

Calderdale Local Plan Examination

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By email via the Programme Officer

21 March 2022

Dear Mr. Seaman,

CALDERDALE LOCAL PLAN EXAMINATION – INS28 POST HEARINGS LETTER FROM THE INSPECTOR

Following the completion of the hearing sessions and submission of requested evidence, I am writing to outline my views on the way forward for the examination.

Before I do so, I would like to thank the Council for stepping up to host the Stage 2-4 hearing sessions in a virtual format, via the Council's Zoom system. This allowed the examination process to continue during periods of restriction/lockdown linked to the coronavirus pandemic. I would also like to thank the Council's Planning team for their input at the hearing sessions and subsequent work.

The comments in this letter are based on the submitted written evidence and representations, and all that has been heard at the hearing sessions. However, the examination has not yet concluded, and consultation on main modifications has yet to take place. I will have regard to all comments made during the forthcoming consultation process when writing my final report. Consequently, the findings in this letter are without prejudice to my final conclusions on the Plan.

Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. I am also satisfied that the Duty to Cooperate has been met. A number of main modifications which are necessary for soundness reasons were discussed at the hearing sessions

and are referenced in the Council's lists of actions/modifications from stages 1 to 4 of the hearing sessions (documents CC17b, CC85e, CC156a and CC162b). Other potential changes are also outlined in the Inspector's Stage 2 post-hearings letter (INS18). These are not re-rehearsed here. Following the close of the Stage 4 hearing sessions and the receipt of new evidence and representations I consider that a number of further main modifications are necessary for reasons of soundness. These are in addition to modifications proposed in the aforementioned documents (albeit in some cases they amend or supersede them). The further changes are briefly covered in Annex 1 below. Full reasoning and conclusions will be set out in my final report.

The Council is now invited to prepare an updated comprehensive set of proposed main modifications for my consideration prior to publication, based on the changes detailed within this letter and those referenced in CC17b, CC85e, CC156a, CC162b and INS18. The modifications will need to be subject to Sustainability Appraisal and Habitats Regulation Assessment as necessary and published for consultation. The documents should also be accompanied by a schedule of any necessary changes to the Policies Map.

The Inspector's final report will set out conclusions on the main issues discussed at the hearing sessions, taking account of consultation responses on the main modifications.

It would be appreciated if you could confirm if the Council is content to proceed on the basis outlined in this letter. Please note that I am not expecting to receive or accept comments from any other parties on the contents of this letter.

In producing the updated set of proposed main modifications, the Council is requested to liaise with me via the Programme Officer regarding projected timescales and formatting. A copy of this letter should be placed on the Council's website and made available on request.

Katie Child

INSPECTOR

Annex 1

Housing and employment need/requirement

1. The submitted Plan sets out a need and requirement for 12,600 additional dwellings over the Plan period. However, the Council's evidence in CC63/CC63b indicates that this level of housing growth would be insufficient to support the economic growth ambitions in the Plan and associated 'policy-on' employment forecasts.
2. The Council has proposed that the housing need/requirement in the Plan should be increased to 14,950 dwellings to support employment growth. The Council is signed up to delivery of the Leeds City Region Strategic Economic Plan/Framework and planned investment in jobs and infrastructure through the Growth Deal and other funding. The proposed increase in housing is a reasonable and justified response, taking account of all factors, and will facilitate delivery of the Plan. The Calderdale Plan was submitted under transitional arrangements (paragraph 220 in NPPF 2021) and the figure of 14,950 has been informed by the Strategic Housing Market Assessment, updated modelling work and other evidence. Main modifications should be made to Policy SD3 to reflect the higher housing figure and ensure the Plan is soundly based. Further reasoning will be set out in my final report.
3. The Council's updated housing trajectory in CC125d proposes a stepped requirement involving three rates. The Plan includes a significant supply of homes on strategic sites which are likely to be delivered later in the Plan period. The stepped rates reflect step changes in the level of housing expected to be delivered across the Plan period and are justified. Main modifications will be necessary to reference the stepped rates in Policy SD3 and the trajectory in the Plan.

