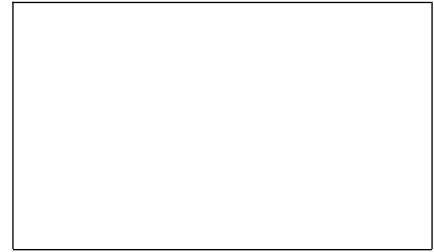


Calderdale MBC

**Wards Affected:
All**

Cabinet



Local Plan – Inspector’s Report

Report of Director of Regeneration and Strategy

1. Purpose of Report

- 1.1 To inform members of the receipt of the Inspector’s Report into the examination of the Calderdale Local Plan (‘CLP’) and to request Cabinet to recommend to Full Council that the Local Plan is adopted.
- 1.2 Having reached this stage in the preparation of the CLP, no further hearings will take place, nor can further major revisions be made. The Local Plan examination has closed.
- 1.3 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.
- 1.4 The CLP is fundamental to all three of the Council’s Corporate priorities to ‘Tackle the Climate Emergency’, ‘Reduce Inequalities’ and ‘Create Strong, Thriving 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.
- 1.5 The CLP has been subject to an extensive preparation process, including evidence collection, public consultations, and independent examination. The Publication version of the CLP was submitted to government on 11th January 2019. Following submission of the CLP to government, an independent Planning Inspector was appointed and the Examination in Public commenced. Ms. Katie Child BSc. (hons) MA MRTPI was appointed by the Secretary of State to conduct the Examination. The purpose of the Examination in Public is to assess whether the CLP has been prepared in accordance with legal and procedural requirements and whether it is “sound”. National policy advises that a plan is “sound” if: (a) it has been positively prepared; (b) is justified; (c) effective and (d) consistent with national policy.
- 1.6 The Examination in Public Hearings took place between June 2019 and January 2022. Following the hearings, a consultation on the proposed Main Modifications took place from August to October 2022.

- 1.7 The Inspector's final report was received on 26 January 2023. The report concludes that the CLP is sound and legally compliant, subject to the main modifications being made.
- 1.8 Following receipt of the Inspector's final report, it is now appropriate to seek cabinet's recommendation to agree to proceed to a Full Council vote to adopt the Local Plan. This will ensure that the Council has a robust and up to date planning policy framework.
- 1.9 Cabinet is due to meet on 2nd March to consider this matter and their recommendations will be provided to the Council Meeting on 22nd March. The purpose of this report is to provide Members with a summary of the Examination of the CLP and the Inspector's Report and to seek approval for the final version of the CLP to be presented to Full Council with a recommendation for its adoption.

2. Need for a decision

- 2.1 Section 23 of the Planning and Compulsory Purchase Act states that if a planning inspector finds a local plan sound and legally compliant subject to Main Modifications, a local planning authority may adopt that local plan with the Main Modifications which the Inspector concludes are necessary for the plan to be sound and any additional modifications, which do not materially affect the policies that would be set out in the document if was adopted with the main modifications only. The Council is not permitted to adopt the Local Plan without the Main Modifications.
- 2.2 Proceeding to a vote on adoption of the CLP at Full Council is the final key stage in the plan making process and is necessary in order for the Local Plan to be formally adopted by the Council.
- 2.3 Cabinet must therefore decide whether it is prepared to recommend to the Full Council that the CLP is adopted with the main modifications that the Inspector concluded are required to make it sound and legally compliant.

3. Recommendation

- It is recommended that Cabinet note the Inspector's report on the soundness of the Calderdale Local Plan as per Appendix A and recommend to Council that:
 - (i) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 (Appendix E), under Regulations 26 and 35 of the Town and Country (Local Planning) (England) Regulations 2012, which incorporates the main modifications (Appendix B and Appendix C) pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in her report (Appendix A), and the Council's additional (minor) modifications (Appendix G and Appendix H).

- (ii) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 Policies Map (Appendix F) which incorporates the Schedule of Main Modifications to the Policies Map (Appendix D)
- (iii) The Council note the content of the Adoption Statement attached at Appendix I prepared in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012).
- (iv) The Council notes and takes into account the Sustainability Appraisal Post-Adoption Statement (Appendix J)
- (v) Subject to recommendation (i), council authorises the Director of Regeneration and Strategy in consultation with the Portfolio Holder to make any additional necessary minor textual, graphical, presentational or layout amendments to the Calderdale Local Plan (2018/19-2032/33) (Appendix E) and the accompanying Policies Map (Appendix F) to finalise the Plan prior to publication.

4. Background

- 4.1 All Local Planning Authorities have a statutory requirement to prepare and maintain an up-to-date Local Plan for their area. Local Plans must be prepared in accordance with the National Planning Policy Framework and meet the Duty to Cooperate and legal and procedural requirements as set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended),
- 4.2 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.
- 4.3 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 29/9/21 to 30/9/21 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 online using virtual technology.
- 4.4 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.
- 4.5 Following on from the Stage 1 hearings the Inspector issued a Post Hearing Note in which she 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 CLP's economic strategy.

- 4.6 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.
- 4.7 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.
- 4.8 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 was set out in the Council's Stage 2 Hearings Task List (Examination library document reference CC85).
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 The Inspector requested that the Council review the lead-in times for both Garden Suburbs and produce an updated housing trajectory. She also considered that the five-year housing supply calculations in CC125 should be revisited as a consequence of any amended lead in times.
- 4.13 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.

- 4.14 On completion of the Hearing Sessions, the Inspector produced a Post Hearing Letter (received 21/3/22) which outlined her views on the way forward for the examination of the CLP.
- 4.15 In the Post Hearings Letter, the Inspector stated that she 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.”*
- 4.16 Consultation on the Main Modifications took place from Friday 12th August to Friday 21st October.
- 4.17 After taking into account all the representations made during the examination hearing sessions and those submitted to the Council during the Regulation 19 consultation in 2018, along with the recent Main Modifications consultation, the Inspector issued her report on the Examination of the CLP. The Report is dated 26th January 2023 and a copy can be accessed via www.calderdale.gov.uk
- 4.18 The Inspector’s Report concludes that with the Main Modifications recommended by the Inspector, the CLP satisfies the requirements referred to in Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (“The Act”) and is sound. The Inspector considers that the Calderdale Local Plan provides an appropriate basis for the planning of the Borough, subject to the recommended modifications.
- 4.19 The receipt of the Inspector’s Report is a key milestone towards the adoption of the CLP, and this report recommends that the Council adopts the CLP, incorporating all the proposed modifications.
- 4.20 The adoption of the CLP would replace the existing development plan document, the ‘Replacement Calderdale Unitary Development Plan, 2006, and any existing Supplementary Planning Documents, and provide the Council with an up to date and robust planning policy framework for the Borough.
- 4.21 The development plan is fundamentally important in determining planning applications as planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise: section 38(6) Planning and Compulsory Purchase Act 2004.
- 4.22 Having an up-to-date Local Plan promotes sustainable development and allows an effective plan-led approach to future development, whilst also providing relative certainty to business and communities in the Borough, supporting the local economy and meeting housing needs. In addition, an up-to-date Local Plan provides a strong policy framework to resist inappropriate development.
- 4.23 As soon as is reasonably practical following adoption of the CLP the regulations require the Council to make available the CLP, the Sustainability

Report, the Sustainability Appraisal Post Adoption Statement and the details of where the Local Plan is available for inspection.

