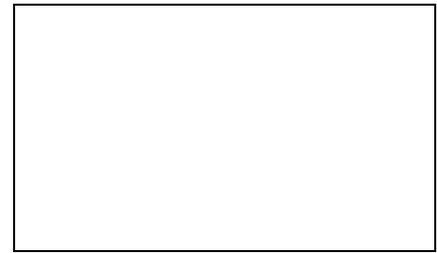


Calderdale MBC

**Wards Affected:
All**

Cabinet



Local Plan – Main Modifications Consultation

Report of Director of Regeneration and Strategy

1. Purpose of Report

- 1.1 This report outlines the Main Modifications to the draft Calderdale Local Plan ('CLP') that the independent Planning Inspector deems are necessary to make the CLP sound and legally compliant.
- 1.2 The adoption of the Local Plan will make an important contribution to the achievement of the Council's Vision 2024 – in particular the CLP sets out a distinct vision that will enable us to grow whilst protecting and enhancing our valued landscape and heritage.
- 1.3 The CLP is fundamental to all three of the Council's Corporate priorities to 'Act on the Climate Emergency', 'Reduce Inequalities and Address Local Poverty', and 'Develop Sustainable Towns'. In relation to this the CLP will help to ensure that everyone has access to a decent home; that there are opportunities for fulfilling employment; that people can move around the district and travel beyond safely, sustainably and conveniently; and that the environment is protected and enhanced for future generations.
- 1.4 The purpose of this report is to provide Cabinet with the information required to consider the Main Modifications to the CLP, and the recommendation to agree to these and proceed to a public consultation as the next steps towards Adoption of the CLP.

2. Need for a decision

- 2.1 To secure Cabinet approval of the CLP Main Modifications and associated documents for the purposes of public consultation (Key Decision)

3. Recommendation

- 3.1 Public consultation on the Main Modifications is the next key step in the plan making process and is a necessary stage in order that the Inspector can publish her report.
- 3.2 It is recommended that:
 - Cabinet note the Inspector's judgement on the necessary Main Modifications to the CLP as set out in the Post Hearings letter (23 March 2022, Appendix 8) along with the findings of the Sustainability Appraisal and

Habitat Regulation Assessment and approve the Main Modifications and associated documents for public consultation.

- The Calderdale Local Plan: Main Modifications (Appendix 1 & 2), the modifications to the Policies Map (Appendix 7), and the updated Sustainability Appraisal (Appendix 3) and Habitats Regulations Assessment Statement (Appendix 4) are published for the purpose of representations to be made commencing on or around the 29th July 2022.
- The Calderdale Local Plan: Minor Modifications (Appendix 5 & 6) are published alongside the Main Modifications for information and comment.
- That the Director of Regeneration and Strategy be given delegated authority to make any typographical or presentational/format changes to the Main Modifications, the Sustainability Appraisal, the Habitats Regulation Assessment and the Minor Modifications to address any errors and/or improve clarity prior to the start of the consultation period.
- That all responses received are reviewed by Officers and forwarded directly to the Planning Inspectorate on behalf of the Secretary of State for consideration.

4. Background

- 4.1 The CLP was submitted to the Secretary of State in January 2019 and an independent Inspector was appointed to undertake the formal Examination of the Plan.
- 4.2 A series of Public Hearing Sessions were held over the periods 26/06/19 to 05/07/19 (Stage 1 Hearing Sessions), 6/10/20 to 4/12/20 (Stage 2 Hearing Sessions), 15/6/21 to 17/6/21 (Stage 3 Hearing Sessions), and 11/1/22 (Stage 4 Hearing Session). The timetable and format of the hearings was disrupted as a result of the Pandemic; other than the Stage 1 Hearings the Examination was conducted virtually online.
- 4.3 The Stage 1 Hearings were held in Shelf Village Hall, and focussed on legal/procedural matters, vision and strategy, housing and employment need and supply, and travellers.
- 4.4 Following on from the Stage 1 hearings the Inspector issued a Post Hearing Note in which they expressed concern that the CLP provision for housing would not adequately support the employment growth advanced by the plan and could result in higher rates of in-commuting or conversely impact on the ability of businesses to grow and develop. The Inspector went on to request that the Council consider the implications of this, and that further work in relation to housing need and requirement was likely to be necessary in order that the housing figures aligned more closely with the CLPs economic strategy.
- 4.5 The council subsequently prepared a 'Housing Requirement Update and Potential Supply' document in January 2020 (Examination Library document

reference CC39) that proposed a revised housing requirement figure and a list of potential additional housing sites to meet the new requirement.

