
Report to Calderdale Council

by Katie Child B.Sc.(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 26 January 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Calderdale Local Plan

The Plan was submitted for examination on 11 January 2019

The examination hearings were held in June/July 2019, October to December 2020, June 2021, September 2021 and January 2022

File Ref: PINS/A4710/429/2

Contents

Abbreviations used in this report	4
Non-Technical Summary	5
Introduction	6
Context of the Plan.....	7
Public Sector Equality Duty	8
Assessment of Duty to Co-operate.....	8
Assessment of Other Aspects of Legal Compliance	10
Assessment of Soundness.....	13
Issue 1 – Vision, strategic objectives and spatial strategy.....	13
Issue 2 – Housing need/requirement.....	17
Issue 3 – Employment strategy and policies	23
Issue 4 – Approach to the Green Belt	26
Issue 5 – Growth delivery and infrastructure	29
Issue 6 – Affordable housing, Traveller accommodation and other housing needs .	38
Issue 7 – Retailing and town centres.....	43
Issue 8 – Housing, employment and mixed-use allocations.....	45
• Site assessment	46
• General site allocation matters	49
• Woodhouse Garden Suburb.....	53
• Thornhills Garden Suburb	55
• Brighouse - other housing allocations in the submitted Plan	58
• Elland - housing allocations in the submitted Plan.....	61
• Halifax - housing allocations in the submitted Plan.....	63
• Hebden Bridge - housing allocations in the submitted Plan.....	72
• Northowram and Shelf - housing allocations in the submitted Plan	73

- Ripponden - housing allocations in the submitted Plan 75
- Sowerby Bridge - housing allocations in the submitted Plan 75
- Todmorden - housing allocations in the submitted Plan 78
- Employment allocations in the submitted Plan 80
- Mixed-use allocations in the submitted Plan..... 86
- Additional housing allocation sites..... 89

Issue 9 - Housing supply 96

Issue 10 - Climate change, health and well-being, built and historic environment,
Green Belt and the natural environment and environmental protection policies..... 99

Issue 11 – Minerals 107

Issue 12 – Waste 109

Overall Conclusion and Recommendation 113

Schedule of Main Modifications to the Plan..... Appendix 1

Schedule of Main Modifications to Appendix 1 of the Plan (Site Allocations)
..... Appendix 2

Abbreviations used in this report

AQMA	Air Quality Management Area
CIP	Corridor Improvement Programme
CSTM	Calderdale Strategic Transport Model
DPD	Development Plan Document
dpa	Dwellings per annum
GTAA	Gypsy and Traveller and Travelling Showperson Accommodation Assessment
HIA	Heritage Impact Assessment
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LGS	Local Green Spaces
LHA	Local Highways Authority
MM	Main Modification
MUGA	Multi-Use Games Area
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SPA/SAC	South Pennine Moors Special Protection Area/Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SLA	Special Landscape Area
UDP	Replacement Calderdale Unitary Development Plan (2006 as amended)
WMS	Written Ministerial Statement
WYCA	West Yorkshire Combined Authority

Non-Technical Summary

This report concludes that the Calderdale Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Calderdale Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a ten-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- 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.

Introduction

1. This report contains my assessment of the Calderdale Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2012 (paragraph 182) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019 and July 2021. Paragraph 220 in the NPPF 2021 includes a transitional arrangement which indicates that, for the purpose of examining this Plan, the policies in the NPPF 2012 will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. However, whilst this is the starting point for the examination, in some cases I have determined that Local Plan policies should reflect guidance in the current NPPF in order to ensure they are up to date and can guide forthcoming planning applications. These instances are highlighted in the specific sections below. All references in this report to the NPPF are followed by either 2012 or 2021 and the phrase 'previous' or 'current' PPG is used.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Calderdale Local Plan Publication Draft submitted in January 2019 is the basis for my examination. It is the same document as was published for consultation in August 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendices.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for ten weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and

added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary I have highlighted these amendments in the report. The schedule consists of two documents which are appended to this report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Policies Map – Local Plan Publication Draft (SD02).
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs, in the 'Proposed Changes to the Local Plan Policies Map resulting from the Proposed Main Modifications' document (August 2022).
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in SD02 and the further changes published alongside the MMs.

