

Name of meeting: Cabinet

Date: 18th November 2020

Title of report: Holme Valley Neighbourhood Development Plan submitted by Holme Valley Parish Council to Kirklees Council for Publicity and Independent Examination

Purpose of report: To inform Cabinet of the submission of Holme Valley Neighbourhood Development Plan by Holme Valley Parish Council in accordance with the Neighbourhood Planning (General) Regulations (as amended) 2012. This report includes setting out the officer assessment that the plan meets the legal requirements to proceed to the publicity (consultation) stage. The report also requests delegated authority to move forward with publicity (consultation), appoint an independent examiner and participate at the independent examination. The report also seeks endorsement of officer comments on the content of the Plan.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Holme Valley Neighbourhood Area covers Holme Valley South and Holme Valley North Wards (excluding Meltham)
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd (6th November 2020)
Is it also signed off by the Service Director for Finance?	Eamonn Croston (6th November 2020)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (6th November 2020)
Cabinet member portfolio	Cllr McBride

Electoral wards affected: Holme Valley South and Holme Valley North Wards (excluding Meltham)

Ward councillors consulted:

- Regeneration Portfolio Holder (Cllr McBride) (21st September 2020 briefing)
- Leadership Management Team (LMT) (Cabinet members) (26th October 2020)
- Holme Valley North and Holme Valley South Ward Members, Cllr McBride and Cllr Mather (2nd November 2020).

Public or private: Public

Has GDPR been considered?

Yes. This report does not contain personal information.

1. Summary

The Holme Valley Neighbourhood Development Plan (HVNDP) has been formally submitted to Kirklees Council and the Peak District National Park Authority. Officers (Kirklees Council and Peak District National Park Authority) consider that the HVNDP has met the legal requirements to move forward to publicity (consultation) and independent examination.

Officers have concerns with the content of the neighbourhood development plan and have written a representation to be submitted to the independent examiner subject to cabinet endorsement. Kirklees Council is responsible for organising statutory publicity of not less than 6 weeks. It is proposed (subject to Cabinet agreement) that publicity starts on 8th December for a period of 8 weeks as publicity would fall over the Christmas period.

2. Information required to take a decision

Holme Valley Parish Council formally submitted the Holme Valley Neighbourhood Development Plan to Kirklees Council and Peak District National Park Authority on Monday 6th July 2020 to allow the authorities to determine whether the plan meets the legal requirements to proceed to formal publicity and independent examination.

Officers have assessed the plan as follows:

1) Whether it meets the legal requirements to proceed to examination

Officers have assessed the Holme Valley Neighbourhood Development Plan and consider that it meets the legal requirements and, on this basis, can proceed to formal publicity (consultation) and independent examination. Peak District National Park Authority also considers that the Neighbourhood Development Plan meets the legal requirements.

The Kirklees assessment of legal requirements is attached at Appendix 1.

2) Officer concerns about the content of the Holme Valley Neighbourhood Development Plan

Notwithstanding the compliance with legal requirements, officers from both Kirklees and the Peak District National Park Authority have concerns with the detail contained in the Neighbourhood Development Plan which, in the view of officers, will not support the delivery of robust, consistent planning decisions to deliver the Neighbourhood Development Plan aims.

Under the procedures this cannot be a reason to stop the plan progressing to examination. The council can submit its comments to the independent examiner (appointed to inspect the Neighbourhood Development Plan) through the publicity process as part of the independent examination. It will be for the independent examiner to decide on the merits of the comments and any potential modifications required to the Holme Valley Neighbourhood Development Plan.

In summary the officer concerns about the Plan content are as follows:

- Officers consider that the Holme Valley Neighbourhood Development Plan could not be interpreted with certainty as it lacks clarity of meaning and is in places

inconsistent, repetitive, unreasonable and overly prescriptive. The complex policies would result in applicants and the planning service finding it difficult to navigate them to produce development schemes that would accord with the HVNDP as a whole.

- The HVNDP appears to have been written as a Local Plan with the consequence that there is a significant degree of overlap with Kirklees Local Plan policy which risks confusion for both applicants and officers. Officers are also concerned that Neighbourhood Plan policy as written would significantly undermine Local Plan policies, in particular LP35 'Historic Environment' and LP52 'Protection and Improvement of Environmental quality' with respect to the protection of heritage assets and protection from pollution.
- The Holme Valley Heritage and Character Assessment (HVHCA) is relied upon as policy for the main thrust of the Neighbourhood Development Plan in relation to landscape and built character. However, the HVHCA is insufficiently detailed and too ambiguous to allow the proper and consistent consideration of planning applications.
- The proposed designation of Wooldale Chapel Field and Sandy Gate Scholes as Local Green Space (LGS) which would have similar protection to green belt is not supported as officers do not consider that they meet the criteria as set out in NPPF paragraph 100 as to what constitutes a LGS.

Detailed comments from Kirklees Council and Peak District National Park Authority officers are set out at Appendix 2.

Publicity of the Holme Valley Neighbourhood Development Plan

The council is responsible for organising the publicity of the Holme Valley Neighbourhood Development Plan and sending all comments received to the independent examiner. It is then the responsibility of the independent examiner to direct how the examination will be conducted (usually through written representations rather than public hearings) and the content of the discussions.

If the examiner is satisfied that the Neighbourhood Development Plan meets the relevant requirements following the publicity period and hearings/written representations processes, they would direct that the Neighbourhood Development Plan can move to a local referendum, with or without modification. If more than 50% of those who vote in the referendum vote in favour of the plan it would become part of the statutory development plan alongside the Local Plan. It is also possible that the independent examiner may recommend that the plan does not proceed to referendum.

The regulatory requirement for publicity is "not less than 6 weeks". It is proposed to start the publicity on 8th December for a period of 8 weeks as the publicity would fall over the Christmas period.

A detailed publicity plan is set out at Appendix 3.

3. Implications for the Council

The following sets out the specific implications for the council:

3.1 Working with People

The council is required to undertake statutory publicity of the Holme Valley Neighbourhood Development Plan prior to submission to the independent examiner. Holme Valley Parish Council has submitted a Consultation Statement to

demonstrate to the independent examiner how it has worked with the community/partners and how their comments have shaped the Plan.

3.2 Working with Partners

As above.

3.3 Place Based Working

The Holme Valley Neighbourhood Development Plan is a planning document produced by the community to provide a detailed planning framework for the Holme Valley Neighbourhood Area which should be based on locally specific evidence and early engagement and consultation with the community throughout the process.

3.4 Climate Change and Air Quality

The Holme Valley Neighbourhood Development Plan places a high priority on climate change contained in its vision and objectives, policy guidance and Parish Council actions aimed at improving the lives of all residents and businesses.

3.5 Improving outcomes for children

The Holme Valley Neighbourhood Development Plan includes support for schools and natural play environments.

3.6 Other (e.g. Legal/Financial or Human Resources)

- Financial:
 - The council is required to pay for the examination of the Neighbourhood Development Plan and the referendum. There is an existing neighbourhood plan budget and in addition the council can claim Neighbourhood Plan Grant funding from the Government of £20,000. No further budget provision is required for the Holme Valley Neighbourhood Development Plan. Cost and grant funding will be shared proportionally with the Peak District National Park Authority.
- Human resources:
 - Existing staff resources from Planning Policy with input from other service areas.
- Legal:
 - The council has a duty to support local communities/Holme Valley Parish Council to progress neighbourhood development plans.

The Holme Valley Neighbourhood Development Plan is considered to have met all its legal requirements to date and can proceed to examination. The examiner will determine the nature and format of the examination based on comments received through the publicity stage (the Neighbourhood Planning (General) Regulations (as amended) (Regulation 16)). Subject to the independent examiner, the Plan can proceed to referendum. If more than 50% of those who vote in the referendum vote in favour of the plan it would become part of the statutory development plan alongside the Local Plan.

- Integrated Impact Assessment:
 - An Integrated Impact Assessment has been undertaken in relation to the officer comments set out in Appendix 2. This can be viewed at:

<https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

- Holme Valley Parish Council have submitted a basic conditions statement as required which sets out how they consider the Neighbourhood Development Plan is compatible with Human Rights Law. The Plan has been subject to a Strategic Environmental Assessment and Habitats Regulation Assessment screening. These will be assessed as part of the independent examination.

4. Next steps and timelines

Following agreement from Cabinet, it is proposed to start the publicity on 8th December for a period of 8 weeks (the minimum period in the regulations is 6 weeks) as the publicity would fall over the Christmas period.

5. Officer recommendations and reasons

1. Cabinet give delegated authority to the Head of Planning and Development to move forward with publicity (consultation), appointment of an independent examiner (following consultation with Holme Valley Parish Council and the Peak District National Park Authority), participation at the independent examination and to undertake statutory duty to submit representations received during the publicity (consultation) period.

Reason: Officers from both Kirklees Council and Peak District National Park Authority have assessed the Holme Valley Neighbourhood Development Plan as meeting statutory legal requirements. The Local Planning Authorities are required to proceed to publicity (consultation) and independent examination. This is a legal obligation under the Localism Act 2011.

2. Cabinet agree that the Holme Valley Neighbourhood Development Plan and supporting documents is published for publicity (consultation) for a minimum of 8 weeks commencing on 8th December 2020.

Reason: The statutory requirement is a minimum of 6 weeks, however in the light of Christmas it is proposed to extend the publicity (consultation) to eight weeks.

3. Cabinet endorse officer comments on the Holme Valley Neighbourhood Development Plan (NDP) (Appendix 2) subject to any changes agreed at Cabinet to be submitted to the independent examiner for their consideration as part of the NDP examination.

Reason: To ensure the independent examiner is aware of the council's views about the plan content.

4. Cabinet give delegated authority to the Service Director Growth and Housing to be able to make non-material amendments to the council's comments (endorsed in recommendation 3) to the independent examiner on the Holme Valley NDP or to reflect any further evidence that comes to light prior to the examination.

Reason: To ensure the comments reflect the most up to date facts/evidence.

6. Cabinet Portfolio Holder's recommendations

Cllr McBride has been briefed on the Holme Valley Neighbourhood Development Plan (21st September) and at the Leadership Management Team briefing (26th October) and agrees the plan moves forward to publicity and examination and that the officer comments are submitted to the examiner.

7. Contact officer

Steven Wright
Planning Policy Group Leader
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8. Background Papers and History of Decisions

- Holme Valley Neighbourhood Development Plan and supporting documents
https://www.holmevalleyparishcouncil.gov.uk/Neighbourhood_Plan_22997.aspx
- Legal Checklist (see appendix 1 of this report)
- Officer Comments on the content of the Holme Valley Neighbourhood Development Plan (see appendix 2 of this report)
- Publicity Plan for the Holme Valley Neighbourhood Development Plan (see appendix 3) of this report

9. Service Director responsible

Naz Parkar –
Service Director, Growth and Housing
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Appendix 1

Legal Compliance Check of Holme Valley Neighbourhood Development Plan 2020 – 2031 Submission Plan and supporting documents

Submission Documents

Submitted to Kirklees Council and Peak District National Park Authority.

Instalment One (sent by e-mail on 6/07/2019)

- Signed cover letter from Holme Valley Parish Council submitting the following documents through a weblink to the Holme Valley Parish Council website:
 - Holme Valley Neighbourhood Development Plan (Submission Plan)
 - Basic Conditions Statement
 - Consultation Statement (with its associated Appendix)

Instalment Two (sent by e-mail on 4/08/2020) Note: also informally by email Cllr Hogley on 23/07/2020 the SEA report and non-technical summary attached.

