

Calderdale Local Plan Examination
STAGE 1 – HEARINGS
MATTERS, ISSUES AND QUESTIONS (MIQs)
Council Responses

MATTER 1 – LEGAL AND PROCEDURAL MATTERS

Issue – Has the Plan been prepared in accordance with statutory procedures and Regulations?

Questions

- a) Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate? In particular:
 - i. Has the Council carried out effective engagement with neighbouring local authorities to allow the cumulative impact of development on the highways network, other infrastructure and air pollution to be assessed across boundaries?
 - ii. What cooperation has taken place on strategic employment matters? Are other local authorities in the Leeds City Region proposing to meet their own objectively assessed needs for employment land?
 - iii. Are there any outstanding concerns relating to strategic matters from other Council's or duty to cooperate bodies?

The questions are addressed in turn below:

- i. **Effective engagement with neighbouring authorities**
 - 1a1) The answer to this question must be read in conjunction with the Council's Duty to Cooperate Statement -
<https://www.calderdale.gov.uk/v2/sites/default/files/Duty-to-Cooperate-Statement.pdf>.
 - 1a2) The Council has signed a Statements of Common Ground (SoCG) with the other Leeds City Region (LCR) Planning Authorities covering strategic matters. Furthermore, a SoCG has also been signed with Kirklees Council covering specific cross boundary issues.

- 1a3) A precursor to the Kirklees SoCG was the commissioning of additional evidence from the Council's transport consultants that further explored the cumulative cross boundary transport impacts of proposed allocations. The scope of this study was agreed with Kirklees and they have accepted it findings – see Technical Note 11:
<https://www.calderdale.gov.uk/v2/sites/default/files/Cross-boundary-Impacts-TN11.pdf>
- 1a4) A Memorandum of Understanding (MoU) was signed between Calderdale and Kirklees setting out how the Councils will work together to deliver infrastructure and development. Pursuant to the MoU the Councils have established joint arrangements for programme governance.
- 1a5) Calderdale Council cooperated in the production of the following studies and strategies at a City Region level:
- West Yorkshire Low Emissions Strategy - <https://www.calderdale.gov.uk/v2/businesses/pollution/air-quality/wyles-low-emissions-strategy>
 - Leeds City Region Infrastructure Map - <https://www.westyorks-ca.gov.uk/economy/leeds-city-region-infrastructure-map/>
 - Leeds City Region Housing Market Areas – <https://www.ncl.ac.uk/media/wwwnclacuk/curds/files/RR2016-11.pdf>
 - Leeds City Region Green and Blue Infrastructure Strategy - <https://www.aireandcalderpartnership.org/wp-content/uploads/2018/01/GBI-refresh.pdf>

ii. Cooperation has taken place on strategic employment matters

- 1a6) The answer to this question must be read in conjunction with the Council's Duty to Cooperate Statement - <https://www.calderdale.gov.uk/v2/sites/default/files/Duty-to-Cooperate-Statement.pdf>. As previously indicated, the Council has signed a Statements of Common Ground (SoCG) with the other four Leeds City Region (LCR) Planning Authorities covering strategic matters. Furthermore, a SoCG has also been signed with Kirklees Council covering specific cross boundary issues. The presumption amongst the LCR councils is that each will meet its own needs for housing and employment land.
- 1a7) Calderdale Council cooperated in the production of the following study at Leeds City Region Level: Strategic Employment Land Review for the Leeds City Region - <http://www.wakefield.gov.uk/ldp2036/LCR%20Employment%20Land%20Review%20Final%20Report%20Oct%2016.pdf>
- 1a8) The Enterprise Zone programme is managed by West Yorkshire Combined Authority. The Council is working in partnership with WYCA to deliver the EZ in Calderdale-
<https://www.westyorks-ca.gov.uk/projects/priority-4d-enterprise-zones/>

- 1a9) As indicated elsewhere a MoU has been signed with Kirklees and this will help to deliver employment in both areas around J25 of the M62.

iii. Outstanding concerns relating to strategic matters

- 1a10) There are no outstanding strategic matters. In terms of legal matters, outstanding aspects of the Habitat Regulations Assessment are explained in a separate note to the Inspector dated 24/5/2019.
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b) Has the Plan's formulation been based on a sound process of sustainability appraisal (SA)? Does the SA work assess reasonable alternative sites and policy options (including housing and employment growth figures) and set out reasons for their rejection? How has the SA work been fed into the site assessment process (accepted and rejected options) and informed the selection of site allocations?

