggests the Council has significantly underestimated the cost of the Brighouse strategic route.

j) What work has been undertaken to identify route options, delivery mechanisms and potential funding streams for the strategic road link? If site LP1232 does not come forward as anticipated, what measures would be taken to secure delivery of the road?

2.20 The Council has £4.5m of National Productivity Investment Fund (NPIF) funding. However, the Forum understand this funding was already about to expire when Calderdale applied for planning permission citing the existence of the grant funding.

- 2.21 The Forum therefore understands funding has expired, and no published information has been seen which confirms any extension has been granted.
- 2.22 If this is correct, then this section of the strategic link road does not have funding as is claimed within Annex 8 of the IDP. This being the case, the Forum is not aware of any other funding or delivery mechanisms identified by the Council.
- 2.23 The Forum believes it has previously been accepted by the Council that access into site LP1232 from Coal Pit Lane is not acceptable. The Forum is not aware of any optioneering having been done by the Council.
- 2.24 In summary, if the NPIF funding has time expired then the Forum is not aware of any identified alternative funding/delivery mechanism to secure delivery.

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