Context of the Plan

9. The Calderdale Local Plan sets out a strategic framework for growth in the borough and includes site allocations and policies relating to development. As Calderdale is a unitary authority it includes waste and minerals matters. The Plan is intended to replace the saved policies of the Replacement Calderdale Unitary Development Plan (2006) (UDP). The Council is also preparing a separate forthcoming Gypsy, Travellers and Travelling Showpeople Development Plan Document (DPD) that will identify new allocation sites for these groups. The two documents will form the Council's development plan for the borough alongside any Neighbourhood Plans.

10. Calderdale is characterised by extensive areas of high moorland and valleys in the west of the borough, forming part of the South Pennines. Large parts of this area are designated as the South Pennine Moors Special Protection Area/Special Area of Conservation (SPA/SAC) for ecology reasons. The east of the borough is more densely developed, with large historic towns including Halifax and Brighouse and other settlements separated by areas of Green Belt. The borough is part of the Leeds City Region and western Calderdale has links to Greater Manchester.
11. The coronavirus pandemic started after the close of the Stage 1 hearing sessions. Subsequent hearings in 2020, 2021 and 2022 were held virtually via Zoom and were live streamed via YouTube. The impacts of the pandemic for Calderdale and for the Plan's implementation are not yet clear, and this is highlighted at relevant points in this report. Any longer-term effects would be addressed through subsequent Plan reviews, informed by evidence of the actual effects.
12. On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force. This Regulation creates a number of new Use Classes, including Class E, commercial, business and service uses. Modifications to reflect the wider range of uses within Class E are explained in more detail at relevant points in this report.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including accessible and adaptable housing and the accommodation needs of Gypsies, Travellers and Travelling Showpeople. The submitted Plan does not include allocations to meet identified Traveller accommodation needs but I am satisfied that delegation to a separate DPD is a pragmatic approach which does not contravene equality legislation. Further details are set out in Issue 6 below.

Assessment of Duty to Cooperate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. The Council has prepared a Duty to Cooperate Statement which sets out how it has cooperated with other local planning authorities and additional bodies prescribed in the Regulations. There are strong links between the authorities in the Leeds City Region, and regular engagement has taken place through various established groupings. Calderdale is also a member of the West

Yorkshire Combined Authority (WYCA). Bespoke engagement has also taken place with these and other authorities, including the Greater Manchester Combined Authority and other neighbouring Councils in Lancashire. Other duty to cooperate bodies have also been engaged as part of Plan preparation.

16. The Duty to Cooperate Statement sets out details of constructive engagement and resolution of issues on strategic matters including housing, economic development, landscape and renewable energy, water quality and flooding, the natural and historic environment, air quality, minerals and waste. It includes the production of joint evidence on wind turbines and renewable energy development with other Pennine authorities, and joint minerals assessment work with other West Yorkshire authorities. Further detail on minerals work is set out in Issue 11 below. Statements of Common Ground for the Leeds City Region and between Calderdale and Kirklees Council have been produced.
17. Extensive joint-working has taken place between Calderdale Council and Kirklees Council to facilitate development which is planned in south-east Calderdale/north Kirklees. This has included work to develop a joint spatial framework and establish a joint delivery programme. The south-east Calderdale/north Kirklees area has been confirmed as a proposed Spatial Priority Area by WYCA, with the area within Calderdale termed the Garden Village Corridor Spatial Priority Area Cluster. The Council continues to work closely with WYCA to identify investment priorities and funding opportunities in south-east Calderdale and elsewhere in the borough.
18. Close working has also taken place with Highways England, health bodies and other infrastructure providers to identify and facilitate infrastructure needed to support growth.
19. The Council has cooperated with authorities in the Leeds City Region in establishing the Calderdale Housing Market Area and the functional economic market area for Calderdale, and has applied the Regional Econometric Model in employment forecasting work. Discussions have taken place on development needs, and no other authority has indicated it would be able to accommodate any of Calderdale's housing, Traveller¹ or employment land requirements. Other adjoining authorities are at varying stages of Plan preparation, but there are no active requests from these authorities to meet unmet housing, Traveller or employment needs within the borough. The Council is proposing to meet its identified needs within Calderdale.
20. Concerns have been raised by several authorities regarding the production of a separate Travellers DPD and the implications it may have on demand in neighbouring areas. However, Calderdale has continued to engage on this issue and reiterated its intention to progress production of the DPD as soon as

¹ Comprising Gypsies and Travellers and Travelling Showpeople.

the Plan is adopted. Overall, I am satisfied that the Council has complied with the duty to cooperate in relation to this matter. Soundness matters relating to Traveller accommodation are covered elsewhere in this report.