Housing allocation – Land at Horley Green Road, Claremount (LP0103)

4. The site is currently public open space and is allocated in the Plan for 56 dwellings. The Council's Open Space Quantitative Standards document (CC111) identifies deficits of open space in the area. The site also makes a positive contribution to the appearance and character of the locality.
5. The Council's evidence indicates that the proposed lower figure of 29 dwellings in the revised housing trajectory (CC125d) is due to steep topography on the south-west and south-east edges of the site. It appears that a further reduction in capacity and indicative developable area would be necessary to provide new high quality, usable and centrally located open space on part of the site, which compensates for quantitative loss and contributes to local character. There is no evidence before me that allotments are deliverable or would provide appropriate compensation.

Housing allocation - Daisy Bank, Halifax (LP0397)

6. The site is allocated in the Plan for 10 dwellings. However, the access road from Savile Park Gardens is in separate private ownership. The Council has indicated that there is a right of access along the road. However, notwithstanding this, there is no firm evidence before me to demonstrate that upgrading/maintenance of the access track could be facilitated. Overall, I consider there is some doubt regarding the suitability and deliverability of the allocation and recommend it should be removed from the Plan. The site is within the built-up area and may come forward as windfall development in due course, if issues are resolved at planning application stage.

Housing allocation - Land off Wheatley Road, Halifax (LP0454)

7. The site is identified in the Plan for 20 dwellings. Evidence produced by the Council since the hearing session (CC163) indicates that capacity should be reduced from 20 to 14 dwellings due to topographical and ecological reasons. I concur that this modification is necessary for reasons of soundness.

Housing allocation - Woodland Avenue, Todmorden (LP0901)

8. The site is currently an area of public open space used for recreational purposes, and includes a kick-about area, children's play area, woodland and community orchard/growing area. The site, known locally as Denis's Field, is allocated in the Plan for 16 dwellings. Replacement open space is proposed on adjoining land (LP902).
9. Based on the evidence before me I consider that the proposed loss of Denis's Field and redevelopment for housing would detract from the character and appearance of this part of Stansfield Hall Road. Furthermore, the proposed relocation of the open space to LP902 has a number of drawbacks, linked to topography impacting on the extent of the kick-about area, reduced opportunities for overlooking, and the sub-division of the community orchard from the rest of the open space. Whilst some improvements such as better play equipment could be secured, and additional housing/affordable housing would be facilitated, I am not persuaded these would outweigh the disbenefits or that replacement open space provision would be equivalent or better. The scheme would therefore fail to accord with paragraph 74 in NPPF 2012.
10. Overall, it is concluded that housing allocation LP901 and associated relocation of the open space to LP902 is not soundly based and the proposals should be deleted from the Plan. Further reasoning will be set out in my final report.

Employment allocation – Land rear of Crosslee, Hipperholme (LP0032)

11. Site LP0032 is allocated in the submitted Plan as an extension to the adjoining employment site. However, the adjoining Crosslee factory has since closed. Marketing has taken place but the Crosslee site is located at a distance from the strategic road network and there does not appear to be evidence of strong market demand for comprehensive employment re-use. The Council proposes in CC109 that LP0032 should be extended to incorporate the Crosslee site and re-allocated as a single new mixed-use site, including an element of employment use.
12. The nearby Hipperholme crossroads has capacity restrictions and lies within an Air Quality Management Area. However, there is a fall-back position as the former factory use generated a degree of traffic. A new secondary site access is also proposed onto St. Giles Road. On the basis of the evidence before me I am satisfied there is likely to be scope for extensive mixed-use redevelopment on the expanded allocation site, and that the expanded allocation is justified. However, the precise extent and mix of uses will be dependent on further Transport Assessment and Air Quality Assessment work and the ability to secure mitigation measures. The amended policy should include reference to this flexibility and the need for necessary mitigation measures to be explored secured through the planning application process.