- 4.6 Following on from the Housing Requirement Update in January 2020, the Hearing sessions of the Local Plan recommenced, and the Stage 2 Hearings took place between 6/10/20 and the 4/12/20. The Stage 2 Hearings covered the spatial development strategy, the soundness of individual site allocations, and other policy matters.
- 4.7 At the close of the Stage 2 Hearings, the Inspector issued a Post Hearings Letter, on 15/01/21. This letter set out several tasks for the council to carry out. One of the main tasks was to consult on a number of technical / evidence documents that had been published prior to the Stage 2 Hearing sessions. The full list of tasks to emerge from the Stage 2 Hearings were set out in the Council's Stage 2 Hearings Task List (Examination library document reference CC85).
- 4.8 The Inspector also indicated in the same letter that she considered that Stage 3 hearings may be necessary on transport infrastructure and housing supply, and to cover the Habitats Regulation Assessment work that had been commissioned by the Council but was not available for the Stage 2 hearings.
- 4.9 The Stage 3 hearings took place between 15/6/21 to 17/6/21 and considered matters including the Crosslee site (site ref LP0032), Garden Suburbs (site ref's LP1451 and LP1463), Housing supply, Education Infrastructure needs, and Affordable Housing.
- 4.10 Following the Stage 3 Hearings, the Inspector produced a further post hearing note which set out the Inspector's position in regard to the housing trajectory and, more specifically the lead in times to the Garden Suburbs. The Inspector's view on completion of the Stage 3 hearings was that the lead-in times for the two Garden Suburbs sites as set out in the 'Housing Trajectory Update 2021' (Examination Library document CC125) were overly optimistic and too short.
- 4.11 The Inspector requested that the Council review the lead-in times for both Garden Suburbs and produce an updated housing trajectory accordingly; she also considered that the five-year housing supply calculations in CC125 should be revisited as a consequence of the amended lead in times.
- 4.12 The Stage 4 Hearings took place on 29/9/21 and 30/9/21 and an additional Stage 4 Hearing session took place on 11/1/22. These hearings were concerned with Air Quality, Waste, Regeneration Action Areas and Housing Supply. The Hearing session on 11/1/22 focussed on Air Quality.
- 4.13 At the close of the last hearing session on 11/1/22 the Inspector set out the next steps and stated she would issue a 'Post Hearings Letter' which would outline the Inspector's views on the way forward for the Examination of the CLP.

5. Main Modifications

- 5.1 On completion of the Hearing Sessions, the Inspector produced a Post Hearing Letter (21/3/22, Appendix 8) which outlined her views on the way forward for the examination of the CLP.
- 5.2 The Inspector stated they considered that “*subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. I am also satisfied that the Duty to Cooperate has been met.*” Main Modifications are changes that are as a result of the hearing stages of the Local Plan Examination and have been suggested by the Inspector and / or the council in order to ensure a sound and legally compliant plan. The Main Modifications include amendments to policy wording and supporting text as well as some site allocations and designations.
- 5.3 Main Modifications are proposed without prejudice to the Inspector's final conclusions on the CLP which will take account of all representations submitted in response to this consultation. The Inspector will only consider representations made upon the Main Modifications. The consultation on the Main Modifications is not an opportunity to raise matters relating to other parts of the submitted CLP that have already been considered by the Inspector during the examination or to identify new modifications.
- 5.4 The suite of Modifications Documents sets out the Council’s proposed Main Modifications to the Calderdale Local Plan Publication Version (Regulation 19) dated August 2018 (Examination Library document ref SD01.1), the accompanying Appendix 1 Site Allocations Supporting Information (Examination Library document ref SD01.2) together with ‘Housing Requirement Update and Potential Supply,’ January 2020 (Examination Library document ref CC39).
- 5.5 The following table sets out a summary of the most significant modifications proposed to the Plan