- 4.24 Following adoption of the Local Plan, under Section 113 of the Planning and Compulsory Purchase Act 2004, any person aggrieved by the Plan may make an application to the High Court to challenge it. Such an application must be made within six weeks of the adoption date of the Local Plan.

The Inspectors' Report and Main Modifications

- 4.25 On 26th January 2023 the Council received the Inspector's Report on the Examination of the CLP (Appendix A), together with a Schedule of Main Modifications appended to the Report (Appendix B and Appendix C). This marks the conclusion of the Examination process.

- 4.26 In accordance with Section 20(8) of the Planning and Compulsory Purchase Act and Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Council is required to publish the Inspector's Report which sets out their recommendations and the reasons for them.

- 4.27 The Inspector's Report concludes that with the Main Modifications recommended by the Inspector, the CLP satisfies the requirements referred to in Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) ("The Act") and is sound.

- 4.28 The most significant Main Modifications are, in summary:

- Increase the identified housing requirement from 840 to 997 dwellings per annum
- Insertion of new Policy IM10 to clarify the Council's approach to developer contributions.
- Amendment to Policy HS6 to allow rural exception housing on sites within or well related to any village or other small settlement.
- Amendments to Policy HS8 to set out the full identified need for Gypsy and Traveller accommodation and require early submission of a Development Plan Document identifying specific sites.
- Insertion of additional housing allocations in response to the modified housing requirement.
- Deletion of a number of housing/mixed-use allocations due to constraints and other issues (sites LP0075, LP1407, LP0397, LP1487, LP1391, LP1637, LP0901 and LP1287).
- Various changes to the site area, capacity, mix/type of uses and other criteria in the site-specific allocation policies.
- Updates to housing supply in the tables and trajectory, based on realistic assumptions regarding site capacities and rates of delivery.
- Deletion of waste allocations WLP2, WLP3 and WLP4 and identification of new waste allocation W2 at Atlas Mill Road, Brighouse.
- Revisions to the wording of development management policies to ensure they are effective, justified and consistent with national policy.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

- 4.29 This cabinet report provides a summary of the key issues and conclusions of the Inspector's report, specifically in relation to strategic matters focussing on the Duty to Cooperate, Sustainability Appraisal, Habitats Regulations Assessment, Vision, Strategic Objectives, Spatial Development Strategy, Housing, Employment, Green Belt, Air Quality, Infrastructure, Viability, Site Allocations and Climate Change.
- 4.30 The cabinet report should be read alongside the Inspector's Report for a complete appraisal of the Examination into the CLP.

Legal Compliance

Duty to Cooperate

- 4.31 In accordance with Section 33(A) of the Planning and Compulsory Purchase Act 2004 (as amended) the Duty to Cooperate requires Local Planning Authorities to engage constructively, actively and on an ongoing basis in the preparation of Development Plan Documents in relation to strategic matters.
- 4.32 The Inspector reviewed the Council's evidence of engagement with neighbouring local planning authorities and other bodies on strategic matters. This included matters relating to housing, economic growth, minerals, green infrastructure, and biodiversity. The Inspector has concluded in her report that she:

"is satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to cooperate has therefore been met."

Sustainability Appraisal

- 4.33 A Sustainability Appraisal (SA) Report was submitted to support the Local Plan, and the proposed Main Modifications were also subject to a SA. The Inspector considered the SA of the Local Plan and Main Modifications.
- 4.34 The Inspector considered that the SA identified a range of sustainability issues which have informed development of 'sustainability objectives'. These 'sustainability objectives' provided a robust framework for assessing the likely effects of alternative spatial options and the policies and site allocations in the plan, both individually and cumulatively.
- 4.35 SA work tested a wide range of options and reasonable alternatives. This included six spatial growth strategies (notions of distribution) in the initial stages of Plan preparation, which reflected various levels of growth in the main settlements in the borough. The SA also captured different growth options and a significant number of reasonable alternative site options including potential strategic urban extension sites.
- 4.36 In relation to criticism of the SA from representors, the Inspector has set out that there is an element of planning judgement involved in the SA and assessments need to be read as a whole. The Inspector goes on to state

that overall, notwithstanding the Main Modifications, that she is not persuaded the SA is fundamentally flawed or has led to an inappropriate selection of policies or sites.

- 4.37 In concluding the section of her report addressing the SA, the Inspector concludes that;

“overall, I am satisfied that the Council’s SA work is fit for purpose and provides a sufficiently robust high-level assessment, proportionate to Local Plan preparation.”

Habitats Regulations Assessment

- 4.38 The CLP has also been subject to a Habitats Regulations Assessment (HRA). The HRA is an assessment of the likely impacts of the Local Plan on European protected sites. The HRA concluded that the Local Plan did not have any adverse implications for designated Natura 2000 sites (in Calderdale these are the South Pennine Moors Special Area of Conservation (SAC) and the South Pennine Moors Special Protection Areas (SPA) (Phase 2).
- 4.39 Natural England have confirmed they are satisfied with the Council’s HRA of the CLP Main Modifications. The Inspector’s Report sets out that when taken as a whole, the HRA work shows that, subject to the inclusion of recommendations for amended policy wording and site mitigations, the Plan as modified is not likely to lead to adverse effects on the integrity of any national network site (formerly European site), either alone or in combination. Natural England agrees with this conclusion.

Other Aspects of Legal Compliance

- 4.40 With regards to the other aspects of the legal compliance matters, the Inspector concluded that the CLP complied with all of the relevant legal requirements, including the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) England Regulations 2012 (as amended). The CLP had been prepared in accordance with the Local Development Scheme, although there was a slippage in timescales due to the need to prepare and consult on additional evidence and delays arising from the Covid 19 pandemic.
- 4.41 The Inspector is satisfied that consultation on the CLP and the Main Modifications was carried out in compliance with the Council’s Statement of Community Involvement (2016) and the relevant regulations – including the temporary amendment to the SCI in 2020 in response to the Covid-19 pandemic and Government regulations.