21. Overall, I am 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.

Assessment of Other Aspects of Legal Compliance

Consultation

22. The examination process has been long and the Council has produced a significant number of evidence documents during the course of the examination. This has created challenges for representors and concerns have been raised about the adequacy of consultation on the Plan and associated documents. However, the Council has sought to engage with representors throughout the process, with publicised tranches of consultation on groups of documents. Representors were also provided with an opportunity to take part in or observe at a range of hearing sessions held during 2019, 2020, 2021 and 2022. All consultation stages elicited high level of responses and hearing sessions were well attended by community groups and other participants.
23. The Council has proposed a number of additional allocation sites during the examination process, primarily linked to the increased housing requirement put forward by the Council after the Stage 1 hearings. Further details are set out in Issue 2 below. The additional sites in CC39 were subject to a six-week consultation period and subsequent hearing sessions were held to allow representors to have their say. A similar process was undertaken for the Council's proposed designation of a mixed-use scheme on the Crosslee site in Hipperholme (LP0032). The MMs on the Plan were published in August 2022 for a 10-week period which allowed additional time due to the Summer holidays and for new evidence on infrastructure delivery to be taken into account. Further information on the latter is set out in Issue 5 below.
24. Accordingly, I am satisfied there has been adequate opportunity for people to express their views on the Plan and linked documents. Overall, I am satisfied that consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement 2016 and the relevant regulations. This includes the temporary amendment to the Statement of Community Involvement in 2020 in response to the Covid-19 pandemic and Government regulations.

Sustainability Appraisal

25. The Council has carried out Sustainability Appraisal (SA) of the Plan during various stages of preparation. This includes publication of a SA report alongside the plan at Regulation 19 stage, comprising two sections (SD03.1 and SD03.2). An Addendum to the SA (CC146) was subsequently published capturing reasonable alternative policy and site options assessed during the initial and later stages of plan production. Further SA work (CC33 and CC98) was undertaken on housing and employment requirement options and additional site options linked to the Housing Requirement and Potential Supply Update document in January 2020 (CC39). The SA was updated in 2022 to assess the main modifications to the plan and provide further signposting between the appraisal documents.
26. The SA identifies a range of sustainability issues which have informed development of sustainability objectives. These 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.
27. The SA work has tested a wide range of options and reasonable alternatives. This includes six spatial growth strategies (notions of distribution) in the initial stages of Plan preparation, reflecting variations in levels of growth in the main settlements in the borough. The SA also captures different growth options and a significant number of reasonable alternative site options including potential strategic urban extension sites.
28. Representors have commented on the accuracy and consistency of SA scoring against objectives, in relation to specific options and sites. There is an element of planning judgement involved and assessments need to be read as a whole. Overall, notwithstanding the MMs, I am not persuaded the SA is fundamentally flawed or has led to an inappropriate selection of policies or sites.
29. The SA has been an integral part of the Plan's preparation, ensuring that the likely social, economic and environmental effects of the policies and proposals within it have been identified and appraised. The SA results have fed into the development of the Plan along with technical work and a range of other evidence. The role of SA is to inform the selection of options, but the results by themselves may not always be determinative. 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

30. The Council's Habitats Regulations Assessment (HRA) January 2019 (SD12.4-6), including Appropriate Assessment, sets out the assessment results of the submitted Plan. It is accompanied by two Addendums (CC13 and CC36) which focus on recreational and urban edge impacts on the South Pennine Moors SPA/SAC. A further Addendum produced in January 2022 (CC149d) covers air quality implications of traffic growth from the Plan on the SPA/SAC.
31. HRA Addendums CC36 and CC149d take account of the higher housing requirement and additional sites proposed by the Council in CC39 (see Issues 2 and 8 below for details). As such the Council's HRA Statement published at the Main Modifications stage confirms that further HRA work on the Main Modifications is not necessary. Natural England has confirmed they are satisfied with the Council's HRA of the Local Plan Main Modifications.
32. 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. Mitigation wording includes amendments to Policy GN1 to refer to the provision of green infrastructure to avoid increased recreational disturbance on the SPA/SAC (**MM116**) and to Policy GN3 to specify the need to avoid recreational disturbance and urban edge effects and provide mitigation where appropriate (**MM117**). Following advice from Natural England, further changes have also been made to the published modifications relating to paragraph 16.54 (**MM99**). **MM99** in the attached schedule refers to avoidance/mitigation measures rather than 'overriding public interest' as the latter is likely to be less relevant in the case of affordable housing. The amendment clarifies matters and ensures effectiveness, but does not change the overall approach to proposals that may affect the SPA/SAC. Modifications are also needed to site-specific policies where sites lie within 2.5 kilometres of the SPA/SAC, to identify this constraint and associated mitigation measures. This is covered in Issues 5 and 8 below.