For clarity the question has been split into its constituent parts, which are answered in turn below:

i. Has the Plan's formulation been based on a sound process of sustainability appraisal (SA)?

- 1b1) Sustainability Appraisal has been an integral part of the preparation of the Calderdale Local Plan. This SA draws on work previously undertaken for the Core Strategy including the establishment of Objectives against which the appraisal will be undertaken. European Directive 2001/42/EC (the SEA Directive) requires Strategic Environmental Assessment (SEA) is carried out on a range of plans and programmes likely to have significant effects on the environment. The Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal (SA) to be carried out during the production of Local Plans. An SA incorporating the requirements of SEA has been carried out by Calderdale Council for the Local Plan. The following stages of SA have been prepared through the Local Plan development:

- Sustainability Appraisal Scoping Report (2015) EV52;
- Sustainability Appraisal – Local Plan Initial Draft (2017) SD03.1
- Sustainability Appraisal (Publication Version) (2018) SD03.2

At all times these documents have been prepared and consulted upon in full compliance with the regulations and amended as necessary.

ii. Does the SA work assess reasonable alternative sites and policy options (including housing and employment growth figures) and set out reasons for their rejection?

- 1b2) The SA has assessed alternative sites during the preparation of the Local Plan and different policy options. Each potential site that was not filtered was assessed for their impact on the SA Objectives and commentary was provided as to the overall impact. Similarly, each draft policy option was assessed for their impact on the individual SA Objectives, and again an overall impact was recorded.
- 1b3) Alternative growth and development options - Officers have considered a range of alternative growth and development scenarios. As the growth of the Borough is restricted by the geography of the area, the range of alternatives in relation to large scale development sites is limited.
- 1b4) The SA assessed the 'Notions of Distribution' (Local Plan Working Party Report 17th August 2016 – Examination Library BP 06) which presented a number of different growth scenarios, as well as the different potential 'garden suburbs'. The assessment of these provided the council with the information on the options for growth and how they would impact on the different SA Objectives.

In summary these were:

- Notion **A**: based on 2012 Preferred Options distribution. Taking into account limitations of land availability in each centre. Remaining requirement to be within Brighouse;
 - Notion **B**: based on 2012 Preferred Options distribution. Taking into account limitations of land availability in each town area. Uplifting Halifax 2015 dwelling requirements based on same % from 2012 Preferred Options. Remaining requirement to be within Brighouse;
 - Notion **C** : based on 2012 Preferred Options distribution. Taking into account limitations of land availability in each town. Uplifting Halifax inline with distribution by existing dwellings. Remaining requirement to be within Brighouse;
 - Notion **D** : Based on Preferred Options uplift;
 - Notion **E**: Based on the existing number of dwellings within each settlement;
 - Notion **F** : Based on Preferred Options uplift except Halifax which is based on size of settlement;
- 1b5) The employment growth (policy SD4) put forward was based on accommodating the West Yorkshire Transport Fund; other potential employment growth options were not considered as reasonable alternatives as these would not have recognised the economic driver of the transport fund and would have restricted any potential growth that such a fund would deliver. The proposed level of employment growth includes flexibility to account for locally specific.

1b6) The SA also assessed the approach to spatial distribution by carrying out an SA of the 'garden suburb' and 'pepper potting' approach.

ii. How has the SA work been fed into the site assessment process (accepted and rejected options) and informed the selection of site allocations?

1b8) As set out above, the SA has assessed alternative sites during the preparation of the Local Plan. Each potential site that was not filtered, following the initial sieve prior to the Local Plan Initial Draft, was assessed for their impact on the SA Objectives and commentary was provided as to the overall impact. The SA Framework also informed, and was informed by the Site Assessment Criteria.

1b9) As each iteration of the draft Local Plan has been prepared, any new sites have been subject to SA and these have been reported on within the appropriate version of the SA.

c) Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment (HRA) (2019) and the HRA Addendum (2019)? Will the Plan, alone or in combination, adversely affect the integrity of any European protected sites? Has the Council taken account of the EU Court of Justice judgement (12 April 2018)? Are there any outstanding issues from Natural England? Is additional work required to address any matters?