Assessment of Soundness

- 4.42 The Inspector’s Report considers whether the CLP is ‘sound’ in accordance with National Planning Policy. To be found ‘sound’, Local Plans must be positively prepared, ‘justified’, ‘effective’, and consistent with national policy.

4.43 In terms of the CLP and the matter of soundness, the Inspector identified 12 main issues upon which the soundness of the CLP is dependent. The following are the main issues:

- Vision, strategic objectives and spatial strategy
- Housing need / requirement
- Employment Strategy and policies
- Approach to the Green Belt
- Growth delivery Infrastructure
- Affordable Housing, Gypsy & Traveller and other housing needs
- Retailing & Town Centres
- Housing employment and mixed-use allocations
- Housing supply
- Climate change, Health & Wellbeing, built historic environment, Green Belt and Natural Environment, and Environmental Protection
- Minerals
- Waste

4.44 The following pages address the key strategic issues set out in the Inspector's Report, focussing on the Vision, Strategic Objectives, Spatial development Strategy, Housing matters, Employment, Green Belt, Air Quality, Infrastructure, Viability, Site Allocations and Climate Change. It is important to note those matters not discussed in detail within this cabinet report were also found to be sound subject to Main Modifications.

Vision and strategic objectives

4.45 The Inspector considers that the CLP vision and strategic objectives

“provide an appropriate framework for the delivery of sustainable development and are clearly articulated”.

She referred to policy SD1 which supports the vision and strategic objectives and recommended modifications to the wording:

“to futureproof the policy and ensure consistency with the amended wording in the NPPF 2021”.

Spatial development strategy

4.46 The Inspector's Report assesses the spatial strategy of the CLP. They note that the distribution of growth is based on a range of factors, including key drivers of settlement size and function alongside the following:

- Topography
- Flooding
- Ecology
- Infrastructure provision
- Sub regional investment opportunities
- Regeneration
- Site availability

4.47 The Inspector considers that the approach:

“promotes sustainable patterns of development and an urban/brownfield land focus, whilst recognising that other factors may be relevant in informing the amount of development in a particular locality”.

4.48 The growth proposed by the CLP will be focussed on the eastern part of the borough. The Inspector’s Report sets out that a focus on the South east of Calderdale allows housing developments to be located close to employment growth. Whilst significant growth will occur in Brighouse, the Inspector states that Halifax:

“is still due to accommodate a significant amount of growth over the Plan period and will remain the primary settlement in Calderdale”.

4.49 The Inspector is satisfied that the general approach of the CLP of focusing development in larger ‘Sustainable Urban Extensions’, as opposed to ‘pepper-potting’ a range of smaller sites:

“is justified in principle as it will enable the Council to bring forward well-planned schemes in a holistic manner and facilitate co-ordinated infrastructure delivery”.

4.50 The Inspector also addresses the growth in other towns and villages, including Shelf and Greetland. The Inspector comments that:

“the Council’s evidence indicates that there is scope to bring forward development in these settlements (including the additional sites identified in Issue 8 below) without causing significant harm in terms of highways impacts and air quality, subject to appropriate mitigation measures being secured.”

4.51 The Inspector concludes that:

“the Council’s strategy for development in other towns and villages in the amended Plan is pragmatic and soundly based. Elsewhere development is more limited and focused on meeting local needs on suitable available sites”.

4.52 In respect of the overall spatial development strategy, the Inspector considers that the:

“strategy is robustly based, facilitates development in sustainable locations and supports other strategic objectives, whilst protecting the environment.”

Housing Market Area

4.53 In terms of the housing need and requirement the Inspector firstly addresses that the identified Calderdale Housing Market Area is a credible and robust

basis for assessing housing needs, as evidenced in the Strategic Housing Market Assessment.

Housing need / requirement

- 4.54 The Inspector's report addresses the housing need and requirement proposed by the CLP. The submitted CLP identified a housing need and requirement of 12,600 additional dwellings over the Plan period between April 2018 and March 2033, equating to 840 dwellings per annum ('dpa'). The Inspector explains that use of the Government's current standard methodology for assessing housing need could, in principle, be appropriate for transitional plans where particular circumstances are demonstrated.
- 4.55 The Inspector pointed to the current Planning Policy Guidance stating that '*there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates*' and then goes on to consider whether the figure of 840 dpa could be considered as sound.
- 4.56 The Inspector's report addresses the relationship between housing and economic growth and notes that the submitted Plan reflects the ambitions in the Leeds City Region Strategic Economic Plan (SEP). The SEP is being replaced by a Strategic Economic Framework. However, the principles of the SEP continue to apply to the Framework.
- 4.57 The Inspector's Report goes on to highlight that the Council's SHMA 2018 identifies a need for 970 dpa based on demographic projections and market signals. The SHMA also suggests a need for 1,001 dpa to support baseline employment growth and 1,129 dpa in connection with 'policy-on' growth¹.
- 4.58 There is reference to the ageing population in Calderdale and the role that additional housing plays in providing further working age residents to support jobs growth, factors indicating that actual housing need may be higher than the standard methodology indicates. The Inspector's Report states that the evidence indicates that the amount of housing and employment in the submitted Plan were not aligned.
- 4.59 Following the Stage 1 hearings the Council proposed in the Housing Requirement Update and Potential Supply (January 2020) that the housing requirement in the Plan should be increased from 12,600 to 14,950 dwellings over the Plan period. This equates to 997 dpa, rounded to the nearest whole number. The Inspector considered that increasing the housing requirement rather than reducing employment growth:

"is a reasonable and justified response taking account of all factors. The Sustainability Appraisal of the options in CC33 shows a range of positive social and economic impacts linked to the preferred approach."

¹ The 'policy-on' scenario referred to in the SHMA 2018 and subsequent housing need evidence in CC21 and CC63/63b equates to the 'policy-on plus transport' scenario referred to in the Council's Employment Land Study 2018 (a net increase in job growth of 8,295, 2,045 higher than the Baseline.)