Other aspects of legal compliance

33. The Plan has been prepared in accordance with the Council's Local Development Scheme, although the adoption date of the Plan is later than anticipated. This is due to additional work and consultation stages being required after the Stage 1 hearing sessions in 2019 and further hearing sessions being necessary. Delays were also experienced due to the Covid-19 pandemic.

34. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Local Planning Authority's area.
35. The Plan, taken as a whole, includes policies designed to ensure that the development and use of land in Calderdale contributes to the mitigation of, and adaptation to, climate change. This includes policies on climate change, water management, renewable energy, health and well-being, green and blue infrastructure and sustainable transport. These are covered in further detail elsewhere in this report.
36. Appendix 5 in the submitted Plan confirms that the Local Plan will supersede policies in the adopted UDP.
37. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

38. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 12 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Do the vision, strategic objectives and spatial development strategy and policies in the Plan provide a positive and soundly based framework that will contribute to the delivery of sustainable development? Does the Plan cover an appropriate period of time?

Vision and strategic objectives

39. The vision and strategic objectives in the Plan seek to manage growth and change and meet the needs of local people, whilst protecting the distinctive Pennine environment. The vision and objectives provide an appropriate framework for the delivery of sustainable development and are clearly articulated.
40. The vision and objectives are supported by Policy SD1 which reflects the presumption in favour of sustainable development which is at the heart of the

NPPF. Given this centrality, modifications in **MM1** are necessary to futureproof the policy and ensure consistency with the amended wording in the NPPF 2021.

41. Policy SD2 sets out a series of sustainable principles but these are largely a repetition of the strategic objectives and are not intended to aid decision makers. As such they are superfluous and not justified and should be deleted (**MM2** and **MM3**).

Spatial development strategy

42. The spatial strategy in section 6.2 in the Plan seeks to distribute growth based on a range of factors. It includes settlement size and function as a key driver, but also takes account of physical and environmental constraints such as topography, flooding and ecology, and strategic issues relating to infrastructure provision, sub-regional investment opportunities and regeneration. The availability of sites is also a key factor. This 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.
43. The spatial distribution, as set out in modified Table 6.10 on housing (**MM19** and **MM20**) and modified Table 6.11 on employment (**MM22**²), shows that growth will be focused in Brighouse and the south-east of the borough, with significant development also delivered in Halifax. The focus in the Brighouse area allows housing development to be aligned with employment growth and take advantage of proximity to the M62 and planned investment in key transport corridors. It also aligns with the Council's joint vision with Kirklees Council for transformational growth and development in south-east Calderdale/north Kirklees and its designation by WYCA as a Spatial Priority Area. Halifax has environmental constraints to the north and west of the town, including proximity to the SPA/SAC, which affects the supply of new suitable sites. However, the town is still due to accommodate a significant amount of growth over the Plan period and will remain the primary settlement in Calderdale.
44. The focus of development in the eastern part of the borough involves the release of land from the Green Belt. However, the non-Green Belt western part of Calderdale is less sustainably located and distant from the main centres of population in the borough. It includes extensive areas of high moorland within the SPA/SAC and has other environmental constraints including topography and flood risk which limit the supply of suitable sites. Green Belt matters are covered in detail in Issue 4 below where it is concluded that there are exceptional circumstances in principle to justify the release of Green Belt sites.

² The modifications to the tables take account of updated supply estimates and other site-specific modifications elsewhere in this report.