Signed cover letter from Holme Valley Parish Council submitting the following documents through a weblink to the Holme Valley Parish Council website:

- Strategic Environmental Assessment Non-Technical Summary March 2020
- Strategic Environmental Assessment Environmental Report March 2020
- Determination letter from Kirklees Council
- Habitats Regulations Assessment Screening

Instalment Three (Sent by email Cllr Hogley on 25/08/2020)

Documents attached:

- Strategic Environmental Assessment Non-Technical Summary July 2020
- Strategic Environmental Assessment Environmental Report July 2020

Instalment Four (Sent by email Cllr Hogley on 16/09/2020)

Documents attached:

- Strategic Environmental Assessment Non-Technical Summary September 2020
- Strategic Environmental Assessment Environmental Report September 2020

Requirements and relevant legislation* and/or guidance	Kirklees Local Planning Authority Comments	Peak District National Park Comments	Legally compliant?
<p>The body submitting the neighbourhood plan is authorised to act (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 s38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F).</p>	<p>The qualifying body is Holme Valley Parish Council which is authorised to act under the Localism Act 2011 s61F (1).</p> <p>The neighbourhood area which is all of the civil parish was designated on 27th January 2015 by Kirklees Council and on the 13th February 2015 by the Peak District National Park Authority.</p> <p>In April 2016, Holme Valley Parish Council set up a steering group of individuals, representatives of community groups, businesses and parish councillors. The chair of the group is a parish councillor.</p>	<p>A parish council is authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the parish council. Since the whole of Holme Valley parish was designated by the Authority and Kirklees Metropolitan Borough Council as Holme Valley Neighbourhood Area, Holme Valley Parish Council is authorised to act.</p>	<p>Yes</p>
<p>Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan as “a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”</p>	<p>Holme Valley Neighbourhood Development Plan 2020 – 2031 Submission Plan meets this definition of a neighbourhood development plan. It sets out planning policies in relation to the development and use of land in the Holme Valley Neighbourhood Area.</p> <p>It also includes Holme Valley Parish Council actions separated out from the neighbourhood development plan policy in individual text boxes.</p>	<p>Holme Valley Neighbourhood Plan contains planning policies for the use and development of land in Holme Valley Neighbourhood Area.</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Kirklees Local Planning Authority Comments	Peak District National Park Comments	Legally compliant?
<p>Statutory Instrument 2012 No. 637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit:</p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates.</i></p>	<p>The designated neighbourhood area is shown on Map 1 page 5 of the Holme Valley Parish Council submission plan.</p>	<p>This is included on page 5 of the Neighbourhood Plan.</p>	<p>Yes</p>
<p><i>(b) A consultation statement.</i></p> <p>The statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant, addressed in the proposed Neighbourhood Plan.</p>	<p>A Consultation Statement accompanies the submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • information on how the community have been kept informed throughout the production of the neighbourhood plan; • the details of those consulted and how they were consulted; • a summary of the issues and concerns raised; and • details on how the issues and concerns have been considered and where relevant, addressed. (Appendix 11) 	<p>The Consultation Statement submitted contains details of the people and organisations that were consulted and how they were consulted, and summarises the main issues and concerns and how they were addressed</p>	<p>Yes</p>
<p><i>(c) The proposed neighbourhood development plan.</i></p>	<p>Kirklees Council and Peak District National Park Authority received the submission Neighbourhood Plan on 6th July 2020.</p>	<p>This is submitted</p>	<p>Yes</p>

<p><i>(d) A Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the Planning and Compulsory Purchase Act 2004, (as amended).</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted.</p>	<p>A Basic Conditions Statement accompanies the submission Neighbourhood Plan.</p> <p>In the statement Holme Valley Parish Council considers that each of the Basic Conditions have been met.</p> <p>The legislation and planning policies referred to in the statement are correct at the time of submission.</p>	<p>This is submitted as 'The Basic Conditions Statement'.</p> <p>The proposals and accompanying documents comply with the rules for submission to the Authority.</p>	
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Requirements and relevant legislation* and/or guidance	Kirklees Local Planning Authority Comments	Peak District National Park Comments	Legally compliant?
<p><i>(e) The Plan needs to be submitted with one of the following i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR</i></p> <p><i>ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)).</i></p>	<p>A screening assessment was undertaken of the draft plan by Kirklees Local Planning Authority which consulted with Historic England, Natural England, and Environment Agency. It was concluded that the neighbourhood plan needed a more detailed Environmental Assessment in line with the SEA Directive.</p> <p>The SEA scoping report was consulted on during the period between 12th April and 17th May 2019 with the Environment Agency, Historic England and Natural England as required by regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>The SEA on the pre-submission neighbourhood plan was made available for comment as part of the 9 week consultation from 15th July to 15th September 2019.</p> <p>The final version of the SEA report was submitted to Kirklees LPA and PDNPA on the 16th September 2020 following concerns raised with the SEA reports submitted dating March 2020 and July 2020.</p>	<p>A Strategic Environmental Assessment was undertaken by consultants on the pre-submission version of HVNP and this has been updated following changes to the submission version.</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Kirklees Local Planning Authority Comments	Peak District National Park Authority	Legally Compliant?
<p>The Neighbourhood Plan and accompanying documents meet the scope of neighbourhood plan provisions i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act - s38B(6) Planning and Compulsory Purchase Act) and does not relate to more than one neighbourhood area (2004 Acts 38B (1 & 2) (4)).</p>	<p>The submission Neighbourhood Plan covers the period 2020-2031.</p> <p>The submission Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>The Neighbourhood Plan does not relate to more than one neighbourhood area.</p> <p>There is not more than one Neighbourhood Plan in existence in the Holme Valley Parish area.</p>	<p>Holme Valley Neighbourhood Plan specifies that it covers the time period 2020-2031.</p> <p>Holme Valley Neighbourhood Plan does not include provision for 'County Matters' development (ie minerals), waste development or development requiring an Environmental Impact Assessment.</p> <p>Holme Valley Neighbourhood Plan relates only to Holme Valley Neighbourhood Area</p>	<p>Yes</p>
<p>The Qualifying Body has undertaken the correct procedures in relation to consultation and publicity. (Schedule 4B, paragraph 6, (2, d)</p>	<p>The Parish Council has submitted a Consultation Statement that demonstrates compliance with the Neighbourhood Plan Regulations.</p>	<p>The Consultation Statement demonstrates that correct procedures were undertaken.</p>	<p>Yes</p>
<p>The draft Neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country Planning Act 1990 Act Schedule 4B s5 and s18 as varied by s38C of the Planning and Compulsory Purchase Act 2004).</p>	<p>The submission of the Holme Valley Neighbourhood Plan is not a repeat proposal.</p>	<p>The proposal is not a repeat proposal.</p>	<p>Yes</p>

<p>The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> 1. publicise in a way that is likely to bring to the attention of people who live, work or carry on business in the area details of: <ol style="list-style-type: none"> a. the proposals b. when and where they can be inspected c. how to make representations, and d. the deadline for making representations – not less than 6 weeks from first publicised 2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan (see appendix A) 3. send a copy of the Neighbourhood Plan to the LPA. 	<p>Holme Valley Parish Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within section 4 of their submitted Consultation Statement.</p> <p>The consultation period for the pre-submission Neighbourhood Plan was for 9 weeks from 15th July to 15th September 2019. The statutory consultation bodies and other community groups consulted are listed in Appendix 10 of the Consultation Statement.</p> <p>It is noted that in the list in appendix 10 doesn't include bodies which represent the interest of different racial/ethnic groups, religious groups or disabled persons in the neighbourhood area as set out in schedule 1 of the regulations. However, regulation 14 states '<i>consult any consultation body referred to in paragraph 1 of schedule 1 whose interests the qualifying body considers may be affected by the proposal for a neighbourhood development plan</i>' The consultation statement highlights the level of consultation undertaken throughout the process of developing the neighbourhood plan including reference to churches, businesses and networks listed in appendix 5.</p>	<p>The Parish Council has undertaken the correct procedures in relation to consultation and publicity in accordance with Neighbourhood Planning Regulation 14. The Consultation Statement demonstrates that correct procedures were undertaken.</p>	
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Requirements and relevant legislation* and/or guidance	Kirklees Local Planning Authority Comments	Peak District National Park Authority	Legally Compliant?
<p>Conservation of Habitats and Species Regulations 2017. Assessment of implications for European Sites</p> <p>Regulations 105 and 106: A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulations 105 or to enable them to determine whether that assessment is required.</p>	<p>Habitats Regulations Assessment screening was undertaken by LUC on the regulation 14 draft plan prior to public consultation. This is set out in a report dated July 2019 which was submitted to the LPA on the 4th August.</p> <p>The report concludes (paragraph 5.4) that 'the Holme Valley Neighbourhood Plan 2019 to 2031 will not give rise to likely significant effects on European sites, either alone or in-combination with other plans or projects, and Appropriate Assessment is therefore not required.'</p> <p>Natural England have reviewed the report and are in agreement with those conclusions</p>	<p>A Habitats Regulations Assessment screening was undertaken by LUC on the regulation 14 draft plan prior to public consultation. This is set out in a report dated July 2019 which was submitted to the KMBC on the 4th August. The report concludes (paragraph 5.4) that 'the Holme Valley Neighbourhood Plan 2019 to 2031 will not give rise to likely significant effects on European sites, either alone or in-combination with other plans or projects, and Appropriate Assessment is therefore not required.' Natural England have reviewed the report and are in agreement with those conclusions</p>	<p>Yes</p>

CONCLUSION: Kirklees Local Planning Authority are satisfied that Holme Valley Neighbourhood Submission Plan meets the legislative requirements.

Where the draft neighbourhood plan submitted to a Local Planning Authority meets the requirements in the legislation, the Local Planning Authority must publicise the neighbourhood plan for a minimum of 6 weeks, invite comments, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (see regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended), PPG - Paragraph: 054 Reference ID: 41-054-20140306).

Following examination, the Council will determine whether or not the plan is ready for a public referendum or if further modifications are required (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)).

*Please note that all references to primary and secondary legislation are to those enactments as amended.

Appendix 2

KIRKLEES COUNCIL INVESTMENT & REGENERATION SERVICE

Holme Valley Neighbourhood Development Plan

Kirklees Council comments on the Holme Valley Neighbourhood Development Plan (HVNDP) 2020 – 2031 Submission Plan for Neighbourhood Plan Examination

High level comments

Use of the HVNDP as a development management tool

The comments provided by the Council have regard to National Planning Policy Framework (NPPF) paragraph 16 criterion d) which states that plans should:

“contain policies that are clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals”; and

National Planning Practice Guidance (NPPG) ‘Neighbourhood planning’ ‘How should the policies in a neighbourhood plan be drafted’ paragraph 041 which states that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”.

It is the council’s position that the Holme Valley Neighbourhood Development Plan (HVNDP) Submission Plan could not be interpreted with certainty and is therefore considered to be contrary to NPPF paragraph 16 criterion d) and NPPG paragraph 041. The plan lacks clarity of meaning and is in places inconsistent, repetitive, unreasonable and overly prescriptive. The complex policies would result in applicants and officers finding it difficult to navigate them to produce development schemes that would accord with the NDP as a whole and the policies do not provide the flexibility required to produce good quality development. The policies, in the main, do not read as single entities covering the topic area of the heading. Some matters raised in one policy are contradicted in another. The supporting text largely consists of introduction and description, often in support of Parish Council actions, rather than evidence and justification in support of the policies.

Undermining Local Plan policy and adopted Supplementary Planning Document

The HVNDP appears to have been written as a Local Plan with the consequence that there is a significant degree of overlap with Kirklees Local Plan policy, in many cases with the unintended consequence of weakening policy. Examples include but are not limited to: NDP2 significantly undermines policies LP35 'Historic Environment' and LP52 'Protection and Improvement of Environmental quality' with respect to the protection of heritage assets and protection from pollution, and NDP5 also significantly undermines the provisions of LP52. NDP11 undermines LP20 in relation to Travel Plans. NDP12 undermines LP26 in relation to consideration of the use of heat networks.