Housing Requirement	Updated to 14,950 homes
Additional Housing sites identified through the Housing Requirement Update and Potential Supply Document, January 2020 (CC39)	With the exception of one additional site (LP0026), the remaining sites identified through document CC39 are considered suitable and necessary to provide an adequate supply of homes across the Plan Period
Proposed Housing Allocations deleted	The following housing sites are no longer proposed as allocations: <ul style="list-style-type: none"> • LP0026, The Gate Farm, Saddleworth Road, Greetland • LP0397, Daisy Bank, Halifax

	<ul style="list-style-type: none"> • LP0454, Land off Wheatley Road, Halifax • LP0901, Woodland Avenue, Todmorden
Proposed Employment allocation deleted and changed to Mixed Use Allocation	<ul style="list-style-type: none"> • LP0032, Land rear of Crosslee Hipperholme
Regeneration Action Areas	<ul style="list-style-type: none"> • Two previous allocations (LP 0573, Land Adjacent Mill Royd Street, Brighouse, and LP0327 Land Off Halifax Road, Todmorden) are now designations and a new policy, policy SD6a is proposed to help development regenerate the particular town centre sites.
Policy HW6 Hot Food Takeaways	<ul style="list-style-type: none"> • The policy wording is modified to refer to secondary schools only
Open Space Provision	<ul style="list-style-type: none"> • The Open Space Quantitative Standards set out in document CC111 ('Open Space Quantitative Standards and Assessment for Proposed Allocations') are incorporated into the Open Space Standards table in the Plan.
Shibden Valley Special Landscape Area	<ul style="list-style-type: none"> • The previously deleted areas (to the east of Swalesmoor Road and land to the west and north west of Northowram) are reinstated
Waste Sites Allocations Deleted	<ul style="list-style-type: none"> • The following sites are deleted as waste allocations: • WLP2, Swalesmoor Farm, Ploughcroft, Boothtown, Halifax • WLP3, Stainland Road , Salterhebble, Halifax • WLP4, Land / Premises at Wakefield Road, Brighouse

Waste Sites Allocations added	<ul style="list-style-type: none"> • W2 Lacy way, Lowfields, Elland (also allocated as a New Employment Site, LP 1223) • W3, Atlas Mill Road, Brighouse • W4, Land North of Holmfield Industrial Estate, Halifax (also allocated as a New Employment Site, LP1219 – any waste activity would only form part of the overall site)
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5.6 The following comprise the Modifications Documents:

Main Modifications Documents

- **SD01.1** - Main modifications to the Publication version of the Local Plan (August 2018) (Appendix 1 to this report)
- **SD01.2** – Main modifications to the Publication version of the Local Plan Appendix 1 ‘Sites Allocations Supporting Information’ (August 2018) (Appendix 2 to this report)

Other Documents Published for Consultation

- Local Plan Main Modifications Sustainability Appraisal (including an audit trail of previous SA work) (Appendix 3 to this report)
- Habitat Regulations Assessment (HRA) Statement on the Main Modifications (Appendix 4 to this report)
- **SD02** Modifications to the Policies Map. The policies map (SD02) is not defined in legislation as a development plan document and the Inspector has no powers to recommend main modifications directly to it. However, the role of the policies map is to illustrate geographically the application of policies in the plan. Relevant proposed changes to the submission policies map are therefore shown alongside the main modifications. (Appendix 7 to this report).

5.7 The above Main Modifications documents are published for consultation and representations are invited upon them.

Minor Modifications Documents

5.8 An additional set of modifications documents will also be published. These are known as ‘**Minor Modifications**’ and include clarifications, corrections, minor updates to text and correction of minor mapping errors to the Policies Map. These changes do not relate to the soundness of the plan and are not the subject of consultation but provided for information purposes only.