45. The Plan identifies two strategic 'Garden Suburb' housing allocations on the edge of Brighouse to realise the spatial strategy. The general strategy of focusing development in larger 'Sustainable Urban Extensions', rather than 'pepper-potting' over 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. It also aligns with priorities to deliver transformational growth and regeneration in south-east Calderdale/north Kirklees, as referred to above. The suitability and deliverability of the Garden Suburbs and other individual allocations are covered later in this report.
46. Some development is also identified in other towns and villages which offer proximity to jobs and services, benefit from strategic transport routes and where there are suitable available sites. This includes Shelf and Greetland which are large villages with a range of facilities. Shelf is located on a key strategic transport corridor to Bradford, and Greetland benefits from proximity to Elland and transport links. 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. Further assessment work will be required as part of the planning application process but I am satisfied there is a reasonable prospect that development will be feasible and supported by necessary infrastructure. Further detail on air quality, transport and other infrastructure matters is set out in Issue 5 below.
47. Taking account of all factors, I consider 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.
48. The key diagram in the Plan illustrates graphically the distribution of growth and the transport network. Changes are needed to reflect modifications covered elsewhere in this report, including the removal of junction 24a (see Issue 5) and additional allocations in Elland and Northowram and Shelf areas (see Issues 2 and 8). These changes were omitted in error from the published modifications schedule. The changes to the key diagram are included as **MM23a** in Appendix 1 attached to this report.
49. The settlement hierarchy in Table 2.1 in the Plan provides a broad overview of settlement sustainability. As described above it is one of the sources of information that has informed the spatial distribution of growth. It is supported by evidence in the Settlement Hierarchy Methodology and Results papers 2013 (CC78 and CC79). Although these papers date from a number of years ago and scorings may have altered, there is no evidence to suggest the broad groupings have changed as a result.

50. A number of smaller settlements are not listed in the hierarchy and are categorised as part of a wider urban area. Although relative sustainability scores in these areas are lower than town centres, having regard to proximity and transport links to larger settlements I consider the groupings are justified. The Council's site assessment work also confirms that the sustainability of each individual settlement was taken into account when looking at the suitability of specific site options during preparation of the Plan.
51. Overall, it is considered that the spatial development strategy is robustly based, facilitates development in sustainable locations and supports other strategic objectives, whilst protecting the environment.

Spatial policies HS1, GB1 and GB2

52. The spatial development strategy is supported by spatial policies HS1, GB1 and GB2 which establish a framework for growth in different parts of the borough.
53. Policy HS1 sets out the general approach to development proposals on non-allocated sites. The Council has confirmed that it is intended to apply within settlements rather than the Green Belt or other areas of countryside. In order to be clear and effective this should be specified in the supporting text. Criterion i in the policy is overly restrictive and could prevent development coming forward on sustainable sites within built-up areas. It is contrary to the strategic priorities in the Plan and is not justified and should be deleted. These changes are captured in **MM94** and **MM95**.
54. Modifications are needed to align Policy GB1 with paragraphs 149 and 150 in the updated NPPF 2021. This is necessary as the policy is central to the Plan's spatial strategy and consistent wording on inappropriate development in the Green Belt will avoid confusion. This will be realised through **MM113** and **MM114**.
55. Policy GB2 sets out the type of development that may be appropriate in the non-Green Belt countryside around Todmorden. The criteria should be modified for reasons of effectiveness to clarify that affordable housing and limited infilling or re-development of brownfield land are classified as exceptions that may be permitted (**MM115**).

Plan period

56. Paragraph 157 in NPPF 2012 states that Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon. The Calderdale Plan covers the period 2018/19 to 2032/33 and therefore encompasses a 15-year period. However, the Plan is likely to be adopted in early 2023 and as such will cover a 10-year period from adoption.

57. The current UDP dates from 2006. As such there is an urgent need for a new Plan to identify further housing sites and meet identified needs. The examination of the submitted Local Plan has been protracted and it is considered that the benefits associated with getting a new Plan in place as soon as possible would outweigh those associated with planning for a longer timescale. Furthermore, the submitted Plan identifies a number of strategic housing sites that are predicted to be partly delivered beyond 2033, thereby providing an element of supply in the post-Plan period. Therefore overall, taking account of the fact that Calderdale is a transitional Plan, I conclude that the Plan's timescale is appropriate and consistent with the NPPF 2012.

Conclusion

58. In conclusion, subject to the aforementioned modifications, the vision, strategic objectives and spatial development strategy and policies in the Plan provide a positive and soundly based framework that will contribute to the delivery of sustainable development. The Plan covers an appropriate timescale that is consistent with national policy.

Issue 2 – Is the Plan's identified housing requirement of 12,600 dwellings between April 2018 and March 2033 (840 per year) soundly based? If not, and an alternative level of growth is justified, what implications does this have for the Local Plan?

Housing Market Area

59. The Council's Strategic Housing Market Assessment (SHMA) 2015 identifies Calderdale as a relatively self-contained Housing Market Area. This is supported by the Leeds City Region Housing Market Areas Report (2016). Based on the evidence before me regarding migration and travel to work patterns, I am satisfied that the identified Calderdale Housing Market Area is a credible and robust basis for assessing housing needs.