As well as overlap with the Local Plan there is also a significant amount of overlap within the NDP with the same issues repeated within and between policies. Examples include but are not limited to:

Parking is included in Policies 1 and 2 (through consideration of the HVHCA), Policy 5, Policy 6, Policy 7 (twice), Policy 8 and Policy 11 under its own heading.

Linking to public rights of way is included in Policy 1 (major development only), Policy 6 (all development), and Policy 11.

The Council adopted a Highway Design Guide Supplementary Planning Document (SPD) in November 2019. It aims to promote high standards of highway design that reflect nationally recognised best-practice and facilitate the delivery of high quality residential, employment and mixed-use developments in Kirklees. The SPD is relevant to all aspects of the built environment and helps to encourage good design in terms of how developments, routes and spaces relate to one another to create streets and public spaces that are safe, accessible, and pleasant to use. It is strongly recommended that the HVNDP relies on the SPD wherever possible.

The council is currently consulting on a suite of Quality Places documents, consisting of the 'Housebuilder Design Guide' SPD, 'House Extensions and Alterations' SPD, 'Open Space' SPD and 'Biodiversity Net Gain Technical Advice Note' (6 week consultation period from 19th October to 30th November). The SPDs provide applicants and developers with detailed guidance about the implementation of Kirklees Local Plan policy LP24 'Design' and other relevant Local Plan policies within the context of national planning guidance to create high quality buildings and places. It is strongly recommended that reference is made to the latest policies and guidance when referring to Kirklees policy so that the most up to date documents can be applied.

HVNDP Policies 1 and 2

Paragraph 125 of NPPF states: "Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable" and "Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development".

The HVNDP policies 1 and 2 (among others) rely on the content of the Holme Valley Heritage and Character Assessment report (HVHCA), which is the evidence document commissioned by the Holme Valley Parish Council. The Council maintains that the HVHCA is insufficiently detailed to allow the proper and consistent consideration of applications. The document is largely a description of the landscape and built character of the area and the dispersal of settlement and how they relate to local topography. The document could have been used by the Holme Valley Parish Council to develop design briefs for the remaining allocated sites and to set out what design features for new

development may be acceptable in the different Landscape Character Areas or even in different settlements or parts of settlements. Instead the HVNDP relies on applicants and officers to interpret the evidence themselves.

Policies 1 and 2 contain a mix of policy relating to both landscape and built form.

Local Green Space

The designation of Wooldale Chapel Field and Sandy Gate Scholes as Local Green Space is not supported as officers do not consider that they meet the criteria for Local Green Space designation as set out in NPPF paragraph 100.

Detailed policy comments

Policy 1 Protecting and enhancing the landscape character of the Holme Valley

Council comment: The council still maintains that Map 7 (page 30) is insufficiently clear to allow the accurate placing of a site into one of the Landscape Character Areas (LCA) where the site is close to a boundary between those areas.

Policy 1 applies to that part of the Neighbourhood Area where Kirklees Council is the local Planning Authority.

Council comment: Part of the Peak District National Park falls within Kirklees district. Some of the policies in the HVNDP do not apply within the national park and to provide clarity where these exclusions occur Kirklees Council suggested the phrase: 'that part of the neighbourhood area where Kirklees Council is the local planning authority' to differentiate between the planning authorities over the neighbourhood plan area.

Council comment: there is a conflict between this part of the policy and paragraph 4.1.26 and the list of LCAs in Policy 1 which omits LCA2. Part of LCA2 falls outside of the National Park so there appears to be some part of the Kirklees Local Planning Authority (LPA) area to which Policy 1 does not apply.

Where possible proposals should retain and positively respond to those elements of the relevant Landscape Character Area which contribute to the distinct identity of the area as described in the Holme Valley Heritage and Character Assessment report.

Council comment: Given the inclusion of paragraph 4 of Policy 1 it is unclear whether this is intended as an introduction to the Landscape Character Areas that apply in the Kirklees LPA area, or something which applicants should have regard to in its own right. The paragraph points directly to the HVHCA report. Paragraph 4.1.17 lists the defined character areas but should be preceded by a generic definition, applicable across the areas regarding the conservation 'heritage and character' to avoid the implication that the conservation of built heritage assets is applied differently across the areas and ensure that the NPPF/PPG definition is applied in a consistent manner.

Development proposals should demonstrate how they have been informed by the different landscape and townscape elements which together contribute to the Key Characteristics and distinctive character of each of the identified Landscape Character Areas. Proposals

should consider the Character Management Principles for each Landscape Character Area (see paragraph 4.1.17), in order to protect local heritage and character.

Council comment: The first sentence of paragraph 4 requires planning applications to demonstrate how they have had regard both to the key characteristics *and* distinctive character of each landscape character area (although presumably this should just mean to the LCA in which their application falls – see more appropriate wording in paragraph 1 of Policy 2). The key characteristics of each of the LCAs can be found both in the HVHCA and in Appendix 7 of the NDP and it would be helpful if the NP could indicate where applicants would find this necessary information. It would also be helpful to define the expectations required and refer to the need to prepare proportionate information to define the existing character and significance of a site then evaluate the impact of the development.

LCA4 lists ‘ribbon development’ as a key characteristic and the Neighbourhood Plan is clear that applicants need to demonstrate how they have been informed by the key characteristics. This reliance on the words provided in the evidence document, rather than using its own words to convey the type of development the plan would wish to encourage, could undermine the ability of the Neighbourhood Plan to deliver the type of development the Parish Council may wish to achieve. This is evidenced in paragraph 4.1.14 which states “There is also a need to consider how the local topography has influenced form and layout, leading to a strong, linear form of development, with building lines following the contours along steep valley sides and narrow valley bottoms”; as well as the reference to “linear terraced forms” in paragraph 4.2.54. This is not the same as ribbon development which in planning terms has a meaning of lines of houses built along existing highways or other routes radiating out from settlements and has developed negative connotations connected with undesirable sprawl. The Council would suggest that the sentence in 4.1.14 expresses the type of development the Neighbourhood Plan would wish to promote, while the key characteristics relied upon in the actual policy, do not.

The second sentence of paragraph 4 relates specifically to the Character Management Principles and points applicants to paragraph 4.1.17 of the NDP. Paragraph 4.1.17 (which is actually contained in its own section, not in the section headed ‘A Landscape Policy for the Holme Valley’, where justification would be expected) states that the text in bold should be the key principle in the determination of a planning application. If this is the case this should be both the first requirement of this policy and the text should be contained within the policy itself. However, as stated in the ‘key points’ above, the council considers that the text in the HVHCA is too ambiguous to be used with certainty and consistency by applicants and officers. The lack of definition of what is meant by “traditional buildings”, and “historic buildings” and the “local vernacular” in the landscape character areas is rather ambiguous and would not help with planning decisions.

For example: LCA3 under ‘Settlement Pattern and Built Form’ lists the settlements as Hade Edge and the group of farm buildings at Cartworth Fold (and possibly at Washpit Mill). Under ‘Historic Assets’ however the list of settlements includes Choppards, Arrunden and Longley. Ward Place is also stated to be a settlement, but this is incidental to information concerning listed buildings. It is unclear how this information could be used to inform a planning application. New development will, by definition, change the settlement layout. It would perhaps be more useful to set out a range/palette of locally relevant material types for new development in the various areas to ensure that new development is informed by an assessment of its context and demonstrably complements the positive characteristics and significance of the place.

Example 2: the second bold bullet point in LCA3 is ambiguously worded. Does it mean that all new buildings must be *designed* as traditional buildings, or that new buildings must not have any detrimental impact on how existing traditional buildings appear in their setting?

Example 3: The sixth bold bullet point of LCA4 states “Avoid infill development which will result in the coalescence of Honley and Brockholes”. There is no information or evidence to support this statement and no guidance as to where this may relate to.

Applicants also should have regard, where relevant, to the following aspects of local character which are described in Appendix 7:

- *Movement and Connectivity*
- *Settlement and Built Form*
- *Heritage Assets*
- *Land Use and Land Cover*
- *Greenspace and Public Realm and*
- *Views.*

Council comment: this directs applicants to Appendix 7 of the NDP to consider the information contained in the 6 headings listed. The council has stated previously that the HVHCA report is a description of the existing character of the area and how that character has been influenced by land use and topography. By relying only on the text within that document it is difficult to see how applicants can have regard to its contents in the formulation of applications, nor how officers can consistently consider whether an application complies with policy.

‘Movement and Connectivity’ for LCA3 for example is largely a description of the footpath network within the area and it is difficult to envisage how applicants should have regard to it. If the Parish Council wishes to suggest that applicants must ensure that all existing footpaths are protected and where possible links are created to them, then this should be explicit. However, point 4 of policy 1 requires major developments to include linkages to existing tracks and routes. It is difficult to envisage how much, in practice, applicants will be able to have regard to the information in this section, in its current form.

Overall, proposals should aim to make a positive contribution to the quality of the built and natural environment and should not introduce or replicate changes which are unsympathetic and identified as issues to be addressed in the Holme Valley Heritage and Character Assessment report.

Council comment: This section again points directly at the HVCHA and is in effect a list of development that should not be accepted. It is unclear whether applications should be refused as a result of this wording. The ambiguity of the wording also makes compliance difficult. Does this apply outside of the conservation areas in LCA4 for example? Should all residential development in small villages in LCA7 be refused?

In particular the design and siting of new development and associated landscaping schemes should address the following:

Development should respect long distance public views from development to the upland areas of CA 1: Wessenden Moors, CA 2: Holme Moorland Fringe and CA 3: Hade Edge Upland Pastures and protect public views towards any significant local landmarks as identified in the Heritage and Character Assessment report. In addition, views across the Valley must be considered, including from other areas looking towards the development scheme and proposals should pay particular regard to any long distance visual impacts

on approaches to settlements, and along through routes. Overall development proposals should minimise any adverse visual impacts on the wider landscape setting of the development.

Council comment: Point 1 of paragraph 7 is considered unreasonably complex and compliance will be difficult for applicants and consideration difficult for officers. It is ambiguously worded. Does it mean that applicants have to work out where the upland areas of CA1 and CA2 are, or does it refer to the whole of CA1 and CA2 which are areas of upland? Views into and out of the Peak District National Park are considered in Local Plan policy LP32 'Landscape'.

All agricultural buildings in the Green Belt should comply with Kirklees Local Plan Policy PLP54 and should have appropriate screening and landscaping. Buildings should use neutral colours and tones to reduce visual impact.

Council comment: The information required to guide applicants and officers is found in paragraph 4.1.9 under the heading 'Introduction and background'. This illustrates the disconnection between some policy areas and the necessary justification text. This section needs to be updated to reflect the adopted Local Plan.

New major developments should include pedestrian linkages to existing tracks and routes.

Council comments: Local Plan policy seeks to link all relevant development to footpaths where possible, not just major development, including LP24 Design and LP31 Strategic Green Infrastructure Network. What is the relationship between this criterion and criterion 5 of NDP Policy 6, which requires all development not just to link to existing routes but also to enhance and expand routes? If existing tracks and routes refers to Public Rights of Way, it would be helpful if this were made clear.

'Major development' is not defined in the NDP until page 140 as a footnote to Policy 12.