Whilst representations are not invited on these minor/additional modifications documents, should readers consider that there be factual errors these may be brought to the Council's attention (these will not be forwarded to the Inspector for her consideration).

5.9 The following are the minor modifications documents:

- Minor Modifications SD01.1 - Minor Modifications to the Publication version of the Local Plan (August 2018) (Appendix 5 to this report)
- Minor Modification SD01.2 - Minor Modifications to the Publication version of the Local Plan Appendix 1 'Sites Allocations Supporting Information' (August 2018) (Appendix 6 to this report)

5.10 All modifications are set out in the same order as the Publication CLP. Each modification has a reference number commencing MM (eg MM01). The modifications to the Policies Map (Appendix 7) are prefixed by SD02. The reason for each modification is given as per the categories below.

- **Clarification:** to provide further information or explanation to clarify policy, supporting text or site amendments
- **Update:** new information or evidence provided since the Publication Draft Local Plan
- **Correction:** amendments to correct spelling mistakes, errors and omissions

5.11 The modifications are shown as follows:

- Deleted text – strikethrough (~~example~~)
- Inserted text – underlined and italics (*example*)

6. Options considered

Option 1 – Council consults on the Main Modifications.

6.1 Public consultation on the Main Modifications is the next key step in the plan making process and is a necessary stage in order that the Inspector can publish her report.

6.2 It is recommended that Cabinet

- note the Inspector's judgement on the necessary Main Modifications to the Plan as set out in the Post Hearings letter (23 March 2022, Appendix 8) along with the findings of the Sustainability Appraisal and Habitat Regulation Assessment and approve the Main Modifications and associated documents for public consultation.
- The Calderdale Local Plan: Main Modifications (Appendix 1 & 2), the modifications to the Policies Map (Appendix 7), and the updated Sustainability Appraisal (Appendix 3) and Habitats Regulations Assessment

Statement (Appendix 4) are published for the purpose of representations to be made commencing on or around the 29th July 2022.

- The Calderdale Local Plan: Minor Modifications (Appendix 5 & 6) be published alongside the Main Modifications for information and comment.
- That the Director of Regeneration and Strategy be given delegated authority to make any typographical or presentational/format changes to the Main Modifications, the Sustainability Appraisal, the Habitats Regulation Assessment and the Minor Modifications to address any errors and/or improve clarity prior to the start of the consultation period;
- That all responses received during the consultation are reviewed by Officers and forwarded directly to the Planning Inspectorate on behalf of the Secretary of State for consideration.

Option 2 – The Council does not accept the Inspector’s Main Modifications and does not progress with the Local Plan

6.3 Pursuing this option would effectively leave the council in limbo – the Inspector would not be able to issue her final report on the CLP nor would the council be able to adopt the CLP.

6.4 Such an option would also result in the following:

- Failure to provide new homes;
- Failure to deliver new jobs
- Threat to Green Belt – a lack of an up-to-date Local Plan would result in development taking place on unsuitable, unsustainable sites and a lack of developer certainty
- Risk of intervention by the Secretary of State - The Secretary of State has a default power under the Planning and Compulsory Purchase Act 2004, section 27 (as amended) to prepare or revise and approve a development plan document for a local planning authority. If the Secretary of State considered that the Council were “failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document”, he has the power to impose a plan on the Council.

6.5 Option 1 is therefore recommended to Cabinet so that the Main Modifications are approved for public consultation. This will enable the Council to continue the examination process and proceed to adopt the CLP in due course.

7. Consultation

7.1 Should cabinet agree option 1, the public consultation would commence on Friday 29th July until Monday 19th September.

- 7.2 The council will make all the Main Modifications documents available online and in hard copies in libraries and other council buildings. All registered consultees on the Local Plan database will be contacted at the start of the consultation period.
- 7.3 A press release will also be prepared to raise awareness of the consultation alongside notifications through the council's official social media channels.