Housing need/requirement

60. The submitted Plan identifies 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 figure is based on the Council's calculation of minimum housing need at the point of Plan submission,

using the methodology in the current PPG on Housing and Economic Needs Assessment and linked to paragraph 61 in NPPF 2021³.

61. The Calderdale Plan, however, is subject to transitional arrangements and therefore the policies in NPPF 2012 apply. The NPPF 2012 and previous version of the PPG set out a different approach to calculating housing need, which involves assessing 'full objectively assessed housing needs' informed by SHMAs. Nonetheless, paragraph 220 in NPPF 2021 does not specifically censor policy in the NPPF 2021 being applied to transitional plans. Furthermore, although the previous PPG strongly advocates the SHMA-based approach it states that '*Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.*' As such, the 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.
62. The soundness of the figure of 840 dpa, based on the standard methodology, is considered in the following paragraphs. The current PPG states that '*there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates*' and refers to situations where increases in housing are likely to exceed demographic trends due to growth strategies or strategic infrastructure improvements or where changing economic circumstances may affect demographic behaviour. It also states that authorities should take account of up to date SHMAs which identify significantly higher needs than the current standard method. These factors are looked at in turn below.
63. The Council is part of the Leeds City Region which benefits from an agreed Growth Deal and other funding overseen by WYCA and the Local Economic Partnership. A range of strategic transport interventions are either committed or are progressing through the WYCA delivery assurance process. This includes the provision of a new railway station in Elland and strategic improvements to the A641, A629 and A58/A646 corridors.

³ At the Stage 1 hearing the Council conceded errors in the calculation of minimum housing need and indicated the figure was 822 dpa rather than 840 dpa (using the draft Plan publication date of 2018 as the starting point for projections and the latest affordability ratio available at that point, in line with the current PPG). Notwithstanding this the Council indicated that 840 dpa should be retained as the housing requirement figure in the Plan. This position was overtaken by subsequent events which are discussed in this section.

64. The submitted Plan reflects the ambitions in the Leeds City Region Strategic Economic Plan and makes provision for above baseline economic growth, linked to the programme of economic interventions and strategic transport investment in the sub-region. The Strategic Economic Plan is in process of being replaced with the Strategic Economic Framework, but the initial Framework Vision document indicates that the broad ambitions for growth remain. The submitted Plan identifies a need for 73 hectares of new employment land based on the 'policy-on plus transport' scenario in the Council's Employment Land Study 2018 and with further supply in excess of this to allow for choice and flexibility. Further detail is set out in Issue 3 below. Conversely, the Council's Employment Land Study 2018 shows that a slightly higher housing requirement of 872 dpa⁴ would only give rise to an employment objectively assessed need of about 47 hectares.
65. The Council's SHMA 2018 identifies a need for 970 dpa based on demographic projections and market signals. It also suggests a need for 1,001 dpa to support baseline employment growth and 1,129 dpa in connection with 'policy-on' growth⁵. It highlights the ageing population in Calderdale and the role that additional housing plays in providing further working age residents to support jobs growth. These factors indicate that actual housing need may be higher than the standard methodology indicates. Furthermore, the evidence indicates that the amount of housing and employment in the Plan are not aligned.
66. Following the Stage 1 hearings the Council proposed in CC39 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. Calderdale Council is signed up to delivery of the Leeds City Region Strategic Economic Plan/Framework and planned investment in jobs and infrastructure through the Growth Deal and other funding. In principle, the proposal to increase the housing requirement, rather than reduce employment growth, is a reasonable and justified response taking account of all factors. The SA of the options in CC33 shows a range of positive social and economic impacts linked to the preferred approach.
67. The figure of 997 dpa is informed by evidence on growth scenarios in documents CC63 and CC63b, taking account of changes in fertility, mortality and international migration rates linked to the ONS 2018-based household

⁴ Linked to projected housing figure in the SHMA 2015.

⁵ 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.

projections. In CC63b it is concluded that 869 dpa would support baseline growth and 999 dpa would support policy-on growth⁶.