- 4.60 In addressing the 2021 census population figures which indicated low rates of growth between 2011 and 2021 in Calderdale, the Inspector emphasises that *“household projections published by Government should provide the starting point estimate of overall housing need”*. And that in the absence of subsequent projections post 2018, they conclude *“that the most pragmatic course of action is to use the published household projections and avoid any further pauses in the examination process”*.
- 4.61 Having considered all of the evidence before her, the Inspector considers that the ‘policy-on’ employment forecasting and updated assessment work in the Technical Note reviewing the 2018 Household Projections provided a reasonable basis for informing Calderdale’s housing needs over the Plan period.
- 4.62 The delivery of 997 dpa (14,950 over the Plan period) would support the Council’s employment strategy in the Plan and links with identified economic interventions and planned infrastructure investment in the Leeds City Region. The Inspector comments that it would also help to provide housing choice and deliver additional affordable housing.
- 4.63 This increased housing figure (14,950 over the plan period) would require higher rates of net in-migration than historically recorded on average, but the rates are not without precedent the rates being exceeded in 2018/19². The SHMA 2018 also identifies a correlation between rates of completions and in-migration and highlights strong migration, commuting links and economic links with Bradford, Kirklees, Leeds and other areas.
- 4.64 The Inspector accepts the broad principle that the evidence presented in the Standard Housing Methodology Calculations (CC134), Modelling the economic implications of the proposed housing requirement (CC21) and Implications of the 2018 Household Projections Technical Note (CC63/CC63b September 2020) provides a SHMA-based housing need/requirement figure consistent with transitional arrangements.
- 4.65 The SHMA 2018 advises that objectively assessed need in that document is lower than the housing requirement and based on baseline employment forecasts. However, the Inspector considers that the Council’s ‘policy-on’ jobs growth forecast:
- “is a future scenario that could be reasonably expected to occur. Therefore, in this case I am satisfied that the policy-on forecast represents both the need and the requirement”*.
- 4.66 The Inspector sets out that proposed housing requirement of 14,950 dpa, linked to policy-on employment growth forecasts, is supported by evidence and SA work and will facilitate delivery of identified housing needs.
- 4.67 The Inspector acknowledges that the higher housing requirement will involve the release of land from the Green Belt, but elsewhere in the report it is concluded that exceptional circumstances are demonstrated. Additionally,

² Hearing Statement – Matter 7 – Housing Need Update (HS7.1)

the Inspector concludes that this level of growth can be supported by infrastructure and will not result in significant adverse environmental impacts.

Housing Trajectory

4.68 The Inspector notes that the Council's updated housing trajectory and five-year supply report³ proposes a 'stepped requirement' involving three rates (500 dpa 2018/19-2025/26, 950 dpa 2026/27-2027/28 and 1810 dpa 2028/29-2032/33). The approach is considered to be justified by the Inspector.

4.69 The Inspector concludes that:

“the housing requirement in the Plan should be increased to 14,950 dwellings over the Plan period and the rates should be stepped to reflect the anticipated later delivery of strategic sites”.

4.70 The Inspector points out that due to the increased requirement, further housing allocations are necessary. The additional sites proposed by the Council to meet this gap are considered elsewhere in her report.

Employment Growth and Development

Functional Economic Market Area

4.71 The Inspector is satisfied the Council's evidence supports a conclusion that Calderdale comprises an effective Functional Economic Market Area.

Employment land requirement and supply

4.72 In relation to employment land and supply, the Inspector refers to the Council's Inclusive Economy Strategy 2018 which seeks to support the borough's economy and create growth that benefits everyone. She also referred to regional economic strategies in the Leeds City Region, Spatial Priority Areas, and specifically Clifton Business Park which is in the Clifton Enterprise Zone.

4.73 The Inspector sets out the Council's Employment Land Study 2018 identifies a range of employment land growth projections, ranging from 46 to 78 hectares of new employment land over the Plan period.

4.74 An objectively assessed need and requirement for 73 hectares of employment land within the Plan period was proposed. The Inspector noted this need is linked to the 'policy-on plus transport' jobs growth projection, future interventions in skills and opportunities, strategic transport infrastructure planned in the sub-region, and also aligns with the Strategic Economic Plan. Although the Strategic Economic Plan will be replaced by the emerging Strategic Economic Framework, this continues to pursue the aspirations set out in the Strategic Economic Plan concerning new jobs and growth in the Leeds City Region.

³ Housing Trajectory and Five-Year Housing land Supply (November 2021, EL Ref CC125d)

4.75 The Inspector notes that the labour supply forecasts in the Employment Land Study are based on 946 dpa and 1,169 dpa and produce an employment land requirement of 52 and 72 hectares, which means that with a housing requirement of 997 dpa the labour forecasts could be expected to be slightly lower than the figure of 73 hectares. However, the Inspector recognises that forecasting employment growth is not a precise science and outlines a need for more business opportunities and better-quality jobs. She concluded:

“the identified requirement of 73 hectares is considered to be reasonable and proportionate and will enable the Council to expand the economic base whilst providing choice and flexibility”.

4.76 The Inspector reviewed the methodology for translating jobs growth into land requirements, that uses established floorspace and plot density ratios. She noted that there is a modest margin of flexibility to allow for loss of employment land and take up rates, that is intended to allow for uncertainties and delays in sites being developed. She considered that:

“the general methodology is considered to be appropriately based”.

4.77 The Inspector concludes that the identified requirement for an additional 73 hectares of employment land is justified.

4.78 In relation to employment land supply the Inspector was satisfied that the identified 112 hectares is supported by a detailed assessment of existing employment stock and potential sites and exceptional circumstances exist to justify the release of Green Belt sites.

4.79 Although the identified supply of sites is higher than the identified requirement, the figure allows for market choice, flexibility and any potential non delivery. Alongside quantitative issues, the figure also addresses qualitative issues, related to a shortage of small and medium industrial premises and suitability of existing premises.

4.80 The Inspector concludes that:

“overall, the level of provision is considered to be soundly based and would allow identified needs to be met”.

Green Belt

4.81 The Inspector’s Report addresses the principle of releasing land from the Green Belt for housing and employment use alongside other proposed changes to the Green Belt boundary, including changes linked with villages in the Green Belt, consequential changes and minor alterations.

4.82 The Inspector acknowledges that the Council:

“has carried out a thorough assessment of potential capacity to accommodate housing and employment development in the borough”.

4.83 The SHLAA and the Employment Land Review showed there was insufficient capacity within built up areas or non-Green Belt sites to deliver the identified housing requirement and employment land needs.

4.84 In relation to demonstrating exceptional circumstances for Green Belt release, the Inspector points out that the Council through the CLP was aiming to meet their:

“identified housing needs in line with national policy and to deliver employment needs within the borough”.