For clarity the question has been split into its constituent parts, which are answered in turn below:

i. Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment (HRA) (2019) and the HRA Addendum (2019)?

1c9) On the whole the likely effects are adequately and accurately assessed, however, conversations with Natural England have identified the need for three discrete areas of additional work. These are explained in further detail in the answer to the last part of this question.

ii. Will the Plan, alone or in combination, adversely affect the integrity of any European protected sites

1c10) Although there are three outstanding matters relating to HRA, the work completed to date combined with discussions with Natural England leads us to conclude that it is very unlikely that there would be an adverse effect on the integrity of any European Protected sites.

iii. **Has the Council taken account of the EU Court of Justice judgement (12 April 2018)?**

1c11) This question is addressed below under paragraph 1c12), item 2.

iv **Are there any outstanding issues from Natural England? Is additional work required to address any matters?**

1c12) The outstanding issues and additional work are itemised below:

1. **Understanding Visitor Pressures** and in-combination effects derived from Housing Allocations. Includes further exploration of visitor “honey-pots” and visitor management actions across Calderdale. It is also required to include neighbouring Local Plan where allocations have been confirmed or submitted, within 7km of the SPA/SAC. This includes adopted allocations for Kirklees, and Burnley. (Bradford, Oldham, Rochdale, and Pendle have not published allocations, whilst Rossendale have submitted a Local Plan including Allocations, which will need to be taken into account). This work is in hand and will be discussed at the Stage 1 Hearings.
 2. **Understanding and addressing the “People vs Wind” judgement.** This judgement had not been taken into account when the Local Plan was published in summer 2018. Work has been identified which will allow the implications of the Judgement to be worked through into the final Local Plan. In particular the assessment of mitigation requires a particularly nuanced understanding to be in conformity with the Judgement. This means that the Site Allocations Appendix to the Local Plan needs revising for Sites within 7km of the SPA/SAC, and ensuring revisions to policy assessments as necessary in the Appendices of the HRA. The changes required to the Site Allocations Appendix are considered likely to lead to formal Modifications to the Local Plan that will be identified through the Examination process.
 3. **Addressing Air Quality implications on A Roads and the M62 passing through the SPA/SAC.** Using the DMRB Manual methodology this will explore the pollution effects along the A roads and M62, and take the in-combination view relating to the impacts on the SPA/SAC. This work has been outsourced to our consultants WSP. They are to provide a detailed timeline for this work as soon as possible. We are awaiting confirmation of the time-line for the Air Quality aspects before confirming the actual ability to release the documentation.
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d) Has consultation on the Plan been undertaken in accordance with the Council's Statement of Community Involvement and statutory requirements?

Council Responses to Question d)

1d1) The Council's latest Statement of Community Involvement (SCI) was adopted at Council on 27th April 2016. The SCI is a Submission Document numbered SD 07 available at:

<https://www.calderdale.gov.uk/v2/sites/default/files/statement-of-community-involvement-2016-as-adopted.pdf>

1d2) The SCI is not overly prescriptive regarding the nature of the consultation and engagement that will be used during preparation of the Local Plan, however it identifies three core principles:-

Clarity:

We need to be very clear about what we are asking people and we must be sure that people understand what will happen as a result of this engagement. This includes being clear about what decisions have been made, what have not, and who will make the final decision. It also means being clear about the options available to the Council, for example with statutory consultation.

Inclusivity:

We need to make sure our methods are inclusive, allowing all of those who wish to contribute to do so, thereby giving us the 'richest picture' possible.

Integrity:

We need to ensure that people can see how the decision is made and that they can see their views are being represented fairly within the process. At the same time, we need to ensure that the consultation is proportionate to the scale of the decision to be made.

1d3) Derived from these principles when we involve you in preparing the new Local Plan or consult you on planning applications or other forms of consent we will:

- Keep the process simple by writing in plain English and explain any planning terms that we need to use.
- Communicate clearly by explaining the reasons why we want to involve you and receive your comments.
- Make it easy for you to get involved by explaining when and where you can provide your views. We will make our public planning events as accessible as possible for all groups, taking into account the time and possible costs of attending. We will also make use of existing community involvement networks and group together consultations on several planning topics as far as possible.