68. The 2021 census population figures were recently released for local authority areas. They indicate low rates of growth between 2011 and 2021 in Calderdale. However, as outlined in the previous version of the PPG, household projections published by Government should provide the starting point for estimate of overall housing need. The latest official household projections are the 2018-based figures. The date of the next release of household projections has not been confirmed but there are currently indications it may be in early 2024. In the absence of updated household projections there is no confirmed evidence regarding the potential extent of change from the 2018-based, 2016-based or 2014-based household projections. Furthermore, the current Calderdale Plan dates from 2006 and there is a need to secure an updated Plan in order to facilitate the release of land for housing and meet identified needs. The submitted Plan has been undergoing examination process for a number of years under transitional arrangements. Taking account of all factors in the round I consider that the most pragmatic course of action is to use the published household projections and to avoid any further pauses in the examination process.
69. Identifying housing needs is not an exact science and the links between housing and jobs growth are complex. Employment forecasting is also subject to some inherent uncertainties. However, having considered all of the evidence before me I consider that the policy-on employment forecasting and updated assessment work in CC63/63b provides a reasonable basis for informing Calderdale's housing needs over the Plan period. The Council's evidence captures a wide range of recent data and incorporates robust assumptions relating to demographic and economic trends. The policy-on modelling allows for increased productivity linked to the increased inflow of working-age people and higher economic participation rates. Further improvements linked to up/re-skilling of the workforce are not taken into account in the economic forecasting work. However, these improvements are difficult to predict and quantify, and I am satisfied that the implications of changing labour-force behaviours could be reasonably considered through future Plan reviews. This may also include future changes to employment rates or commuting dynamics resulting from better employment opportunities.
70. The figure of 997 dpa broadly aligns with the updated policy-on growth forecast of 999 dpa in CC63b. 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

⁶ CC63 and CC63b followed on from CC21 which appraises employment, population and demographic trends aligned to the Plan period, taking account of revised datasets on employment activity rates, unemployment rates and double jobbing rates, and assumptions on fertility, mortality and migrant profiles linked to the 2016-based ONS population projections.

Leeds City Region. It would also help to provide housing choice and deliver additional affordable housing.

71. The delivery of 14,950 dpa will require higher rates of net in-migration than historically recorded on average. However, the rates are not without precedent as the Council's hearing statement points to required rates being exceeded in 2018/19. 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.
72. The Council has indicated in CC134 that the new evidence in CC21 and CC63/CC63b overrides the previous approach in the Plan linked to the current standard methodology and provides a SHMA-based housing need/requirement figure consistent with transitional arrangements. Taking account of all of the evidence before me, including the updated minimum housing need figures in CC134, I accept the broad principle of this position. The Calderdale Plan is a transitional plan, and the starting point is that the policies and provisions in NPPF 2012 apply. CC63/CC63b in association with CC21 provide a clear assessment of demographic and employment trends in line with NPPF 2012 and takes account of 2018-based household projections. Paragraph 1.8 in CC21 indicates that the further evidence is intended to provide an update to the SHMA 2018.
73. 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 Council's updated policy-on jobs growth forecast is linked to current strategies and investment plans and priorities within the Leeds City Region and a coordinated programme of jobs growth and development supported by individual authorities including Calderdale. Overall, notwithstanding inherent uncertainties with jobs growth forecasting, I consider it 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.
74. In summary, the Council's updated evidence in CC21 and CC63/CC63b provides an appropriate basis for planning for growth which is consistent with the NPPF 2012 and linked guidance and is based on transitional arrangements. The proposed amended 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. The higher housing requirement will involve the release of land from the Green Belt, but under Issue 4 it is concluded that exceptional circumstances are demonstrated. Furthermore, in Issue 5 it is concluded that this level of growth can be supported by appropriate infrastructure and will not result in significant adverse environmental impacts.

75. Main modifications are needed to Policy SD3 for reasons of soundness, to specify the higher housing requirement figure of 14,950 dpa and clarify it is a minimum net figure (**MM8**). Changes are also needed to the supporting text, to refer to the updated SHMA evidence and objectively assessed need (**MM4** and **MM5**). Consequential amendments are needed to the need/supply tables and housing trajectory in the supporting text (**MM7**, **MM10** and **MM12**). These changes will ensure the Plan is positively prepared, justified, effective and consistent with national policy.
76. The Council's updated housing trajectory in CC125d 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 Plan includes a significant supply of homes on strategic sites which are likely to be delivered later in the Plan period. Notwithstanding some small modifications to the supply figures outlined later in this report, the stepped rates reflect step changes in the level of housing expected to be delivered across the Plan period and are justified. Main modifications are necessary to reference the stepped rates and associated periods in Policy SD3 and the supply workings and trajectory in the Plan (**MM7**, **MM8**, **MM9** and **MM10**). Although the correct stepped rates are included in modified Policy SD3, the supporting table in published modification **MM7** incorrectly refers to a mid-rate of 900 dpa rather than 950. I have updated **MM7** in the attached schedule in order to align with modified Policy SD3 and ensure the Plan is internally consistent. I am satisfied that the change is not prejudicial as the main policy is correct.