A full hard and soft landscaping scheme is to be submitted with all planning applications where appropriate. Landscaping schemes and planted boundary treatments should enhance Green Infrastructure. They should also use a suitable mix of native plant species, or other species where appropriate, in tree planting and hedgerows to support and enhance biodiversity in line with the Council's Biodiversity Action Plan and the relevant Biodiversity Opportunity Zones. Regard should be had to the location, setting, species height, planting density and need for on-going maintenance and management, particularly in relation to future resilience linked to climate change. Careful consideration also should be given to the creation of a strong landscape structure throughout the site, appropriate to the setting. Planting of trees on hillsides and street planting will be encouraged to reduce flash flooding risks and increase health. Any large extensive planting schemes which are likely to impact on public views must include public consultation with the local community. Use of "green" or "living" and "blue" roofs is encouraged where adverse impacts on local character and distinctiveness are minimised.

Council comment: Point 5 of paragraph 7: There is a mix of different policy considerations contained in this paragraph. Planting of trees on hillsides is unlikely to need planning permission. The last sentence of the paragraph refers to 'green', 'living' or 'blue' roofs. The Council considers that this should be part of the consideration of the design of the built development, although green, living or blue roofs if

appropriate and acceptable in the design of the building could then form part of an overall landscaping proposal. Cross reference to the need for a biodiversity net gain would also be useful.

Previously the council commented: “Both Draft Policy 1 and Draft Policy 2 contain a mix of elements relating to landscape character and to the built form, which would be better separated into distinct policies.” It is still unclear what different aspects of development each of the policies refers to, especially as both Policy 1 and Policy 2 require applicants to have regard, mostly, to the same parts of the HVHCA report. It appears that Policy 2 which relates to built form requires less regard to the report than Policy 1, in that there is no mention of the 6 individual headings, including settlement and built form, nor does Policy 2 require development to make a ‘positive contribution to the quality of the built and natural environment’ or have regard to the ‘issues to be addressed’, which in the main refer to built development.

Policy 2 Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Council comment: The heading of the introduction to Policy 2 is “Conservation Areas and Promoting High Quality Design in New Development”. The supporting text also includes a map and description of each of the 13 conservation areas contained within the NDP area. Paragraph 4.2.4 states that Policy 2 is “an overall policy for all conservation areas.” Paragraph 4.6.23 (in relation to Policy 8) states “The provision of NDP Policy 2 should also be considered as both Holmfirth and Honley centres are within conservation areas.” This implies that Policy 2 applies only to conservation areas, but Policy 2 itself does not distinguish between development within or outside of conservation areas, nor are the descriptions of the conservation areas referred to in the policy.

The issues of high quality design and the management of conservation areas are not the same and there should be no implication that different standards apply in different areas. Nor does Policy 2 allow for an holistic approach to achieving high quality design which should not be primarily about building materials and detailing. If Policy 2 is intended to apply to conservation areas then paragraph 4.2.3 should emphasise that as conservation areas are statutorily designated the lack of a Conservation Area Appraisal (CAA) does not mean that its designation as a designated heritage assets is weakened, or that its components are subject to any less control. Section 4.2 on the management of conservation areas could be introduced by the legislative and local plan requirements for the management of conservation to emphasise that the description of the areas given in the NDP is simply the basis of the necessary ‘heritage significance appraisal’ which would be required to inform the development of a site within the conservation area and that all development is required to preserve or enhance the character and appearance of the area.

1) Local Character

Proposals for new development and alterations to existing buildings should respect the Landscape Character Area in which they are located with reference to the Character Management Principles for each Landscape Character Area (see paragraph 4.1.17) and the Key Characteristics and distinctive character of each of the identified Landscape Character Areas (as set out in Appendix 7). Proposals should seek to protect and enhance local built character and distinctiveness and historic landscape character.

Council comment: It is unclear how consideration of this policy differs from the consideration required by Policy 1. Comments relevant to Policy 1 also apply in relation to the Character Management Principles, Key Characteristics and distinctive character. It is unclear what is meant by ‘historic landscape character’ as distinct from ‘landscape character’ which should in any case be a consideration for policy 1.

In addition, there is no caveat about LCA1 and LCA2 included within policy 2, although it has been included in paragraph 4.2.59.

Suitable measures should be put in place to avoid any adverse impacts on heritage assets, including any conservation areas, and where this is not feasible, to minimise or mitigate damage.

Council comment: The Council is very concerned that this wording will undermine the level of protection for heritage assets afforded by Local Plan policy LP35. As drafted this policy could have the unintended consequence of permitting more harmful development than would be the case if the NDP relied on LP35. The policy conflicts with the requirements of the NPPF in relation to both designated and non designated heritage assets, implying that ‘adverse impacts’ could be mitigated. It would be more useful to clarify that the impact of development is evaluated in relation to the definition of the ‘heritage asset’. Thus, any ‘harm’ (or adverse impact) to a designated heritage asset is considered under paragraphs 193 – 196 of the NPPF and is required to be given great weight.

The policy is ambiguously worded as there is a lack of understanding of what is meant by ‘suitable measures’.

2) Sense of Place

New developments should strengthen the local sense of place through use of local materials and detailing. Where historic features such as mill chimneys function as key focal points, they should be retained and restored as an integral part of new development schemes. Legibility improvements are encouraged such as signage, waymarking, trails and heritage focal points.

Council comment: Viability relating to the retention of mill chimneys should be a consideration. Who would be responsible for their future upkeep and maintenance? It is unclear what type of development legibility improvements is aimed at and there is no justification or other explanatory text within the NDP. It also appears more relevant to Policy 5 ‘Public Realm’.

The last sentence on legibility improvements is new policy introduced since Regulation 14.

3) Utilising Existing Assets

Wherever possible, significant trees, internal boundaries and water courses on the site should be retained and incorporated in the new design. Proposals should consider the aspect of the site and the ways in which the site contours and vegetation can be used to provide areas of extensive shade or shelter. Advantage should be taken of sunny slopes in orientation of gardens and / or main elevations. Development of individual buildings and groups of buildings should utilise site characteristics to improve energy efficiency and maximise use of renewable technologies.

Council comments: Repeats the intentions of parts of LP24, particularly d)iv and LP32.

4) Innovation and Responding to Local Context

The use of traditional materials and design will be supported. However, contemporary design and materials will be supported where the distinctive character of the area is enhanced or opportunities are identified for greater energy efficiency. Site layout should respect the existing grain of development in the surrounding area.

Council comment: There is a mix of policy areas within this paragraph, and a re-phrased repeat of policy on materials and design ('local materials and detailing' in paragraph 2 and 'traditional materials and design' in paragraph 4). There is a consideration of layout here as well as in Paragraph 3. Energy efficiency is referenced in this paragraph as well as in Paragraph 3. As worded this paragraph implies that development using contemporary design and materials will be supported if opportunities for greater energy efficiency are identified (by whom?), but this may not necessarily be appropriate for a conservation area, for example. The Council maintains that a suggested amendment made at Regulation 14 is still relevant: "The use of traditional materials and design will be supported promoted. However, where appropriate contemporary ~~modern materials and design~~ and materials will be supported where the special character of the area is enhanced."

5) Gated Communities

Gated communities which restrict permeability are not characteristic of the Holme Valley area and will be resisted.

Council comment: It is unclear whether all applications for gated communities should be refused on the basis of this criteria and if so how this would be justified.

6) Inclusivity and Accessibility

Designs should promote inclusivity and promote accessibility for all and in particular have regard to the needs of the older population and those with mobility impairments.

Council comment: Partly repeats LP24 criterion f).

7) Public Spaces

New development should make a positive contribution to the public realm. In particular, this should include:

- A clear distinction between streets and other publicly accessible spaces and areas that are intended for private use;*
- A designed sequence of spaces that connects with and relates to the pattern of spaces already present in the area;*
- Where appropriate, the "greening" of public spaces by using trees and other suitable planting.*
- Open spaces should be designed to meet the needs of the development and located to satisfy their intended, specific function, such as toddler's play, older children's activities, sitting out, or visual amenity.*

Council comment: It is unclear what development this paragraph applies to. NDP5 is 'Promoting High Quality Public Realm' where you would expect to find all policy relating to the public realm. There is no information contained within the supporting text to guide applicants in relation to this policy, for example to explain what is meant by 'a designed sequence of spaces'.

The last bullet point appears to relate to the provision of public open space within new residential development which is covered by Kirklees Local Plan LP63 'New Open Space'. The council is concerned that the inclusion of this bullet point in the HVNDP means that there is a risk of undermining the provisions of LP63 and guidance set out in the Council's Open Space Supplementary Planning Document. There is a lack of local evidence within the HVNDP to support the interpretation and implementation of this policy or how the needs of the development would be ascertained and there is no guidance to advise how open space should be located to satisfy the intended open space function.

8) Built Form and Materials

Designs should respect the scale, mass, height and form of existing locally characteristic buildings, as described in the Key Characteristics, and Settlement Patterns and Built Form, for each of the Landscape Character Areas in the Holme Valley Heritage and Character Assessment and Appendix 7 of the NDP. Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used wherever possible.

Council comment: Individual locally characteristic buildings have not been identified in the relevant areas of the HVHCA report, although there is a general description of existing built form. It is unclear why policy consideration relating to built form and materials already included at paragraph 2 and 4 are not included within paragraph 8. Indeed, this would seem to be the main thrust of policy that the NDP is trying to achieve and it is unclear why this is not the main consideration of this policy. The specific requirement to use local millstone grit and stone flags wherever possible would be relevant to only pockets of the Holme Valley as a whole.

9) Scale and Proportion

Scale, height and massing of development should be designed to reflect the setting and location of each individual site. Development should fit in and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.

Council comment: Scale, height and massing has already been included at paragraph 8. Indeed it may not be possible to comply with both paragraph 8 and paragraph 9 in terms of respecting locally characteristic buildings AND the location and setting of the site.

11) Protecting Amenity

Proposals should minimise impacts on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised, and security lighting must be appropriate, unobtrusive and energy efficient.

Council comment: The council is very concerned that there is a significant risk of undermining the provisions of LP52 'Protection and improvement of environmental quality' and the scrutiny of proposals and protection from the effects of all types of pollution that it affords. It is unclear what is meant by 'careful consideration', why only light pollution should be 'minimised' and what is meant by 'minimised'. Similarly it is not clear what is meant by 'appropriate' security lighting, and appropriate to whom?

Policy 3: Conserving and Enhancing Non-designated Heritage Assets

A list of proposed non-designated heritage assets is identified in the Holme Valley Neighbourhood Plan and further non-designated heritage assets may be identified during the plan period.

Council comment:

The Council's previous comment regarding the suggested format of this policy subject to having an agreed list still applies: "The following non-designated heritage assets have been identified in the Holme Valley Neighbourhood Plan. Development affecting a non-designated heritage asset should be considered against Local Plan Policy LP35 Historic Environment:- (list the sites).

Policy 3 uses mixed terminology including 'proposed' and 'emerging' in the first paragraph and 'heritage assets' instead of 'non-designated heritage assets' in the second paragraph.

Appendix 2

Council comment: The list in Appendix 2 has not been agreed by the Local Planning Authority and the conservation area appraisal for Holmfirth has not been adopted.

The whole appendix is confusing in both layout and terminology. The first page is headed 'Candidate Local Heritage Assets' and lists 3 assets in Honley. The second page is the 'Holmfirth Conservation Area Appraisal Appendix J' (although it is stated in paragraph 4.3.6 and at the top of page 150 that the list has been produced by Holmfirth Conservation Group, the use of the title 'Holmfirth Conservation Area Appraisal' makes it appear as if it is the appraisal produced by the Council) and refers to 'key buildings' and 'positive buildings' but it is unclear what they are or what their relevance is to the list. The last paragraph on page 150 states that for 'positive buildings' there are too many to list (over 350) which indicates that this is not precise. It also refers to Figure 16 of the Conservation Area Appraisal which is not included in the NDP. There then follows a long list (which is very difficult to read) without explanation or any indication of how the assets on the list have been chosen. It should also be noted that some of the buildings referred to are within a conservation area, making them both designated and non-designated assets.