4.85 The Inspector also points out the following considerations in relation to the release of Green Belt land:

- Leeds City Region authorities have agreed to accommodate their own identified needs.
- Delivery of identified housing needs would help provide homes and additional affordable housing
- It would allow the Council to deliver the employment strategy and meet employment needs
- It would align with the spatial strategy by focusing development in the eastern part of the borough

4.86 Overall, the Council is releasing 489 hectares from the Green Belt, of which 371 hectares is land for housing and employment allocations (including the additional housing allocations). The remaining 118 hectares that are not allocations are former village envelopes (as per para.4.89 below) and consequential changes. The Inspector notes that Site-specific modifications would reduce this figure slightly.

4.87 The figure of 489 hectares represents about 2% of the total Green Belt land area in the borough. The inspector concludes that:

“In the absence of reasonable alternatives, and given the benefits associated with local housing and economic growth, it is concluded that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver housing and employment needs in Calderdale.”

4.88 The Inspector addresses the demonstration of exceptional circumstances on a site-by-site basis in section 8 in her report.

4.89 In relation to other changes to the Green Belt, a number of villages currently ‘washed over’ by the Green Belt are to be removed from the Green Belt by ‘insetting’ them. Such villages contain an extensive amount of existing development which compromises openness and/or urbanises the countryside. The Inspector considers their proposed removal from the Green Belt is:

“justified and consistent with paragraph 86 in NPPF 2012”.

- 4.90 The Inspector noted that a number of other minor changes to the Green Belt boundary are proposed in order to remove irregularities and reflect circumstances on the ground. These changes have been reflected in the Council's evidence documents 'Schedule of Minor Boundary Changes to the Green Belt (CC48)' and 'Additional Changes document (CC48.2)'
- 4.91 The Inspector also clarifies that in some cases due to the need for clear defensible Green Belt boundaries, the boundary may not align with land ownership boundaries. In instances where there were no clear defensible boundaries, the Council has used clearly defined points e.g. building edges. The Inspector considered that this approach was robust and justified.
- 4.92 There are a number of consequential changes to Green Belt boundary due to the allocation boundary of some sites and as with the other minor changes to the Green Belt the Inspector considers these justified.
- 4.93 Unlike the existing plan, the CLP does not identify 'Safeguarded Land', any further releases of Green Belt land would be addressed through future plan reviews. Such an approach is considered pragmatic and consistent with the NPPF 2012 by the Inspector.
- 4.94 Overall, the Inspector concludes that:

"exceptional circumstances exist in principle to justify the release of land from the Green Belt for housing and employment. The other proposed changes to the Green Belt referenced above are justified and consistent with national policy".

Air Quality

- 4.95 The Inspector's report addresses the issue of Air Quality and considers the evidence relating to air quality relating to growth proposed over the period of the CLP. She noted that the evidence indicates the CLP:
- "will not contribute to a significant worsening of air quality or lead to exceedances in air quality objectives in AQMAs or other constrained locations in the Borough".*

Linked to this, traffic levels associated with the CLP will

"not have an adverse effect on the integrity of the SPA / SAC".

- 4.96 In terms of Air Quality the Council's Habitats Regulations Assessment (HRA) included an addendum produced in January 2022 (CC149d) which covers air quality implications of traffic growth from the Plan on the SPA/SAC. The addendum took account of the higher housing requirement and additional sites
- 4.97 The Inspector acknowledges that the Council's assessment is a strategic level assessment and concluded that the:

“Council’s Local Plan air quality work provides a suitably strategic and broad overview of the impact of Local Plan growth on air quality in the borough and is fit for purpose”.

Infrastructure

4.98 In regard to infrastructure, the Inspector’s Report summarises the various infrastructure considered to be essential to support the delivery of sustainable growth over the plan period.

4.99 This includes but is not limited to a number of significant transport schemes, along with two additional primary schools delivered through the Garden Suburbs developments. The Inspector sets out that additional secondary school provision in south-east Calderdale will also be needed, either through provision of a new school or by expanding Brighouse and Rastrick High Schools.

4.100 In relation to infrastructure and the Garden Suburbs, the Inspector comments that:

“the council has signalled its intention to use prudential borrowing where necessary to help forward fund infrastructure needed in connection with growth in south-east Calderdale, and to recover these investments via financial contributions from developers. This would involve the use of planning obligations, potentially prior to a planning application in some cases, and a roof tax mechanism”.

4.101 There is reference to the questioning of the legality of this approach. However, the Inspector has taken into account the advice in the Planning Policy Guidance note on Planning Obligations, the lifting of the restriction on the pooling of s106 monies, and that such an approach proposed by the council has been used elsewhere. The Inspector states:

“I am satisfied that the principle of the Council’s approach is sound and justified and will help to ensure the timely delivery of infrastructure”.

She went on to conclude that:

“taking account of all factors I am satisfied there is a reasonable prospect that necessary infrastructure schemes will be delivered in a timely fashion”.

Viability

4.102 The Inspector noted the Council’s viability evidence indicates that most housing allocations are capable of generating a return that would allow reasonable rates of return to landowners. Where this is not the case, if sites were developed for conventional housing (as opposed to apartments) this would improve viability (especially for mixed use sites). Other changes to assumptions that may improve the viability include a reduction of the profit margins to the lower range of 15-20%.

4.103 The Inspector considered that while the evidence shows many employment sites are identified as unviable, this situation is altered if an end occupier purchases and develops the site. In addition, if the assumptions regarding the cost of brownfield remediation, which are in the Inspector's words 'cautiously high' are reduced, this increases the number of viable employment sites.

4.104 Other specific viability issues that are drawn to members' attention is the Inspector noting that:

"overall, the evidence indicates there is a reasonable prospect of the Garden Suburb schemes being viably developed".

4.105 The Inspector considers that subject to the relevant modifications, the CLP:

"sets out a robust and viable framework for the delivery of growth and infrastructure".

Affordable Housing

4.106 The CLP identifies an affordable housing need of 3,140 dwellings. This was identified through the 2015 Strategic Housing Market Assessment. Concerning the identified need, the Inspector considered:

"that the affordable housing need figures in the SHMA 2015 represent a reasonable broad estimate of need and are appropriate for the purpose of Plan-making."

4.107 In relation to the affordable housing policy, the Inspector noted that the affordable housing contribution sought will differ depending on where a development site is located, with four zones across the borough reflecting different levels of housing market strength. They also refer to the thresholds of the policy and the viability work carried out in relation to affordable homes.

4.108 Overall, the Inspector considers that:

"the affordable housing proportions and approach in Policy HS6 is justified and consistent with national policy".