- Be inclusive wherever possible by providing information in an accessible format and giving clear advice on how the planning system works where this is requested, and encourage involvement from groups that have traditionally not been involved in the planning process.
- Share information with you on the council's website, in our libraries and at the Customer First offices in Halifax, Todmorden, Hebden Bridge and Brighouse where this is appropriate and effective.
- Make consultation draft Local Plan documents available free of charge for residents, community groups and businesses within the borough upon request.
- Make sure your involvement is effective by listening to your views early in the planning process. We will explain what we can and cannot take into account and make sure you have enough time and notice of all opportunities to get involved.
- We will consider all comments received and provide feedback on how these have been considered.
- Strive to meet our targets for the preparation of the Local Plan, and also Government targets for the determination of planning applications within statutory time-frames (8 weeks for minor applications and 13 weeks for major applications), wherever possible.

- 1d4) The Consultation Statement January 2019 (Submission Document 04.1) provides information regarding the manner in which the Council undertook the Regulation 19 "Publication of a Local Plan" phases of the plan preparation. It also records issues raised relating to Regulation 20 "representations relating to a local plan", and also summarises the comments that were made.
- 1d5) The Regulation 19 Consultation was structured around assisting respondents making formal representations using the Planning Inspectorate's "Procedural Practice in the Examination of Local Plans" June 2016 (4th Edition v.1). All persons, organisations and action groups registered within the Local Plan database were either notified directly through an email, or sent a letter informing them of the start of the Consultation period. Press notices were placed in local papers, documents placed in all local libraries, the Council also used twitter and Facebook in raising awareness. Facebook reached nearly 25,000 registered users during each of the 25 posts that the Council made. The Council is satisfied that it made efforts in accordance with the adopted SCI to raise awareness about the Local Plan during Regulation 19 Consultation.
- 1d6) The Consultation Statement August 2018 (submission document SD 04.2) provides details of the manner in which the Council discharged the consultation and engagement processes relating to Regulation 18 "Preparation of a local plan", and the manner in which the consultation and engagement was undertaken. It should be noted that the Council has taken the initial engagement processes relating to the former Calderdale Core Strategy and the Land Allocations and Designations Plan as being relevant to the preparation of the Calderdale Local Plan, as many of the same issues

relating to scale and distribution of growth and the options for accommodating that growth were considered. As a result the Council did not restart the consultation process for the Calderdale Local Plan at the time it was decided to roll all the forward planning activities into a single document. All comments and respondents recorded against the Core Strategy and the Land Allocations and Designations DPD are considered relevant to the preparation of the Calderdale Local Plan and are therefore regarded as part of the Regulation 18 engagement.

- 1d7) Submission Document SD04.2 provides details of the consultations at various stages of the Regulation 18 engagement. This is set out in Table 1: Consultation Undertaken on the Local Plan (Core strategy; Land Allocations and Designations Plan (LADPlan) and Combined Local Plan, which may be found from page 6 of SD04.2
- 1d8) The first SCI was adopted by the Council in February 2008, it was revised in April 2016 to take account of the major changes in the Regulatory Framework under which Local Plans are prepared, and to reflect . This is the version that has governed the involvement of the community in the preparation of the Local Plan up to Publication, and is still in effect.
- 1d9) The engagement set out in SD04.2 shows the extent to which the Council has tried to raise awareness about the local Plan and to facilitate the making of representations. The Council considers that it has met both the Regulatory requirements for consultation associated with the preparation of a Local Plan and those within the SCI.

e) Is Plan preparation in line with the Council's latest Local Development Scheme?

Council Response to Question e)

- 1e1) The current Local Development Scheme (LDS) was ratified by Council on 21st June 2018 and brought into immediate effect. The current LDS is to be found in the Examination Library at: SD06
https://www.calderdale.gov.uk/v2/sites/default/files/LDS_21-june-2018.pdf
The Calderdale Local Plan (CLP) is one of two Development Plan Documents put forward in the LDS, the other being the Gypsies Travellers and Travelling Showpeople DPD to be prepared following adoption of the CLP.
- 1e2) The LDS 2018 proposed that the CLP be subject to Regulation 19 Consultation during August and September 2018, with Submission to the Secretary of state anticipated by the end of 2018.
- 1e3) The following table shows the LDS Milestones for the Calderdale Local Plan and the manner in which the Council met these target dates.