Candidate non-designated assets should be tested against defined selection criteria. This would make future candidates more transparent and explain how '*further non-designated heritage assets may be identified during the plan period*'. This criterium should be stated either in the main body of the document or in the appendix.

Holme Valley Heritage and Character Assessment report 'historic assets'

Council comment: the HVHCA report includes 'buildings of local interest' which have been individually named. The relationship between the buildings named in the HVHCA report, the buildings in Appendix 2 and Policy 3 is not clear.

Supporting text paragraphs 4.3.8 to 4.3.10:

Council comment: it is unclear what the purpose of these paragraphs is and how they relate to Policy 3.

Policy 4 Design Codes for High Quality Shopfronts and Advertisements

Council comment: This policy is in general conformity with NPPF. Many of the principles of the policy repeat Local Plan policy LP25 (Advertisements and Shop Fronts). However, the length and complexity of NDP4 make it more suited to a design code than a policy. A document, preferably with illustrations, explaining the terms used in the policy would aid understanding but there is no Parish Council action to produce further guidance. As written the policy is prescriptive in parts, imprecise and difficult to apply.

The policy is made unnecessarily complex because of repeated issues and multiple headings. For example criteria a), c) and d) all refer to fascias yet 'Fascias' is a separate heading which contains reference to cornices. Illumination of signs is included in the general principles; the first paragraph of part 2 which states that illuminated box fascias should be avoided but then the consideration of illuminated fascias is given after criterion f).

3) Accessibility

The sensitive alteration of existing traditional shops and town centre buildings to improve accessibility for all is supported. Accessibility should be improved wherever practically possible, provided the special interest of any historic building or buildings is not compromised. Overall proposals should not prejudice the character of the building or buildings and should have due regard for any features which make a particular building or buildings special or significant.

Council comment: It would be preferable if the special interest of all buildings, not just historic buildings, is not compromised.

e) Use sensitive colours and appropriate shading and blocking of letters which reflect the local character and appearance of the area – for example in Conservation Areas bold bright colours are unlikely to be accepted; and

Council comment: The council commented at Regulation 14 that it is overly prescriptive and unreasonable to restrict the use of 'strong and strident colours'. Strong and strident has been replaced with 'bold and bright', which is equally prescriptive and unreasonable. It is not clear how or who would make the judgement of what is a bold and bright colour and at what point a colour becomes too bright to be acceptable.

Schemes should avoid light pollution into adjoining residential properties and not unnecessarily cause poorly directed light pollution elsewhere.

Council comment: The council repeats its concern relating to undermining the provision of LP52 in respect to light pollution.

Policy 5 Promoting High Quality Public Realm and Improvements to Gateways and Highways

Council comment: It is unclear what type of development the public realm part of the policy is aimed at. Public realm is also a consideration of (part of) NDP Policy 2. There is a significant focus given to this area of policy most of which is likely beyond the scope of development proposals.

There is little in the supporting text that helps to justify or evidence the policy. Much of the content of 4.4.15 to 4.4.20 appears more suited to Parish Council actions, particularly in respect to the design of litter bins, planters and signage.

Much of Policy 5 is ambiguously worded or repetitive.

The Kirklees Highway Design Guide Supplementary Planning Document was adopted on 14/11/2019 and it “encourages developers and designers to create streets for people by responding to all the other components that make up the public realm and influence the identity of a place. It also covers the design of the ‘highway’ in its broadest sense, namely the public space between private property that encapsulates all public activity, including the circulation and storage of motorised traffic.’ The council maintains that the Highway Design Guide SPD should be relied on wherever possible.

Proposals for public realm improvements should enhance the quality of life for residents and visitors alike and should be an integral part of transport links through towns, settlements and villages.

Council comment: It is unclear whether this is an introduction to the policy or a policy consideration in its own right. If it forms part of the consideration of an application, does it only apply to the development of transport links, or to any development fronting a road through a town, settlement or village?

Where public realm enhancements are proposed as part of development schemes, proposals should include, where possible, cycle and car parking with electric charging points, clear and useful signage to local public transport facilities, and low energy street lighting.

Council comment: This is ambiguously worded and it is unclear what type of development this would apply to. As it refers to public realm enhancement it is not clear if this means the enhancement of existing spaces, for example secured through a S106 agreement, or new public realm, for example areas of open space provided as part of new residential development. If the latter then LP63 should apply. Would car parking be additional to that secured for the development, and is it desirable for all public realm spaces to incorporate car parking? This policy only requires signage to public transport facilities while the wording of the last sentence of NDP Policy 2 part 2 requires general signage and waymarking.

Large commercial bin storage areas should be suitably screened as part of proposals to enhance the public realm and improve waste management.

Council comment: repeats LP24 vi, but LP24 refers to all waste facilities, not just large commercial bin storage areas. The Kirklees Highways Design Guide SPD (Nov 2019) provides guidance on waste collection and refuse storage.

To ensure a balance is achieved between highway safety and highway dominance, and to ensure that the character of a place is maintained whilst still enabling a safe and sustainable highway, the following principles should be applied:

- d) Design and materials in public realm improvements and highways schemes should be sensitive to local character.*
- e) Traffic dominance should be minimised through surface treatment and layout;*
- f) Visual clutter should be limited;*
- g) Provision of shared public space should be maximised whilst accommodating vehicular movement where necessary;*
- h) Consideration should be given to accessibility for everyone;*
- i) Consideration of Green Infrastructure should be built into the public realm where appropriate;*
- j) Street furniture should not act as a hazard to pedestrians or distract motorists unnecessarily.*
- k) Signage and interpretation should be clear and visually unobtrusive;*

l) Lighting should limit light pollution and the use of columns.

Council comment: It is unclear to what type of development these principles are to be applied that is different to what has been stated previously, both within this policy and in NDP policies 1 and 2.

d): having regard to local character has already been stated in part a) of this policy. All development would in any case be expected to have regard to Policy 1 and 2, both of which require more consideration of character and design than is required by Policy 5.

e): there is nothing in the supporting text that could guide applicants as to how to comply with this part of the policy;

f): it may be preferable to avoid visual clutter, rather than just limit it;

h): repeats NDP Policy 2 part 6;

l): with regard to light pollution see previous comment on NDP Policy 2 in relation to LP52.

Gateways and Highways

Where major new residential or commercial development is close to gateways into the Holme Valley, for example at entry points along the main transport routes including roads along valley floors and at rail stations including as identified on Map 17 Key Gateways, consideration should be given to gateway improvements. Such improvements could include for instance, welcome signage, landscaping and planting and relevant information about visitor facilities.

Council comment: This part of the policy is unlikely to achieve its aim in terms of the locations identified on Map 17 as the identified locations (as shown by the stars) are all in the green belt some distance from inset settlements where major development would be expected to occur. It is unclear if the policy is intended to apply at entry points to the villages or all along the roads listed in 4.4.21. Landscaping and planting would be a normal consideration as part of a major development and as the policy refers to 'improvements' it is unclear whether the policy is seeking to secure gateway improvements on site as part of the development or off-site improvements to existing areas of public realm (in the centre of the villages for example) where information boards would be expected.

Do the principles d) to l) apply to this section of the policy?

Policy 6 Building Homes for the Future

Council comment:

Supporting text paragraph 4.5.10: refers to the NDP encouraging 'infill' development. It would be useful to define what is meant by this, particularly as the NPPF at paragraph 145 includes for consideration of infill development within the Green Belt. There is no mention of infill development within Policy 6, unless it is implied by the first sentence.

Supporting text paragraph 4.5.20: states that Policy 6 has been prepared to provide local detail to LP3 and LP11 but there is very little that addresses any specific issue. Evidence to support the policy is required.

Supporting text paragraph 4.4.21: this states that developers of schemes of 5 or more properties should undertake public consultation with local residents and stakeholders, but says nothing about how this may be carried out or who mediates if there are objections.

There is significant overlap with other Local Plan policy including LP7 Efficient and Effective use of land and Buildings, LP11 Housing Mix and Affordable Housing, LP20 Sustainable Travel and LP21 Highways and Access. There is very little in part 1 'General Principles' that addresses any issue specific to the Neighbourhood Plan area.

In addition to the sites allocated by Kirklees Council in the Allocations and Designations DPD, new housing development will be supported within existing settlements in areas not overwashed by the Green Belt.

Council comment: It is unclear whether this is an introduction to the policy or a policy consideration in its own right. Does it mean that housing development will be supported generally or where the listed points 1 to 6 apply?

The Council made the following suggested amendment at Regulation 14 consultation: "New housing development which accords with the Local Plan will be supported ~~within existing settlements~~". It is maintained that the amendment is still advised to avoid potential conflict with sites allocated for other purposes, such as for employment use.

Proposals are required to address the following additional considerations:

Council comment: additional to what?

- 1) *Wherever possible, proposals for residential development should include the redevelopment of previously developed (brownfield) sites or the conversion of other suitable buildings within existing settlements.*

Council comment: Criterion 1) is an objective not a policy and it is unclear how applications on greenfield sites should be considered. Encouraging the efficient use of previously developed land and re-using existing buildings is part of LP7.

- 2) *Housing should be suitable in terms of design, house size and tenure.*

Council comment: Evidence is required to support this criterion and information will be needed as to what design, house size and tenure is deemed suitable, and for whom. The relationship between this part of the policy and the policy under the heading 'House types and sizes' is not clear.

- 3) *Conversion of mill buildings for low cost housing and apartments rather than demolition is preferred. Wherever possible proposals for conversions of former mill buildings to residential accommodation should include provision for suitable commercial or employment uses as part of mixed use schemes, including live / work type accommodation.*

Council comment: The first sentence would be better suited as an objective rather than a policy, as it is unclear whether schemes proposing demolition should be refused. Evidence is required to support this criterion and information will be needed as to what is meant by 'low cost'. The viability of schemes providing residential accommodation, live/work units and commercial or employment uses should be a consideration. It could also be expanded to include other worthy redundant buildings, not just mill buildings.

4) *Adequate parking for residents and visitors should be provided in accordance with the most up to date Kirklees parking standards as set out in Kirklees Council's Highways Development Delivery Planning Pre-application and Application Advice Note in Appendix 4. Additional parking provision to accommodate visitors and delivery vans is encouraged to minimise additional on street parking on nearby roads.*

Council comment: At Regulation 14 consultation the council suggested the following amendment: "provides adequate parking for residents and visitors ~~should be provided~~ in accordance with Local Plan Policy LP22 Parking and the council's most up to date Kirklees parking standards guidelines, as set out in Kirklees Council's Highways Development Delivery Planning Pre-application and Application Advice Note in Appendix 4. Additional parking provision to accommodate visitors and delivery vans is encouraged to minimise additional on street parking on nearby roads."

The most up to date guidance is now contained in the adopted 'Highway Design Guide SPD'.

It is unclear whether the last sentence requires parking for visitors and delivery vans to be provided over and above what would normally be advised through Council guidance.

5) *Developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes.*

Council comment: Repeats LP20, although LP20 recognises that opportunities will vary across different settlements. There is a conflict between this policy and policy 1 (point 4), where only major developments are required to link to existing tracks and routes. This requires it of all development with the addition of also requiring the enhancement and expansion of routes.

6) *Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.*

Council comment: LP7 allows for a planning balance to be applied to the issue of density (LP7 section 2 parts a), b), c) and d). The NP policy is prescriptive.