Traveller Accommodation

4.109 The Council is proposing to meet its own identified need for traveller accommodation based on the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015. This work identified a requirement for seven additional permanent pitches and six transit pitches for Gypsy and Travellers up to 2033/34, along with a need for three plots for Travelling Showpeople.

4.110 The CLP includes a policy for assessing windfall applications for Traveller Sites (HS8) and a separate Development Plan Document (DPD) will allocate sites. The Inspector comments that a separate DPD is justified owing

to a requirement for further technical work to be carried out and the Council wished to avoid delaying the delivery of the Plan. The Inspector states that:

“in the case of Calderdale I am persuaded that there are particular circumstances that justify the preparation of a separate DPD. Earlier delivery of the Local Plan will facilitate a boost in housing delivery and allow a robust planning framework to be put in place. The Council has undertaken a range of Traveller site option assessment work and is committed to delivering the separate DPD”.

4.111 The Inspector has included a Main Modification that commits the Council to submitting a separate DPD within a year of adopting the CLP. Subject to modifications the Inspector concludes that the CLP:

“sets out positively prepared policies to meet affordable housing needs, Traveller accommodation needs and the housing needs of other groups which are justified, effective and consistent with national policy”.

Site Allocations

Site Assessment methodology

4.112 The Inspector has concluded the Council's approach to site selection, notwithstanding modifications to specific sites,

“involved a consistent application of a suitable range of strategic and detailed factors and is soundly based.”

4.113 The Inspector describes the evidence documents applied in the site assessment, which included the Landscape Character Assessment, the Open Space Sport and Recreation Study, Heritage Impact Assessments and the SA. Additionally, for those sites in the Green Belt, the 2017 Green Belt Review was used.

4.114 The 'sieving' process of sites is considered a reasonable approach and as the Inspector notes that the process is:

“consistent with national policy which seeks to protect sites of environmental importance, avoid harm to the character of the countryside and promote sustainable patterns of development”.

4.115 During the examination the criteria and scoring of the potential sites were questioned by participants. The Inspector's report addresses this matter and considered that the approach is proportionate.

4.116 In relation to the sequential approach to site selection, the Inspector described the factors considered, prioritising brownfield sites in urban areas alongside other land in the existing urban area, poorly performing Green Belt sites and lastly other Green Belt sites.

4.117 Other factors included the spatial strategy, distribution of growth, along with the ability to deliver benefits linked to wider regeneration and infrastructure.

4.118 In considering the level of housing and employment needs, the inspector notes that:

“it has been necessary to consider all levels of the sequential hierarchy and a number of Green Belt sites identified as meeting 3-5 purposes have been released, where justified”.

4.119 The Inspector was also satisfied that the approach to the assessment of site options for Sustainable Urban Extensions was soundly based and -

“broadly aligned with the general approach for other sites in terms of site suitability and availability”.

4.120 The Inspector’s report highlights the approach the Council took in relation to applying an ‘exclusion zone’ around Hipperholme, which she considered a reasonable and justified approach. The Inspector went on to state that:

“the exclusion zone approach is unique to this location as elsewhere in the borough the Council has identified scope for and reasonable prospect of mitigation”.

4.121 With regards to the Green Belt releases the Inspector comments that they:

“show a reasonable correlation to the main centres of population in the district, therefore contributing to a sustainable pattern of development. The distribution of growth also aligns with the spatial development strategy in the Plan”.

4.122 With regards to the availability of sites, only a small number of parts of housing allocations have not yet been confirmed. Where this is the case the Inspector considers there is a *“reasonable prospect of delivery within the plan period”* and that in these instances *“such sites have been positioned towards the latter part of the Plan period in the housing trajectory”*. She also arrives at the same conclusion in relation to mixed use and employment sites where incomplete ownership information is known.

4.123 The Inspector concludes that she is:

“satisfied that overall the assessment and selection process has involved consistent application of a suitable range of strategic and detailed factors, and is soundly based”.

Garden Suburbs

4.124 The Inspector’s Report includes sections on both the proposed Garden Suburbs at Woodhouse and Thornhills.

4.125 In relation to the Woodhouse Garden Suburb, the Inspector acknowledges that the site would result in a major extension to Brighouse. She addresses the site in relation to the spatial strategy of the CLP, the deliverability, availability, highway and other infrastructure, landscape impacts, heritage, ecology and open space matters.

4.126 The Inspector provides the following summary of the Garden Suburb at Woodhouse:

“I recognise the level of local concern regarding the allocation. However, the site is in a sustainable and strategic location on the edge of Brighouse and is contained by the M62 and other roads. The policy as amended provides a suitable framework to address mitigation measures, and other detailed matters could be dealt with through the planning application and masterplanning process. The need for masterplanning and other assessment work should be specified through modifications, for reasons of effectiveness (MM210). Overall, taking account of all factors including identified housing needs, I conclude that exceptional circumstances exist to release the site from the Green Belt.”

4.127 In considering the Thornhills Garden Suburb, the Inspector notes that the land forms part of the gap between Brighouse and the settlements of Thornhills and Clifton, and:

“helps to limit the unrestricted sprawl of the town. However, the site is large enough to allow landscaping measures, boundary strengthening and buffer areas that could provide some mitigation”.

4.128 As with Woodhouse, the Inspector’s Report addresses the issues relating to the delivery of such a large allocation, commenting on infrastructure, availability, deliverability, highways, landscape impacts, heritage and ecology matters.

4.129 The Inspector provides the following summary in relation to the Thornhills Garden Suburb:

“I have had careful regard to all of the concerns raised regarding the scheme. However, the site is located on the edge of Brighouse in a sustainable and strategic location. The site policy sets out a range of mitigation measures and other detailed matters could be addressed through the masterplanning and planning application process. Infrastructure requirements are identified and factored into the viability work. Although there may be future changes, there is no evidence before me which suggests that this will lead to delays in infrastructure or scheme delivery. The Council is committed to the delivery of the site and is actively involved in planning and facilitation. Overall, taking account of all factors including identified housing needs, I conclude that exceptional circumstances exist to release the site from the Green Belt.”