Employment allocation – Land west of Huddersfield Road, Brighouse (Toothill) (LP1618)

13. Following further work by the Council in CC128 I can confirm that I consider the changes to the western boundary of the site, as proposed in HS13.1, are acceptable and justified. However, the existing tree belt on the western boundary has landscaping and ecological value and would help to provide a defensible Green Belt boundary. The indicative development area in the map in Appendix 1 should exclude the tree belt, and the policy should refer to its retention.
14. Following discussions with Historic England and the production of a revised Heritage Impact Assessment (HIA), the Council proposes that the eastern part of the site should remain free from buildings and be excluded from the indicative developable area. I concur that these changes, as set out in the map in CC116, are necessary in order to mitigate harm to nearby heritage assets at Toothill Court. Other key mitigation measures in the updated HIA should be included in the policy, relating to the access road and design considerations in the area of medium sensitivity. The requirement for a HIA report should also be referenced.
15. The allocation, in conjunction with LP1451, will leave a small area of Green Belt to the north and east surrounded by built development. This is largely as shown in GBDMIQ02 in document CC48.1, albeit it does not

take account of changes to the north-western part of LP1618 as set out above. The largely landlocked Green Belt area as amended would no longer meet the purposes of including land in the Green Belt. On this basis it should be deleted from the Green Belt as shown on the Policies Map.

Employment allocation – Land at Listers Road, Shibden (LP0105)

16. The Council's hearing statement HS13.1 proposes that the site policy should be amended to refer to the Local Geological Site and requirement to consult with the West Yorkshire Geology Trust. This change is not referenced in CC85e. I agree the change is necessary for reasons of effectiveness and should be incorporated into Appendix 1 in the Plan as a main modification.

Employment allocation – Top Land, Cragg Vale, Mytholmroyd (LP1622)

17. The site is allocated in the submitted Plan for employment and the owner has subsequently confirmed that the site is only available for this purpose. Further assessment work in document CC116 indicates that the eastern/north-eastern parts of the site should be excluded from the indicative developable area. I concur that these changes are necessary in order to protect landscape character, the setting of Mytholmroyd and nearby heritage assets. Main modifications to reflect the reduced indicative developable area and floorspace capacity should be made, as set out in CC116 and CC117.

Other changes to employment and mixed-use allocation sites

18. As identified at the hearing sessions, the Plan will need to be modified to reflect changes in the Use Classes Order (UCO) for reasons of effectiveness. Document CC115 outlines potential text changes to Policies SD5 and SD6 and UCO related description changes in Tables 1 and 2. Reference to the specific E use classes E(g)i/ii/iii should also be included.
19. Document CC115 also outlines proposed changes to the types of uses on employment sites LP0355, LP1134 and LP1220 in Table 1, and on various mixed-use sites in Table 2, which I concur with. The latter includes the proposed deletion/redesignations of mixed-use sites LP771, LP1287 and LP1292 as the sites are no longer available for the uses identified in the submitted Plan.
20. The Council's Mixed Use Site Capacity Assessment (CC72b) identifies a number of changes to the site capacities and proportion of uses on mixed-use allocation sites. Some of these are captured in CC115. The proposed changes in CC72b, insofar as they relate to mixed-use allocations in the submitted Plan, are reasoned and justified and should be included in the main modifications schedule.

21. Document CC117 identifies corrections to the indicative development areas of employment allocation sites LP0059, LP1218, LP1231 and LP1640, and to the overall site area of LP1640. The changes are justified and associated main modifications should be made.

Overview of housing sites and supply

22. The Council's latest trajectory in CC125d indicates that 13,595 dwellings would be delivered over the Plan period. The estimated supply is based on various sources including allocations in the Plan (taking account of proposed capacity changes and amendments discussed during the hearing sessions) and the following additional housing allocation sites identified in CC39 (taking account of proposed changes discussed at the hearing sessions): LP0026, LP0177, LP0952, LP1567, LP1616, LP1625, LP0983, LP1128, LP1409, LP1590, LP0931, LP1372, LP0766, LP1034 (incorporating LP1035), LP1036, LP1037, LP1044, LP1523 and LP1602.
23. Based on the evidence before me, with the exception of site LP0026 (see the paragraph below), I consider that the additional allocation sites listed above are suitable and capable of delivery at the point envisaged. They are necessary in order to provide an adequate supply of homes over the Plan period, taking account of the higher housing requirement of 14,950. Further reasoning will be set out in my final report. The sites should be referenced in Policies SD6 and SD7 and new site-specific policies included in Appendix 1 of the Plan. The policies should be based on CC39, taking account of changes to wording and site capacity agreed at the hearing sessions. Policies for additional sites LP1372 and LP1567 should be further amended to reflect changes outlined in CC116 and CC170 respectively. Consequential amendments to the Green Belt will also be necessary, as outlined in CC48.1.
24. The Council proposes that additional housing site LP0026 in Greetland should be allocated. The figure of 16 dwellings in the housing trajectory is lower than the original proposal for 67 dwellings in CC39. However, given the sensitivities of the site I consider that either scale would cause significant harm to the character and appearance of the locality and the setting of Greetland. As such the additional allocation is not justified or consistent with national policy.
25. I have concluded above that allocation sites LP0397 and LP0901 should be deleted from the Plan, and that the proposed additional allocation site LP0026 is not suitable or justified. These sites comprise a total of 42 dwellings occurring from year 10 onwards and should be removed from the trajectory and housing supply calculations. There may also be a small reduction of capacity on LP0103. Overall these changes would result in a slight reduction in the estimated supply figure of 13,595 in the housing trajectory within the Plan period, with some further supply from the Garden Suburb sites beyond 2032/33. This represents a shortfall of supply within the Plan period against the identified requirement of 14,950