House types and sizes

All major housing development schemes should demonstrate how they address the identified local housing need of the Rural West sub-area in terms of density, size, tenure and type of development. Schemes should provide suitable housing in response to the most up to date Strategic Housing Market Assessment.

In particular new housing schemes for major development will be supported, subject to aligning with other policies within the HVNDP and Kirklees Local Plan and national planning policies, where they:

- 1) *Include a mixture of one, two and three-bedroom properties for sale and rent.*
- 2) *Include housing designed to meet the needs of older people and properties for first time buyers.*
- 3) *Provide a suitable proportion of affordable housing in line with the recommendations in the Kirklees Local Plan and the NPPF. Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities.*

4) *Provide new housing through a Community Right to Build Order or other community led housing project including self-build schemes.*

Council comment: As this part of NDP6 applies only to major development, the council is concerned that this part of the policy undermines the provisions of LP11 'Housing Mix and Affordable Housing', which applies the general principle of housing mix to all housing development. It is ambiguously worded – will major housing development only be supported if it meets all four of the specific criteria or if one or more of them is met?

In addition, there is a mismatch between NDP6 which refers to 'major development' (NPPF definition 10 or more dwelling or 0.5ha or above) and LP11 which refers to schemes of more than 10 dwellings or of 0.4ha or greater in terms of proportionality as well as schemes of more than 10 dwellings (irrespective of the size of the site) requiring the provision of affordable housing. Policy LP11 is underpinned by SHMA and the Kirklees Local Plan and CIL viability assessment, which has tested the viability of the plan based on thresholds of 11+ dwellings or an area of 0.4ha or above. By lowering the threshold for schemes to provide proportionality and affordable housing from 11 dwellings to 10, the Neighbourhood Plan conforms to national guidance but relies on evidence based on a different threshold.

Criterion 3: There is a conflict with Local Plan policy LP11 which states that housing schemes need to provide affordable housing in line with the Local Plan. However, any scheme of 10 dwellings would not be able to comply with NDP6 criterion 3) as part of LP11 only applies to schemes of 11 or more dwellings.

The policy relies on evidence in the 'Rural West sub-area' of SHMA. The SHMA provides information for this subdivision for affordable housing need but does not provide information at this level for the mix of market housing. The Kirklees wide figures for housing mix include a need for 4 plus bed homes. The Neighbourhood Plan therefore needs to provide evidence to support the housing mix stated in NDP6 criteria 2).

As there is no guarantee a subsequent SHMA will use the same subdivision it is suggested that more general wording referring to the relevant area is used in the policy.

It is unclear whether major new development will be required to provide new housing through a Community Right to Build Order or other community led housing project including self-build schemes. LP11 encourages custom build/self-build homes generally.

The council is currently producing a Housing Mix and Affordable Housing Supplementary Planning Document which will provide further detail supported by evidence of housing need.

Policy 7 Supporting Economic Activity

Council comment: there is nothing in Policy 7 that provides any local distinctiveness to policies already contained within the Local Plan. In many respects the policy will make it harder to achieve new business development. There is no evidence and little justification in paragraphs 4.6.1 to 4.6.14. Paragraphs 4.6.11 to 4.6.13 appear to relate to place making and Parish Council initiatives in Holmfirth, both of which are Parish Council actions.

In addition to site allocations in the Kirklees Local Plan, proposals will be supported which result in the creation or sustainable expansion of existing and new businesses, particularly those defined as micro (sole traders or those with fewer than ten fewer employees) or small (ten to fifty employees) in all business sectors.

Council comment: The definition of a business includes retail development which creates a conflict between NDP Policy 7, which would support such development subject to compliance with eight criteria, and NDP Policy 8 which refers to the requirement for a sequential test for retail development.

There does not appear to be any supporting text as to why the policy is restricted to certain sizes of business. The policy appears to apply only to small businesses but the use of the word 'particularly' implies this is not a closed list.

Such proposals will be supported where the following all apply:

- 1) The site is located outside the Green Belt;*
- 2) The proposal supports new business investment or the expansion of an existing business within its existing site;*
- 3) The proposal is for the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site;*
- 4) The site is connected to the existing highway and transport network and will not generate additional and unacceptable adverse traffic impacts on surrounding roads;*
- 5) The site is large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas;*
- 6) The proposals take account of their impact on the natural environment and contribute to the protection, conservation and enhancement of the natural beauty and distinctive local character of the landscape; and*
- 7) The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport.*

Council comment: As there is a requirement to comply with all parts of the policy it is not clear whether applications on greenfield sites or on sites not already connected to the existing highway should be refused in principle or whether the NDP is simply silent.

2) it is unclear why a site should not be allowed to expand, if otherwise suitable;

4) is there a distinction to be made between the highway and the transport network? It is unlikely that a scheme would not generate any additional traffic movements and the impact of any development on the surrounding road network is a normal consideration when any application is received. National guidance is for "severe" impacts on the highway to be the level for objection, not just adverse impacts.

5) There is no local guidance for non-residential parking so the number of spaces needs to be justified as being fit for purpose.

Supporting Homeworking

Proposals which promote the role of home-working within the economy will be supported. These include, where planning permission is required, improvements to broadband and telecommunications infrastructure and small-scale extensions to existing residential dwellings which are subsidiary to the main dwelling, subject to other policies in the NDP, Kirklees adopted Local Plan Policies LP10 and LP20 and national planning policies.

Council comment: The policy particularly refers to *'the need for extensions that accommodate home working to be small scale and subsidiary to the main dwelling'* but there is no evidence or justification that states why this restriction should apply. LP24 requires extensions to be subservient to the host dwelling but otherwise in keeping in terms of scale.

Improvements to broadband and telecommunications infrastructure should apply over all business sectors, not just home working, and is part of LP5 'masterplanning sites'.

Encouraging Tourist and Visitor Facilities

Council comment: There is nothing contained in this section that would not be a normal consideration for any proposal of this nature, except that applicants would not routinely be expected to demonstrate how their development specifically improves the offer to tourists. The section is therefore prescriptive and does not allow for the operation of the planning balance.

Policy 8 Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres

Within Holmfirth Town Centre and Honley District Centre, development for retail, leisure, office, commercial, cultural and tourism and other main town centre uses¹⁴ will be encouraged where they help enhance the viability and vibrancy of the centres.

Council comment: There is very little in the policy that addresses any issue specific to the neighbourhood plan area. The Retailing and Town Centres section of the Local Plan Strategy and Policies Document sets out a strategy that seeks to protect all defined centres and facilitate new growth including Holmfirth, Honley, Brockholes and New Mill. The NPPF town centre first approach is reflected in the Local Plan and policy LP13 Town Centre Uses part A states that "Main town centre uses which are appropriate in scale, help to retain an existing centres market share and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported."

1) New developments and changes of use should complement existing provision and ensure that the town, district or local centre offer provides a range of uses appropriate for the relevant type of centre. Care should also be taken to ensure that development does not adversely affect other amenities and facilities, such as open and green space.

Council comment: Complementary uses are addressed in LP13 part A third paragraph which highlights uses shall complement each other whilst retaining a strong retail core. The role and function table sets out the types of services expected within each centre, notwithstanding the new use classes order and its impact on the shopping centre hierarchy.

2) Proposals should ensure that there is adequate provision for pedestrians, sufficient cycle and car parking (including electric charging points) and public transport facilities within walking distance, clear and useful signage, facilities for the disposal of litter and sustainable street lighting.

Council comment: This is addressed through Local Plan policies LP24 Design criteria di walkable neighbourhoods, criteria v electric charging points, LP22 Provision of Parking criteria e) f) g) and LP16 which addresses the issue of litter related to food, drink and licensed entertainment uses.

The NDP lacks evidence and supporting text and may be unreasonable, for example in terms of the control over street lighting. It is imprecise for decision makers in terms of what are the measures of 'adequate provision for pedestrians', 'sufficient cycle and car parking', 'walking distance', 'useful signage' and 'sustainable street lighting'.

3) Retail development should be located in one of the primary shopping areas as set out in NPPF and Local Plan Policy PLP 13, part B. If outside the primary shopping area, retail proposals are subject to the sequential test¹⁵

Council comment: This repeats Local Plan policy LP13 part b which sets out the sequential test for main town centre uses and therefore includes retail development. It is not clear what is meant by 'retail uses' for the purposes of this criteria. This should be explained in the justification text. This criterion also lacks clarity in respect of what consideration should be given to development within the local centres as they do not have identified primary shopping areas in the Local Plan.

4) The re-use of upper floors for residential use and other uses is supported in accordance with Kirklees' Local Plan.

Council comment:

For Holmfirth Town Centre, this point repeats the intention of Local Plan policy LP15 Residential Use in Town Centres in terms of supporting the re-use of upper floors for residential purposes. It implies this will be acceptable without consideration of prejudicing other established uses, for example on ground floors. There is no reference to other uses in the Local Plan. 'Other uses' are not defined and these should also consider impact on adjoining uses.

5) Distinctive and detailed historic architectural features of buildings should be retained and enhanced in accordance with NDP Policy 4.

Council comment:

This is addressed through LP24 Design Criteria a (and Neighbourhood Plan policies 1 and 2). NDP policy 4 is with regards to shopfronts and advertisements and not the whole building.

Business premises should contribute towards retaining the historic nature of the town and district centres by maintaining their varied and interesting frontages¹⁶ for instance through the retention and enhancement of traditional shop fronts as set out in Policy 4.

Council comment:

This is addressed in Local Plan policy LP14 Shopping Frontages, LP25 Advertisements and Shop Fronts and policies 1 and 2 of the Neighbourhood Plan.

Within the primary shopping areas of Holmfirth Town Centre and Honley District Centre the majority (i.e. 60% - 70%) of ground floor frontages should remain as retail (A1) uses and 40% in the secondary shopping areas.

Proposals which would lead to the loss of retail units should be supported by evidence to demonstrate that their continued use for retail is no longer viable, or that an alternative use would enhance the viability and vitality of the town centre.

This appears to be based on Local Plan paragraph 9.18 on primary and secondary shopping frontages not primary shopping area. This should be supported by local evidence to justify the percentages required. Reference is made in paragraph 4.6.17 to vacancy rates and the mix of uses within Holmfirth Town Centre but it does not provide further detail or link to further evidence. It also states in paragraph 4.6.18 that '.... In future, that the balance between retail, commercial and residential will have to shift from the 70% traditional town centre uses in primary shopping areas' but there is no flexibility to accommodate this. Honley District Centre does not have any defined secondary shopping areas. There is no supporting text within the NDP to guide applicants as to what evidence will be required in support of their application.

Notwithstanding, the changes in the regulations and the new use class order means that all uses in the new use class E are taken out of development management so that the thresholds set are no longer under the control of planning policy.

Within Brockholes and New Mill local centres, development for top-up shopping and local services, particularly food and drink as set out in Local Plan Policy LP13, will be considered acceptable in principle providing:

- 6) They satisfy other policies elsewhere in the NDP and Kirklees Local Plan and national planning policies;*
- 7) Suitable mitigation measures are provided to address any adverse impacts on residential amenity resulting from additional noise, smell and visual intrusion;*
- 8) They are of an appropriate scale in relation to the centre; and*
- 9) The amenities of local or adjoining residents or users are protected.*

Council comment:

Criteria 6 to 9 set out above overlap Local Plan policy LP16 Food and Drink and the Evening Economy, criteria a to g; and paragraph 9.32 and LP 13 Town Centre Uses part A which refers in the second paragraph to scale of development in relation to the size of the centre.

Policy 9 Protecting and Enhancing Local Community Facilities

Community facilities are defined as facilities which are of value to the local community and they will be protected and enhanced where possible.

Examples are given in paragraph 4.7.10.