Clifton Employment Site

- 4.130 In respect of this site, the Inspector refers to the site being designated as an Enterprise Zone, and also as a Spatial Priority Area by WYCA. The Inspector's Report notes that the Council has granted outline permission on the site for employment.
- 4.131 The Inspector provides the following summary in respect of the Clifton Employment allocation:

“The site has a number of constraints including topography and proximity to residential properties and requires an element of public funding to facilitate delivery. Nevertheless, the principle of development has been established through grant of permission and the site has already been released from the Green Belt in the UDP. Development is predicted to deliver a large number of jobs and make a significant contribution to the Calderdale economy and aligns with the Leeds City Region Strategic Economic Plan. The Council has made considerable progress, supported by WYCA, to progress development on the site and secure funding and is in active negotiations with the landowner. Taking account of the various funding options, there appears to be a reasonable prospect that delivery will be realised during the Plan period.”

Housing Supply

- 4.132 In addressing the matter of housing supply the Inspector considered the assessment process the Council has undertaken in her report relating to the sources of supply.
- 4.133 The assessment of housing supply took account of various pieces of evidence, such as progress with planning applications, updates from landowners and or developers and viability and constraints information. The Inspector considered the approach to be:
- “broadly robust and provides an up-to-date estimated position on delivery timescales in line with current guidance”.*
- 4.134 The Inspector comments that both lead in times and build out rates are informed by local evidence and local planning data alongside dialogue with developers.
- 4.135 The small-site windfall allowance of 98 dpa and a small supply of 50 dwellings from the brownfield register (relating to sites with lapsed planning permission) are considered acceptable.
- 4.136 The amended housing supply table in the Main Modifications shows that 13,528 dwellings are predicted to be delivered over the Plan period (18/19 to 32/33). The Inspector refers to this as a representing a -

“reasonable estimate which takes account of a range of sources and potential capacity.”

- 4.137 Linked to this, she remarks that the projected annual supply rates represent a significant increase from recent trends in the delivery rate of housing in Calderdale.

“However, the Plan identifies a wide range of allocation sites, releases land from the Green Belt and provides an up-to-date framework for assessing and supporting proposals. The Council also has a clear commitment to the programme, including the delivery of Council-owned sites through partnerships with Registered Providers and establishment of a Local Development Company”.

- 4.138 She notes the supply figure of 13,528 is lower than the modified housing requirement figure of 14,950, although the shortfall is *“modest in scale”*. She highlights the fact that the:

“current Plan dates from 2006 and there is an urgent need to identify new sites and release land to meet identified housing needs”.

- 4.139 The Inspector goes on to highlight that there are a number of strategic sites where delivery will continue beyond the timeframe of the current CLP, and that there could be large windfall sites that come forward towards in the latter part of the plan period.

- 4.140 In concluding her assessment of housing supply, the Inspector comments that:

“Overall, in the case of Calderdale I consider that the most appropriate way forward would be to monitor housing delivery and respond accordingly. This response is pragmatic as identifying and releasing additional sites would delay adoption of the Plan and delivery of allocations and be contrary to the Government’s aim of significantly boosting the supply of housing”.

Five Year Housing Supply

- 4.141 The five-year supply table in the main modifications shows 5.90 years of supply between 22/23 and 26/27. Although in her report the Inspector notes that the Plan is likely to be adopted towards the end of the 22/23 monitoring period, she balances this against the delays in the examination, the age of the current plan, and the identified housing need, and concludes that:

“progressing with the examination on the basis of the above five-year period is pragmatic and justified”.

- 4.142 Remaining with the issue of the five year supply, the Inspector sets out that changes through the Main Modifications are needed to the five year supply table in order to illustrate how under-delivery over the last few years

will be addressed. She emphasises that the shortfall be addressed within the five-year supply period (known as the 'Sedgefield' method).

- 4.143 The Council's five-year supply calculations include a 20% buffer to the housing requirement figure. The buffer is as a result of past under delivery of housing in Calderdale, although the Inspector requires main modifications to the five year supply table in order that the buffer is applied after and not before under delivery is taken into account. She states that:

"this will ensure alignment with the approach identified in the current PPG".

- 4.144 The Inspector concludes her assessment of the Council's housing supply and requirement as follows:

"In conclusion, a shortfall of supply against the overall requirement over the plan period is predicted, based on the updated figures. However, it is modest and there are strong reasons to progress with plan-making and deal with the matter through the monitoring and review process. The Plan as modified will provide in excess of the minimum five-year supply of housing land on adoption and accords with national policy in this regard. Overall, the Plan provides an appropriate supply of deliverable and developable sites to meet identified housing needs and align with national policy".

Addressing Climate Change

- 4.145 The key points in relation to Climate Change as set out in the Inspector's report are that they require Modifications to policy CC1 in order to clarify the strategic role of the policy and its overall purpose.

- 4.146 In relation to targets, the supporting text of the CLP refers to national carbon reduction targets – the Inspector points out these have been superseded by the government and do not reflect Calderdale's target of net zero by 2038, which is a borough wide aim and not a specific Local Plan target. The Inspector however states that:

"it is key contextual information and appropriate new signposting to the local reduction target in the supporting text would assist the Plan's effectiveness in tackling climate change".

She goes onto highlight that Policy CC1 should be amended to include the reference to the concept of Net Zero.

- 4.147 The Inspector is satisfied of the approach taken to flood risk management in Policy CC2 and considers it a soundly based framework for assessing planning applications. Additionally, she considered the approach to development in Flood Zone 3ai a pragmatic response.

- 4.148 In terms of Sustainable Drainage Systems, The Inspector requires main modifications to policy CC3 to reflect the requirement for major development to incorporate SUDs unless the applicant can demonstrate it would be

inappropriate, as well as reference to the WYCA guidance on sustainable drainage.

- 4.149 Concerning the policy Catchment Management (CC4), the Inspector recommends a Main Modification to ensure reference made to **all** sites designated for their biodiversity and geology value, rather than just in regards to the SPA/SAC.
- 4.150 With regards to the policy on renewable energy and low carbon energy proposals (CC6) the Inspector recommends a number of main modifications. The modifications relate to including reference to protected species as well as designated nature sites in part 1 of the policy.
- 4.151 In relation to wind energy, the Inspector provides clarification in relation to the supporting text to policy CC6 and the Policies map concerning the height thresholds of wind turbines. Her report confirms that the areas identified as being potentially suitable for wind turbines are based on a robust and measured approach.
- 4.152 The Inspector also addresses the potential for smaller wind turbines (less than 18m) to be installed outside of the identified wind energy areas. Following the Written Ministerial Statement dated 18th June 2015 which states that wind energy development should only be granted permission within areas identified for such development in a Local Plan, the Inspector recommends a main modification to policy CC6 to ensure the policy aligns with this approach.
- 4.153 Other modifications in relation to policy CC6 include a reference to Castle Hill (located with Kirklees) in relation to potential impacts arising from wind turbine development. In addition, modifications are required in relation to the removal of thresholds relating to part 3 of CC6 and District Heat Networks, the Inspector requires a modification to be made to the policy in order that the Council would adopt a case by case assessment in terms of any requirements relating to this type of development.