Table demonstrating compliance with the Local Development Scheme

Phase of Plan-Making	Purpose of Stage	Dates proposed	Actual
Initial Draft	Bringing together the strategic and land allocation elements, this will state the scale of development that is likely to be proposed and bring forward options for the use of sites. This will set out the preferences for the Council's approach to the scale of development and the likely land that it would prefer to be included as part of the draft plan. It will include a proposed Policies Map and details of the Land Allocations that the Council would prefer to consider as part of the plan making process.	August to October 2017	Regulation 18 Consultation ran from 4 th August 2017 to 2 nd October 2017
Approval of Publication	This is the version of the Plan that the Council wishes to put forward for Examination. All the evidence will be in place at the time of publication. It is the version that the Council considers "sound" in terms of the legal requirements placed on plan preparation and to be justified and deliverable. Following the Council's approval of the Publication version of the plan the policies and proposals plan will have significant weight in the decision-taking process.	June 2018	Cabinet Approval for Publication given 11 th June 2018; Council Approval for Publication given 21 st June 2018
Publication	This will be the formal period for representations to the draft plan, and will give communities, stakeholders and other interested persons the final opportunity to make comments on the plan. Formal objections regarding the "soundness" of the Local Plan will need to be submitted at this stage.	August 2018	Publication Documents released 10 th August 2018. Consultation period closed 1 st October 2018
Submission	This is an administrative stage and relates to the formal submission of the documents (including all formal representations received during the Publication Deposit period) to the Secretary of State for independent examination by a Planning Inspector. At this stage the Council can request that the Inspector makes recommendations which would address the issues identified during the Examination in order to ensure that the plan is "sound".	Late 2018	Documentation Submitted to the Secretary of State (PINS) on 11 th January 2019
Independent Examination	The formal examination of the Local Plan will start when the plan is submitted. Hearings will be held into specific aspects of the plan during the examination, and	During 2019	Underway

Phase of Plan-Making	Purpose of Stage	Dates proposed	Actual
	“objectors” will have the right to be involved in that process.		
Adoption		End 2019, early 2020	Dependent upon Examination

- 1e4) The Council considers that the Milestones within the Local Development Scheme have been met, and that the Calderdale Local Plan is compliant with this aspect of the Regulatory framework.

f) What Neighbourhood Plans exist within Calderdale, are currently being prepared within the borough, or are potentially in the pipeline?