Council comment: The first sentence is an objective rather than policy. The definition of development to which this policy applies is given at 4.7.2 so does not need to be repeated in the policy.

The loss or change of use of community facilities to non-community uses will only be supported where all of the following apply:

- 1) It has been demonstrated that it is in accordance with relevant policies of the Kirklees Local Plan and Peak District National Park Core Strategy; and*

Council comment: this overlap with Local Plan policy LP48 is confusing. A proposal may not be able to comply both with LP48 and NDP9.

2) It can be demonstrated that:

- Its ongoing provision is not viable, or*
- It is no longer needed or justified, or*
- That the provisions offered by the facility can be accommodated at an equal or higher standard elsewhere in the local area in an equally accessible location, or*

Council comment: repeats LP48 criteria a), b), c), and d). Local Plan paragraph 17.18 sets out ways in which applicants could provide evidence of reasonable attempts to actively market the land or premises to demonstrate lack of need. There is no supporting text within the NDP to guide applicants as to what evidence will be required in support of their application.

- That the new use meets another community need or offers alternative community benefit; and*

Council comment: It is not clear whether a proposal for a community need that results in the loss of a different community need would be acceptable.

- 3) *It can be demonstrated that every attempt has been made to identify and support local community or voluntary groups wishing to continue the operation of the facility.*

Council comment: The Local Plan includes reference to the Community Asset Register which is omitted from NDP9. By including NDP9 the NP has undermined Kirklees policy relating to community facilities.

Education, Health and Community Learning

- 1) *Proposals to create, expand or alter schools will be supported, whilst recognising the ongoing social value of small, community based schools.*

Council comment: it is unclear how applicants should comply with the second clause of point 1. Does the policy mean that small, community-based schools will not be allowed to extend, and are these the schools defined in paragraphs 4.7.12 and 4.7.13?

- 2) *The expansion of health provision in the Valley will be supported.*

- 3) *Proposals to expand the provision of Forest Schools and natural play environments, and to improve provision of accessible natural and semi natural greenspace, amenity greenspace and allotments, will be supported subject to being in accordance with other policies.*

Council comment: it would be helpful if the plan could set out which other policies applicants should have regard to. Local Plan policies LP61 and LP63 cover the protection of urban green spaces and the provision of new open space secured through new housing development in accordance with local and national open space standards. Local Plan policy LP31 Strategic Green Infrastructure supports proposals for the creation of new or enhanced green infrastructure which can include “parks, recreation grounds, public and private playing fields, street trees, allotments and local food growing, amenity green space, churchyards and cemeteries, natural and semi-natural greenspaces, such as woodlands, local nature reserves, some grazing land, heathland and moorland. River and canal corridors, footpaths, bridleways and cycleways provide green infrastructure links which thread through the towns and villages and connect into the countryside.”

Policy 10 Protecting Local Green Space

The following sites are designated as Local Green Space in the Holme Valley Neighbourhood Plan. Development affecting Local Green Spaces should be considered against Local Plan Policy LP62:

- 1) Scholes Marsh Road Well Garden (Map 19)*
- 2) Scholes Sandygate Fields (Map 20)*
- 3) New Mill 'Chapel Field' (Map 21).*
- 4) Hade Edge Gateway Triangle (Map 22)*

Council comment:

- 1) Well Garden, Marsh Road, Scholes - Designation of this site as Local Green Space (LGS) meets the NPPF and NPPG criteria for LGS designation as it performs the function of a village green within Scholes village and has a particular local significance based on its community use.
- 2) Sandygate Fields, Scholes - The council does not support the proposed designation of this site as Local Green Space on the basis that the land does not meet the criteria for LGS designation set out in NPPF (para 100) as its use as agricultural fields does not have any particular local green space value and its contribution to the setting of two listed buildings (farmhouses) and objection to development are not in themselves grounds for LGS designation. The site itself is not considered to have specific unique qualities to be considered demonstrably special.
- 3) Chapel Field, Wooldale - The council does not support the proposed designation of this site as Local Green Space on the basis that the site's use as 'agricultural grazing space' and past community activities are not considered demonstrably special.
- 4) The Triangle, Hade Edge - the site comprises an area of amenity greenspace which has a particular local significance based on its use by the community and is considered to meet the NPPF criteria for LGS designation.

Policy 11 Improving Transport, Accessibility and Local Infrastructure

2. Traffic management interventions should be managed on the basis of two principles:

A user hierarchy which follows the hierarchy set out in Kirklees Local Plan Policy LP20 of:

a) pedestrians

b) cyclists

c) public transport

d) private vehicles; and

Minimal interventions that do not adversely impact on the historic environment and public realm

Council comment: The first point duplicates Local Plan policy LP20 sustainable travel. It is unclear what is meant by 'minimal interventions' and it is not related in any way to a hierarchy of users or sustainable travel.

Accessibility and Infrastructure

4. All development proposals should, where appropriate, include safe and legible access to local streets, footpaths, and publicly accessible spaces for all users to help support healthier lifestyles and active travel. Developments adjacent to the River Holme should consider access improvements to the River Holme footpath network.

Council comment: The first sentence duplicates the aims of Local Plan policy LP21 Highways and access.

The Council welcomes policy to encourage access improvements to the River Holme footpath network.

5. Existing green infrastructure should not be compromised by new development, and proposals to enhance access, particularly to the River Holme for leisure activities, will be supported.

Council comment: This duplicates Local Plan policy LP31 Strategic Green Infrastructure Network.

6. Layouts should be imaginative in approach and include traffic calmed streets and nodal points, with frequent changes of direction, and introduce a sense of enclosure to reflect the traditional design and layout

Council comment: This is unclear and imprecise e.g. what is meant by 'frequent changes in direction'. As it appears to relate to layout and is more 'design' orientated it may be better placed, explained and justified as part of neighbourhood development plan policy 1 or 2.

7. Public transport, pedestrian and cycle routes should be incorporated in the layout wherever possible, especially where these can provide safe and convenient routes to schools, local shops and other facilities. The potential to connect the new development to the existing settlement by providing pedestrian and other non-vehicular routes through the site should be fully explored.

Council comment: This duplicates Local Plan policy LP21 Highways and access.

8. Major developments should consider opportunities to provide car share or car-pooling facilities.

Council comment: This undermines Local Plan policy LP20 Sustainable Travel which encourages car sharing, home working and lots of other journey saving considerations for all development, not just major development. The requirements for Travel Plans as set out in LP20 requires a package of specific measures to be implemented. Travel plans are also required on a case by case basis where the proposed development falls below the major application category where it has the potential to generate significant transport movements and/or has

insufficient off-street parking. As such this has potential to undermine car sharing as part of a package of measures where it is not major development.

11. In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals to develop 'park and walk' or 'park and ride' facilities to access Holmfirth town centre or festivals / events in the valley will be supported provided they comply with other relevant policies and mitigate any detrimental impact on the landscape through appropriate surfacing and screening as necessary. Park and ride would not be appropriate in the Peak District National Park part of the Neighbourhood Area as it would harm the valued characteristics of the area.

Council comment: Does this mean permanent facilities? Temporary facilities may not require planning permission. It would be helpful if the 'other relevant' policies were referenced.

12. New developments in that part of the neighbourhood area where Kirklees Council is the local planning authority, should provide off-road parking provision in line with Kirklees Local Plan policy LP22 (Parking) and the Council's latest guidance on highway design. Parking areas should be designed sensitively and use suitable materials which are sympathetic to the character of the local area (see Heritage and Character Assessment). Proposals should also aim to maximise accessibility for all groups through careful and considerate design. Development schemes should include provision of electric vehicle charging points wherever practicable.

Council comment: Neighbourhood Plan policy 6: Building Homes for the Future criteria 4 states 'adequate parking for residents and visitors should be provided in accordance with the most up to date Kirklees parking standards as set out in Kirklees Council's Highways Development Delivery Planning pre-application and Application Advice Note'. This advice note is designed to provide helpful direction on highways information and a starting point for discussion for applicants. The above policy statement is referring to 'latest guidance on highway design' allows for flexibility and guidance to be updated. The Council has a Highway Design Supplementary Planning Document (adopted in November 2019) which has been prepared to outline the highway design considerations that should be taken into account in advance of preparing a schemes 'layout' and includes a section on parking.

Local Plan policy LP24 Design criteria v requires the provision of charging points to encourage the use of electric and low emission vehicles to a degree proportionate to the proposal and is duplicated above.

Policy 12 Promoting Sustainability

All major development as defined in the NPPF²⁰ must prepare a sustainability statement which outlines how the development will evaluate and contribute to the following elements of sustainability.

Council comment: There is no information in the supporting information to justify why this only relates to major development and could not be proportionate to the scale of development proposed. It is unclear whether all the criteria are intended to apply only to major development. For example, criteria 2 refers to proposals for 'individual scale energy'. Does this relate to all proposals, and what is meant by 'individual scale energy'?

Local Plan policy LP26 Renewable and low carbon energy states that 'Heat networks can be developed at different scales and all new developments should consider their potential'. The policy could undermine the Local Plan and not be as supportive as intended to achieve the Parish Council's target of becoming carbon neutral by 2030.

2) In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals for individual and community scale energy from hydro-electric, solar photovoltaic panels, biomass, anaerobic digestion and ground source heating will be supported where they can be achieved without conflicting with the NDP policies to protect and enhance the landscape and built character of the Valley.

Council comment:

This is a duplication of Local Plan policy LP26 Renewable and Local Carbon Energy. It is unclear whether air source heating would be supported.

3) New major developments should install district heating from renewable resources and will be expected to deliver an on-site heat network, unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with 3rd parties, commercial or community, to assess the opportunity.

Council comment:

As this goes further than Local Plan policy LP26, it should be supported by viability evidence that the requirement is deliverable. It will need to be clear what evidence is needed by the developer to demonstrate the clauses.

4) Sustainable, energy efficient designs should be used in all new buildings. Reclaimed materials from sustainable sources should be used where possible.²¹

Council comment: This is a duplication of Local Plan policy LP24 Design.

5) Wherever possible all new non-residential buildings should achieve a BREEAM rating of excellent or outstanding.

6) All new buildings should aim to meet a high level of sustainability, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. This might include:

- a. Orientation to optimise passive solar gain.*
- b. Use of high quality, thermally efficient building materials, subject to consideration of local character and context - see Policies 1 and 2.*
- c. Installation of loft and wall insulation and double/triple glazing.*
- d. On site energy generation from renewable resources.*

7) Wherever possible, all new buildings should incorporate technologies which generate 50% energy from low carbon or renewable sources.

Council comment:

The above criteria go further than the policies in the Local Plan and should be supported by viability evidence that that the requirement is deliverable. Evidence is also needed to support the requirement that 50% of energy must come from renewable sources.

8) Retrofitting of older properties to reduce energy demand and to generate renewable energy is encouraged where proposals are sensitive to local character. Alterations to existing properties should be designed to reduce energy demand and comply with sustainable design and construction.

Council comment:

This is a duplication of Local Plan policy LP24 Design.

Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

Council comment: The council suggested at Regulation 14 consultation and through subsequent communication with the HVPC that the neighbourhood plan could contain a specific biodiversity policy. This was introduced by HVPC in their submission version and the council provided further comments on the wording of this policy.

The UK as a whole is now moving towards enshrining a measurable Biodiversity Net Gain throughout the planning process. The Government intends to mandate a requirement for all new development to demonstrate a 10% biodiversity net gain utilising a metric, through the introduction of the Environment Act (currently a draft bill). The council is currently producing a Biodiversity Net Gain Technical Advice Note (Draft October 2020 for consultation). LP30 'Biodiversity and Geodiversity' requires development proposals to "*provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation*". The Technical Note is being produced to provide guidance in the intervening time prior to the introduction of the Environment Act. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable habitats and species but enhance biodiversity via demonstratable measurable net gains.