dwellings. This matter will be dealt with in my final report, although I am satisfied that, nonetheless, the Plan is capable of being found sound.

26. Based on the evidence in document CC125d I am satisfied there is a realistic prospect that the Council will be able to demonstrate five-year housing supply on adoption of the Plan. The document identifies 5.92 or 6.11 years of housing supply, depending on whether under-delivery in the early years of the Plan is redistributed within the five-year supply period (the 'Sedgefield' approach) or over the whole Plan period (the 'Liverpool' approach). Current and previous guidance in the PPG on this matter indicates that the Sedgefield approach should be used unless an alternative approach is justified. In the case of Calderdale, there is no persuasive evidence before me that an alternative approach is justified or necessary. Accordingly, the updated five-year supply calculations should be based on the Sedgefield approach.

Proposed new Regeneration Action Areas – Land adjacent Mill Royd Street, Brighouse (LP0573) and land off Halifax Road, Todmorden (LP0327)

27. The Council proposes that the above sites should be added to the Plan as key future regeneration areas. Inclusion in the Plan will provide clarity on the Council's vision for the land and support regeneration priorities and potential funding bids. New policies, based on CC152 as amended, should be included in the Plan for reasons of soundness.

Policy CC6 – Assessment of wind energy developments

28. Policy CC6 states that wind energy development may be appropriate in two categories of areas identified as suitable for wind energy on the Local Plan Policies Map – relating to 'small turbines' of 25 of 59 metres and 'very small turbines' of 18 to 24 metres (to blade tip). However, the Council has confirmed that schemes below these size thresholds would, logically, also potentially be suitable in both areas. A main modification should be made to the policy to confirm this position, for reasons of effectiveness.
29. Policy CC6 states that outside these identified areas wind energy schemes less than 18 metres to blade tip may also be acceptable, provided a number of other criteria are met. Councils are required to plan positively for renewable energy and address climate change. However, the Written Ministerial Statement (WMS) dated 18th June 2015 states that wind energy development requiring planning permission should only be granted in areas identified as suitable for wind energy development in a Local or Neighbourhood Plan. There is no evidence before me that turbines below 18 metres and not benefiting from permitted development rights have or are likely to be a strong source of supply in Calderdale in the future, or that there are other compelling local circumstances for departing from policy in the WMS. Accordingly, I consider that Policy CC6 should be modified by deleting the second bullet in Part 2.

Policy HW6 - Hot food takeaways

30. Policy HW6 indicates that proposals for hot-food takeaways will not be permitted within 400 metres of schools, unless located within a designated town centre. However, in the case of primary schools there are limited opportunities for children to leave school at lunchtime or walk/cycle to and from school without an adult. Maps produced by the Council also show that application of the policy in terms of both primary and secondary schools would cover a significant proportion of the built-up areas. I consider that the policy as drafted is not justified and criterion i should be modified to refer to secondary schools only. Further reasoning will be set out in my final report.