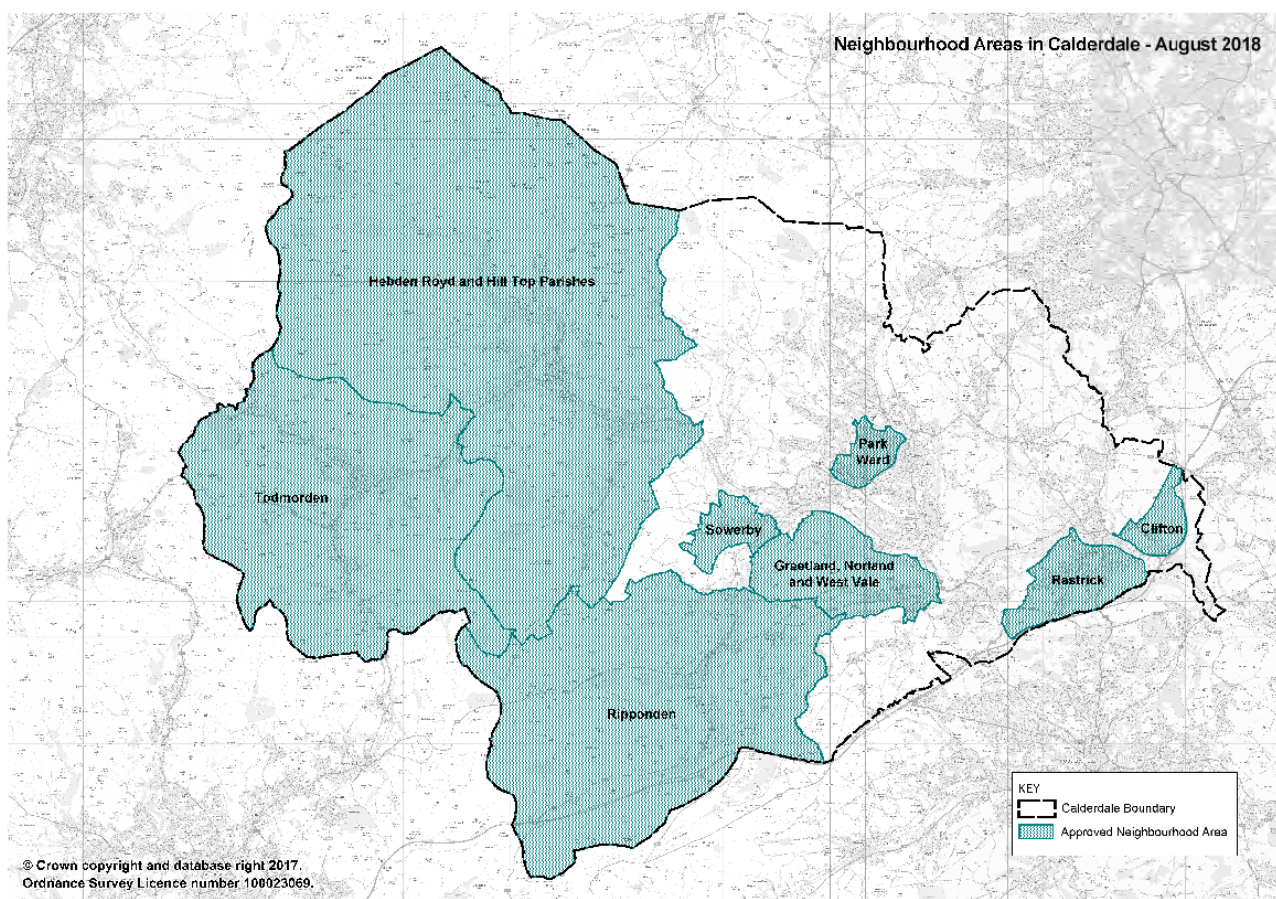
Council Response to Question f)

- 1f1) There are no “Made” Neighbourhood Plans currently within Calderdale.
- 1f2) There are 8 Neighbourhood Plans under preparation across Calderdale. Three have undertaken Regulation 14 – Pre-Submission Consultation and the Forums or Steering Bodies are considering responses to those consultations.

Neighbourhood Plan	Forum (F) or Parish (P)	Date Designated	Status	Allocating Sites for development ?
Park Ward	F	2 nd Oct 2014	Regulation 14 (pre-submission) Consultation and Publicity) undertaken. Not yet submitted. Web-Site: https://hxcentralblog.com/2019/04/03/have-your-say-park-ward-neighbourhood-development-plan-2019-pre-submission-consultation-26-march-7-may/	No – but potentially designating Local Green Space
Hebden Royd and Hill Top Parishes	P	3 rd Dec 2015	In Preparation Web-Site: https://www.hebdenhilltopplan.co.uk/	Yes
Ripponden	P	18 th Feb 2015	Regulation 14 (pre-submission) Consultation and Publicity) undertaken. Not yet submitted. Web-Site: https://rippondenneighbourhoodplan.co.uk/	No – but potentially designating Local Green Space
Greetland, Norland and West Vale	F	2 nd Sept 2016	In Preparation Web-Site: https://www.gnvw.co.uk/	No
Todmorden	P	27 th April 2016	In Preparation Web-Site: https://www.todmorden-tc.gov.uk/NeighbourhoodPlan	No
Sowerby	F	26 th Apr 2017	Regulation 14 (pre-submission) Consultation and Publicity) undertaken. Not yet submitted. Web-Site:	No

Neighbourhood Plan	Forum (F) or Parish (P)	Date Designated	Status	Allocating Sites for development ?
			http://sowerbypnp.co.uk/	
Rastrick	F	2 nd May 2017	In Preparation Web-Site: https://en-gb.facebook.com/RastrickNF/	No
Clifton Village	F	1 st August 2018	In Preparation Web-Site: https://cliftonforum.org.uk/	No

1f3) The Neighbourhood Plans are being undertaken in the places shown on the following map:



This map may be viewed on the Council's web-site at:

<https://www.calderdale.gov.uk/v2/sites/default/files/map-of-approved-neighbourhood-areas.pdf>