5. Options considered

Option 1 – Council adopts the Calderdale Local Plan (CLP)

- It is recommended that Cabinet note the Inspector's report on the soundness of the Calderdale Local Plan as per Appendix A and recommends to Council that:
 - (i) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 (Appendix E), under Regulations 26 and 35 of the Town and Country (Local Planning) (England) Regulations 2012, which incorporates the main modifications (Appendix B and Appendix C) pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in

her report (Appendix A), and the Council's additional (minor) modifications (Appendix G and H).

- (ii) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 Policies Map (Appendix F) which incorporates the Schedule of Main Modifications to the Policies Map (Appendix D)
- (iii) The Council note the content of the Adoption Statement attached at Appendix I prepared in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012).
- (iv) The Council notes and takes into account the Sustainability Appraisal Post-Adoption Statement (Appendix J)
- (v) Subject to recommendation (i), Council authorises the Director of Regeneration and Strategy in consultation with the Portfolio Holder to make any additional necessary minor textual, graphical, presentational or layout amendments to the Calderdale Local Plan (2018/19-2032/33) (Appendix E) and the accompanying Policies Map (Appendix F) to finalise the Plan prior to publication.

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

- 5.1 The alternative is for the Council not to adopt the CLP. The Council was threatened with intervention in the Local Plan process by the then Secretary of State back in 2017. The Council responded by setting out that they were in a position to progress the Local Plan without intervention.
- 5.2 Not adopting the CLP would risk unplanned development and a continued decision-making framework where the "tilted balance" in national policy was engaged.
- 5.3 A lack of an up-to-date Plan could result in a continued threat to Green Belt. Development would be more likely to take place on unsuitable, unsustainable sites and result in a lack of developer and community certainty. It would also undermine the delivery of new homes, new jobs and infrastructure.
- 5.4 Option 1 is therefore recommended to Cabinet

6. Financial Implications

- 6.1 Adoption of the CLP will potentially bring a number of significant financial benefits to the Council. In particular this will support the introduction of a Community Infrastructure Levy which will be subject to a separate examination.
- 6.2 In addition to this, the introduction of the CLP may also provide other financial benefits for the Council, in particular an increased Council Tax base and additional New Homes Bonus government funding.

7. Legal Implications

- 7.1 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.
- 7.2 The legal framework for the preparation, submission, examination and adoption of Development Plan Documents is set out in the Planning & Compulsory Purchase Act 2004 (as amended) (The Act). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7.3 Section 13 of the Act requires the local planning authority to keep under review the matters which may be expected to affect the development of their area or the planning of its development. Section 17 requires that local development documents (of which the Local Plan is one) must also be kept under review and set out the authority's policies relating to the development and use of land in their area.
- 7.4 The powers of the Inspector to recommend modifications at the request of the Local Planning authority are established in Section 20 of the Act. The Council requested that the appointed Inspector exercise these powers when the Plan was submitted in January 2019.
- 7.5 Section 23 of the Act states that, where the Inspector recommends Main Modifications, the authority must not adopt the Local Plan unless they do so with those Main Modifications and any additional modifications which (taken together) do not materially affect the policies.
- 7.6 Section 38(3) of the Act sets out that the Development Plan consists of the development plan documents (taken as a whole) which have been adopted or approved in relation to that area along with any neighbourhood development plans which have been made. The associated regulations identify that a local plan is a development plan document
- 7.7 Section 38(5) of the Act states that, in the event of conflict between policies in the Development Plan, the last document to be adopted takes precedence.
- 7.8 Section 38(6) of the Act states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.9 Upon adoption of the Plan, the Council must meet a number of regulatory requirements to publish the Plan and publicise its decision.
- 7.10 There would be a six-week period following any decision to adopt the Plan in which any party aggrieved by the decision could seek to launch a Judicial Review.

8. Human Resources and Organisation Development Implications

8.1 The CLP will have implications across the Council resulting from the increased number and complexity of development proposals that are submitted to the Council. Services from across the Council will be required to support colleagues in Planning to provide technical expertise in the consideration of planning applications.

9. Consultation

9.1 The CLP has been subject to a number of rounds of public consultation prior to the submission of the plan to the Secretary of State in 2019, as well as stakeholder and public engagement through the Examination process.

10. Environment, Health and Economic Implications

10.1 Environment, health, and economic considerations are central themes to the CLP. They have therefore had an important influence on the drafting of policies and identification of potential sites.

10.2 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.

10.3 The Inspector has set out in her report that she considers the SA to:

“provide a robust framework for assessing the likely effects of alternative spatial options and the policies and site allocations in the plan, both individually and cumulatively”

and that the SA -

“provides a sufficiently robust high-level assessment, proportionate to Local Plan preparation”.

11. Equality and Diversity

11.1 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.

11.2 The Submission Draft of the CLP was subject to an Equality Impact Assessment. This assessment demonstrated that the CLP would impact positively on a wide range of equality aspects. Within the CLP there are a policies concerning different types of housing need, including older people, people with disabilities, gypsies and travellers and travelling showpeople, alongside policies relating to health and wellbeing, accessibility, and inclusive design

12. Summary and Recommendations

- It is recommended that Cabinet note the Inspector's report on the soundness of the Calderdale Local Plan as per Appendix A and recommends to Council that:
 - (i) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 (Appendix E), under Regulations 26 and 35 of the Town and Country (Local Planning) (England) Regulations 2012, which incorporates the main modifications (Appendix B and Appendix C) pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in her report (Appendix A), and the Council's additional (minor) modifications (Appendix G and Appendix H).
 - (ii) The Council adopts the Calderdale Local Plan 2018/19 to 2032/33 Policies Map (Appendix F) which incorporates the Schedule of Main Modifications to the Policies Map (Appendix D)
 - (iii) The Council note the content of the Adoption Statement attached at Appendix I prepared in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012).
 - (iv) The Council notes and takes into account the Sustainability Appraisal Post-Adoption Statement (Appendix J)
 - (v) Subject to recommendation (i), Council authorises the Director of Regeneration and Strategy in consultation with the Portfolio Holder to make any additional necessary minor textual, graphical, presentational or layout amendments to the Calderdale Local Plan (2018/19-2032/33) (Appendix E) and the accompanying Policies Map (Appendix F) to finalise the Plan prior to publication.
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