Policy EE1 – Safeguarding employment areas, land and premises

31. In CC115 the Council proposes that criterion (i) in Policy EE1 should be amended to allow changes from employment use to employment generating uses in Primary Employment Areas. However, the Council has indicated that it is committed to retaining employment uses where possible, including employment allocations once they are developed, as outlined in Policy EE1 criterion iii, the final paragraph in Policy SD5, and CC115 paragraph 7. Amendments to Policy EE1 to reflect the UCO changes need to be consistent with the Council's overall strategy and other policies. I am content that these issues are capable of being resolved through the main modifications process.

Open space provision

32. Document CC111 identifies new quantity standards for parks and gardens, amenity greenspace and natural greenspace. These should be incorporated into the standards table in the Plan in order to provide an effective framework for planning for open space provision.
33. The Plan includes a number of housing site allocations on areas of open space or land used for sports facilities (further to those referred to above). Mitigation measures involving the provision of high-quality open space/facilities on part of the site or providing/upgrading open space/facilities elsewhere are set out in CC85d and in some cases are superseded by wording in CC111. Necessary amendments are capable of being dealt with through the main modifications process.
34. In the case of outdoor sports facilities, the Council's Playing Pitch Strategy 2017 provides key information on quantitative shortfalls in sports pitches and the need for qualitative improvements. The role of the Strategy should be referenced in Policy GN6 for reasons of effectiveness.

Shibden Valley Special Landscape Area

35. The Shibden Valley has significant landscape and cultural value and is identified in the submitted Plan as a Special Landscape Area (SLA). The boundary of the SLA, as shown on the submitted Policies Map, has largely been carried over from the adopted Plan, except for two areas in the west and the east which have been removed. These changes are depicted in the map in HS27.1.
36. The western deleted area lies to the east of Swalesmoor Road and below the main ridgeline. Notwithstanding some quarrying in this area and nearby industrial buildings, the ridgeline and open fields are clearly visible in distant views across the valley and form part of a scenic backdrop. The eastern deleted area lies to the west and north-west of Northowram. The area is predominantly characterised by attractive open fields and is a popular area for access and walking.
37. Notwithstanding the SLA review assessments in EV10, I consider that these western and eastern areas contribute to the special scenic and landscape qualities of the Shibden Valley with its strong sense of place. The areas should be reinserted within the Shibden Valley SLA boundaries and the Policies Map amended accordingly. Further reasoning will be set out in my final report.

Waste sites and supply

38. The Council's evidence shows a need for a further 4 to 5.5 hectares of land to accommodate new waste management facilities over the Plan period. The submitted Plan allocates four waste sites (WLP1-4), with an overall indicative developable area/capacity of about 8.5 hectares (as identified in CC104). Three of the sites are located in and are proposed to remain within the Green Belt.
39. Further site assessment work by the Council after the Stage 2 hearings identifies three other site options for waste facilities. The sites at Lacy Way, Elland (site 133) and Atlas Mill Road, Brighouse (site 436) are located outside the Green Belt and are suitable and available. Part of the employment allocation LP1219 north of Holmfield Industrial Estate could also come forward for waste use.
40. Document CC158 indicates that the non-Green Belt allocations/additional sites (WLP1 and sites 133 and 436) would provide 4.55 hectares of capacity in total, with further potential capacity on LP1219. Furthermore, Calderdale has a significant stock of employment land and the Plan allocates more employment land than is required. Waste management facilities (including those classed as B2 development) can sometimes be suitable on business parks. Notwithstanding the Council's re-assessment work I consider there is a reasonable prospect that such sites could

provide a potential source of capacity for waste management facilities over the Plan period.

41. Taking account of all of the evidence before me, I consider there is insufficient justification for the three proposed waste allocation sites in the Green Belt (WLP2 in the submitted Plan and the reduced area discussed at the hearings, WLP3 and WLP4). This applies whether the sites were to be retained in the Green Belt or released as Green Belt land. Neither very special circumstances or exceptional circumstances have been adequately demonstrated. Site WLP2 is also a sensitive location in an elevated hilltop setting. Further reasoning will be set out in my final report.
42. Waste allocations WLP2, 3 and 4 should therefore be deleted from the Plan. To ensure appropriate provision, the three new sites proposed by the Council should be included in Policy WA2 and reference inserted to potential windfall supply from employment sites. New policies should be included in Appendix 1 of the Plan for Lacy Way and Atlas Mill Road. The latter should include reference to heritage mitigation measures in CC164, as agreed with Historic England.