As written there remain inconsistencies between NDP13 and LP30. In view of these inconsistencies, that NDP13 is a generic policy that does not add local detail and in view of the emerging Technical Note and anticipated Environment Act, the council respectfully asks the Examiner to consider deleting NDP13 so that the Local Plan and national guidance and regulation can be relied upon in decision making.

If NDP13 remains in the neighbourhood plan, the council would suggest the following amendment:

All ~~major~~ development proposals should demonstrate how biodiversity will be protected, and enhanced where opportunities exist, including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

~~New major~~ development should create a measurable net gain in natural capital and biodiversity in accordance with the latest national and local guidance on Biodiversity Net Gain. Direct and indirect impacts upon biodiversity and/or geodiversity should be avoided. Where impacts cannot be avoided, mitigation and then as a last resort compensatory measures (for example biodiversity offsetting) should be provided

~~A biodiversity net gain can be achieved through development by:~~

- ~~1. managing habitats retained within the development site to improve quality;~~*
- ~~2. securing local off-site habitat management to provide an overall benefit;~~*
- ~~3. a combination of the above.~~*

Council comment: these deleted sections could be incorporated into the justification text along with other means to secure biodiversity net gain.

Policy 14 Focusing Developer Contributions on Local Priorities

The Parish Council will prioritise funds received through the Community Infrastructure Levy to support and enable projects which seek to address the following aims (not in order of priority):

- Improvement of public rights of way including access along the River Holme*
- The provision of better facilities for either young people and / or old people*
- Local highway improvements*
- Environmental or heritage projects seeking to improve the built and natural environment*
- Improvements to car parking provision*
- The ongoing retention and support of community facilities including public toilets.*

The Parish Council actions listed in this Neighbourhood Development plan also identify specific locations where potential projects have been identified for further consideration.

Council comment:

The areas highlighted for funding in the policy need further evidence to support community views. The relationship between the areas highlighted, and parish council actions needs to be made clearer. It is unclear what gaps are being filled in relation to new and existing infrastructure to accommodate new development.

It is also unclear what is meant by 'environmental, or heritage projects' and how this relates to infrastructure.

**PEAK DISTRICT NATIONAL PARK AUTHORITY (PDNPA)
POLICY AND COMMUNITIES SERVICE**

Holme Valley Neighbourhood Development Plan

**Peak District National Park Authority comments on the Holme Valley Neighbourhood Development Plan (HVNDP) 2020 – 2031
(Submission Plan for Neighbourhood Plan Examination)**

High level comments

PDNPA concurs with the comments made by KMBC regarding the use of HVNP as a development management tool.

Many of the policies not not apply to that part of the neighbourhood area that is within the Peak District National Park (PDNP). However the exclusion is phrased with reference to the planning authority, not the physical reality of the national park (“ . . . only applies to that part of the Neighbourhood Area where Kirklees Council is the local planning authority.”). In order to ensure that the PDNP remains protected from possibly harmful development in the (however unlikely) event of planning powers being transferred to constituent authorities, this should be amended.

Detailed policy comments

Policy 1

PDNPA concurs with the comments made by KMBC. The policy ‘applies to that part of the Neighbourhood Area where Kirklees Council is the local Planning Authority.’ However Holme Valley Parish Council, via the Neighbourhood Plan, has a duty under section 62 of the Environment Act to have regard to the purposes of a national park in exercising or performing any functions in relation to, **or so as to affect**, land in a national park. One of the ‘valued characteristics’ listed on paragraph 9.15 of the PDNPA’s Core Strategy (CS) is ‘the flow of landscape character across and beyond the national park boundary, providing a continuity of landscape and valued setting for the national park.’ For this reason simply ‘excluding’ the national park part of the neighbourhood area from the operation of the policy may not be sufficient. The neighbourhood policy is a confusing mix of spatial strategy & design code, does not have sufficient clarity to meet the NPPF test (para 16d) and therefore risks undermining strategic policy.

Policy 2

Neighbourhood policy ‘avoid any adverse impacts’ is weaker than CS L3 ‘development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.’ Neighbourhood policy could undermine strategic policy therefore is not in general conformity. Does not satisfy NPPF para 16 d due to lack of clarity.

Policy 3

PDNPA concurs with the comments offered by KMBC but additionally would require that any non-designated heritage assets within the national park part of the neighbourhood area be considered under Development Management Policy DMC5.

Policy 4

PDNPA has a 'Detailed Design Guide Supplementary Planning Document for shop fronts'. It also has detailed Development Management Policies with regard to shop fronts (DMS4) and outdoor advertising (DMS5). The direct conflicts between neighbourhood and strategic policy (regarding roller shutters and illuminations, which were allowed by the (reg 14) neighbourhood plan but not by strategic policy) were addressed in accordance with comments submitted by PDNPA at regulation 14. However the policy as submitted does not meet the NPPF requirement for clarity and it is not evident how a decision maker should react to development proposals when confronted with neighbourhood policies, development management policies and supplementary planning documents that are all contain very detailed policies that may or may not be (but on the face it not) working together as a coherent package.

Policy 5

The neighbourhood policy does not satisfy the NPPF requirement for clarity. It confuses transport, public realm and provision of open space, and contains non-planning matters. The policy duplicates many of the requirements of the PDNPA's Transport Design Guide Supplementary Document.

Policy 6

The issues of non-conformity with strategic policy have been addressed in accordance with comments submitted by PDNPA at regulation 14.

Policy as submitted now does not apply to the national park part of the neighbourhood area.

Policy 7

It is noted that the issues of non-conformity of neighbourhood policy with PDNPA's strategic planning policies has been addressed by stating "Policy 7 only applies to that part of the Neighbourhood Area where Kirklees Council is the local planning authority."

The policy does not meet the NPPF requirement for clarity. It covers business expansion, farm diversification, home working, tourist and visitor facilities and tourist and visitor accommodation.

If this policy were to be re-written into separate policies for each type of development, then the following strategic planning policies would apply:

CS L1. Most of the neighbourhood within the PDNP is 'natural zone' and protected from development other than in exceptional circumstances.

CS E2 (and DMP DME 2,5 and 7) which deal with business development in the countryside

CS RT3 which sets out the principles for camping and caravan sites

<p>Policy 8 Not applicable</p>
<p>Policy 9 Replicates strategic policy except the definition of a community facility is different so this would be confusing for the decision-maker.</p>
<p>Policy 10 Not applicable</p>
<p>Policy 11 The policy does not meet the NPPF requirement for clarity. It is a confusing mixture of design guide, parking standards and traffic management, and in most cases replicates – and therefore risks undermining – strategic policy.</p>
<p>Policy 12 The policy is constructed in a confusing way. The first part is a requirement for a sustainability statement for major development, but the associated list does not contain elements of sustainability that could be assessed but fragments of policy.</p> <p>As the whole policy is constructed around a requirement for a sustainability statement then it does not offer any guidance as to whether the items listed are requirements of the development.</p> <p>Conflict with NPPF 16d that requires ‘policies that are clearly written and unambiguous’.</p>

Appendix 3 Publicity Plan for the Holme Valley Neighbourhood Development Plan

Regulatory Requirements

The Neighbourhood Planning (General) Regulations 2012 sets out at Regulation 16 the requirements for a local planning authority to publicise a plan proposal.

Regulation 16 states that a local planning authority must –

- a) Publicise on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area;
 - Details of the plan proposal
 - Details of where and when it may be inspected
 - Details of how to make representations
 - a statement that any representations may include a request to be notified of the LPA's decision under regulation 19 (decision on a plan proposal) and
 - the date by which those representations must be received, being not less than 6 weeks from when it is first publicised

- b) Notify any consultation body which is referred to in the consultation statement submitted that the plan has been received.

Note: In light of Covid-19, the requirement to provide hard copies for public viewing has been temporarily suspended.

Publicity Plan

It is proposed to commence the publicity on Tuesday 8th December for a period of 8 weeks. This is to provide additional time for representations given the publicity falls over the Christmas period. It should be noted that while it is the responsibility of the council to undertake the publicity of the Plan, at the close of the publicity, it must “send to the independent examiner, the plan and supporting information and also a copy of any comments received during the publicity period. The independent examiner will take these comments into account insofar as they relate to the remit of the independent examination”. (Locality Roadmap Guidance).

Activity	Audience	Detail	Responsible
Entry on to Council's Involve database	Internal/external consultees	To enable co-ordination with any other activities in the area.	Policy
Presentation to Citizen Engagement Reference Group	Internal services	This group provides opportunities to identify existing networks	Policy
Webpage on the Kirklees Council website dedicated to the publicity of the Holme Valley NDP (submission version)	Residents Businesses Developers Landowners	Documents to be included: <ul style="list-style-type: none"> • The Holme Valley NDP • Consultation Statement • Basic Conditions Statement • Strategic Environmental Assessment <p>Details of how to make representations and when by.</p> <p>Details of the next steps (Examination, Referendum)</p>	Policy/Web Team
Publicity on Peak District National Park website	Residents Businesses Developers Landowners	Link to Documents: <ul style="list-style-type: none"> • The Holme Valley NDP • Consultation Statement • Basic Conditions Statement • Strategic Environmental Assessment <p>Details of how to make representations and when by.</p> <p>Details of the next steps (Examination, Referendum)</p>	Policy/PDNPA

Activity	Audience	Detail	Responsible
Holme Valley NDP Steering Group to add a link to the council's web page on their neighbourhood Plan page	Residents Businesses Developers Landowners	<p>Documents to be included:</p> <ul style="list-style-type: none"> • The Holme Valley NDP • Consultation Statement • Basic Conditions Statement • Strategic Environmental Assessment <p>Details of how to make representations and when by.</p> <p>Details of the next steps (Examination, Referendum)</p>	Policy/Holme Valley Steering Group
Letter/email to all consultation bodies and interested parties	Engaged residents, businesses, landowners, developers and special-interest groups	<p>We will write to all those who are listed in the HVDP consultation statement and those on our Local Plan database who have asked to be kept informed of any developments in relation to neighbourhood planning.</p> <p>Letter will direct recipient to look at the NDP online, and to submit their comments through <i>Objective</i>.</p>	Policy
Consider advert in Huddersfield HD9 local free magazine if timing allows	All households	Advert outlining the purpose of the Holme Valley NDP, how to comment and the timescales for commenting.	Policy
Press release Huddersfield Examiner/ Holme Valley Review (free local paper), Yorkshire Post	Engaged residents, businesses, landowners, developers	Press release when the Publicity begins, with further releases to follow as appropriate.	Policy/Comms
Posters and copies of documents in Holmfirth Library, 47 Huddersfield Road, Holmfirth and Honley Library West Avenue, Honley	Residents, businesses	Keep reviewing in light of any changes to covid-19 restrictions.	Policy

Activity	Audience	Detail	Responsible
Consider placing posters on noticeboards throughout Honley and Holmfirth	Residents, businesses	Liaise with Holme Valley Steering Group regarding locations and accessibility	Policy/HV Steering Group
Consider site notices in places with high footfall around the neighbourhood area	Residents, businesses	Liaise with Holme Valley Steering Group regarding locations and accessibility	Policy/HV Steering Group
Social Media - Facebook (liveinkirklees) and Twitter (@KirkleesCouncil)	Residents, businesses	On-line digital social media	Policy/Comms
Kirklees Together article if timing allows	Residents, businesses	Kirklees Together (digital) article about the Holme Valley NDP signposting people to the council's NDP pages of the website to read the Plan and to make their comments.	Policy/Comms
Use of objective software for receiving representations /comments		Place documents and information about making comments on Planning policy consultation portal	Policy