8. Financial implications

- 8.1 It is estimated that the costs of public consultation on the Main Modifications will be approximately £1500. This is principally for printing and postage costs. The costs of the public consultation will be met from existing approved revenue budgets.
- 8.2 Adoption of the Local Plan will potentially bring a number of significant financial benefits to the Council. In particular this will support the introduction of a Community Infrastructure Levy.
- 8.3 In addition to this, the introduction of the Local Plan may also provide other financial benefits for the Council, in particular an increased Council Tax base and additional New Homes Bonus government funding.

9. Legal Implications

- 9.1 The preparation of the CLP has complied with the relevant Legislation and the Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted the CLP will form the statutory development plan for Calderdale and will be used to guide the determination of future planning applications.

10. Human Resources and Organisation Development Implications

- 10.1 There are no Human Resources implications arising from this report.

11. Consultation

- 11.1 As set out in section 7, if cabinet agrees to proceed and recommend the Main Modifications for public consultation, there will be a period of public consultation for a total of 8 weeks from 29th July until 19th September.

12. Environment, Health and Economic Implications

- 12.1 Environment, health, and economic considerations are central themes to the Local Plan. They have therefore had an important influence on the drafting of policies and identification of potential sites.
- 12.2 In relation to the above both the Submission Draft of the CLP and the Main Modifications have been subject to Sustainability Appraisal. Following discussion with the Public Health Directorate, health objectives were

incorporated into the Sustainability Appraisal template. The Submission Draft CLP was also assessed to be in compliance with the Leeds City Region Strategic Economic Plan.

13. Equality and Diversity

13.1 It is considered that the CLP will make an important contribution to the Council's priority to reduce inequality. In particular the CLP will seek to increase residents' access to suitable homes and employment.

13.2 The Submission Draft of the CLP has been subject to an Equality Impact Assessment. This assessment demonstrates that the CLP will impact positively on a wide range of equality aspects; consideration will need to be given to the organisation of the consultation in order to ensure that all sections of the community can engage with the consultation.

14. Summary and Recommendations

14.1 It is recommended that Cabinet note the Inspector's judgement on the necessary Main Modifications to the Plan as set out in the Post Hearings letter (23 March 2022, Appendix 8) along with the findings of the Sustainability Appraisal and Habitat Regulation Assessment and approve the Main Modifications and associated documents for public consultation.

14.2 The Calderdale Local Plan: Main Modifications (Appendix 1 & 2), the modifications to the Policies Map (Appendix 7), and the updated Sustainability Appraisal (Appendix 3) and Habitats Regulations Assessment Statement (Appendix 4) are published for the purpose of representations to be made commencing on or around the 29th July 2022.

14.3 The Calderdale Local Plan: Minor Modifications (Appendix 5 & 6) be published alongside the Main Modifications for information and comment.

14.4 That the Director of Regeneration and Strategy be given delegated authority to make any typographical or presentational/format changes to the Main Modifications, the Sustainability Appraisal, the Habitats Regulation Assessment and the Minor Modifications to address any errors and/or improve clarity prior to the start of the consultation period;

14.5 That all responses received during the consultation are reviewed by Officers and forwarded directly to the Planning Inspectorate on behalf of the Secretary of State for consideration.

For further information on this report, contact:

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The documents used in the preparation of this report are:

1. SD01.1 Main modifications to the Publication version of the Local Plan (August 2018)
2. SD01.2 Main Modifications to the Publication version of the Local Plan Appendix 1 'Sites Allocations Supporting Information' (August 2018)
3. Local Plan Main Modifications Sustainability Appraisal
4. Local Plan Main Modifications Habitats Regulations Assessment Statement
5. SD01.1 Local Plan Minor Modifications to the Publication version of the Local Plan (August 2018)
6. SD01.2 - Minor Modifications to the Publication version of the Local Plan Appendix 1 'Sites Allocations Supporting Information' (August 2018)
7. SD02 Modifications to the Polices Map
8. Inspector's Post Hearings Letter 23rd March 2022

The documents are available for inspection at The Town Hall Halifax