Conclusion

77. In conclusion, 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. These modifications are needed to ensure the housing requirement is soundly based.
78. The Council's supply work confirms that there would be a significant shortfall in supply from allocations in the submitted Plan and other confirmed sources to meet the higher housing requirement of 14,950. On this basis further housing allocations are necessary. Additional sites proposed by the Council to meet this gap are considered in the last section of Issue 8 below. Final conclusions regarding overall housing supply are covered under Issue 9.

Issue 3 – Does the Plan set out a positively prepared strategy and policies for the delivery of employment growth and development which is justified, effective and consistent with national policy?

Functional Economic Market Area

79. Evidence in the Employment Land Study 2018 shows that Calderdale has relatively high levels of commuting self-containment at or around 70%. The ONS Study 2015 identifies Calderdale as effectively comprising the Halifax Travel to Work Area, although there are strong links with Bradford and Kirklees. The Employment Land Study also highlights higher than regional average jobs density rates in Calderdale and high rates of migration self-containment with more than 70% of residents who move remaining in the borough. Taking account of all factors in the round I conclude that Calderdale comprises an effective Functional Economic Market Area.

Employment land requirement and supply

80. The Council's Inclusive Economy Strategy 2018 seeks to support the borough's economy and create growth that benefits everyone. New employment land and investment in transport infrastructure are identified as key priorities that will assist growth and investment and facilitate access to good jobs. The Strategic Economic Plan/emerging Framework also seek to deliver new jobs and growth in the Leeds City Region. WYCA has identified a number of Spatial Priority Areas as key locations for development and investment, including the Garden Village Corridor SPA cluster and Halifax town centre. Clifton Business Park (site LP1232) is in the Enterprise Zone Programme.
81. The Employment Land Study 2018 identifies a range of employment land growth projections based on econometric demand-led projections, labour supply forecasts and past take-up rates. The associated projections range from 46 to 78 hectares of new employment land over the Plan period. On the basis of this evidence the Plan identifies an objectively assessed need and requirement for 73 hectares of employment land within the Plan period. This is linked to the 'policy-on plus transport' jobs growth projection and takes account of future interventions in skills and opportunities and strategic transport infrastructure planned in the sub-region. It aligns with the Strategic Economic Plan's forecast of 35,700 additional jobs in the Leeds City Region between 2016 and 2036, based on above baseline forecasts. It uses the Regional Econometric Model which is an established and recognised model applied across the sub-region.
82. 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. As such the labour supply forecasts for the housing requirement of 997 dpa could be expected to be slightly lower than the figure of 73 hectares. However, forecasting employment growth is not a precise science and the

Inclusive Economic Strategy outlines a need for more business opportunities and better quality jobs in the borough. The Employment Land Study also indicates that past take-up rates have been higher than 73 hectares. 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.

83. The jobs growth forecasts in the Employment Land Study are translated into land requirements using established floorspace and plot density ratios. The methodology incorporates an allowance for the replacement of employment land lost to other uses and a margin of flexibility reflecting two years of take-up rates. The former seeks to address reductions in the Council's land portfolio and the impact on choice within the market. It is informed by local completions/loss evidence over a reasonable period and takes account of anomalies. The modest margin of flexibility is intended to allow for uncertainties and delays in sites coming forward. The general methodology is considered to be appropriately based.
84. In summary, the identified requirement for an additional 73 hectares of employment land is justified. Employment forecasting has inherent uncertainties, and the effects of leaving the EU and the Covid-19 pandemic are not yet fully known. However, overall, I consider the forecast has a degree of aspiration but is broadly realistic, with a reasonable prospect of delivery. Future plan reviews will provide an opportunity to re-appraise matters and address any changes. It will also provide an opportunity to review any changes in economic activity rates and commuting dynamics linked to the provision of better employment opportunities, and economic implications linked to ONS population and household projections following the 2021 census.
85. The updated employment land supply table in the published modifications indicates that about 109 hectares will come forward over the Plan period from a range of sources including completions, extant permissions, employment allocation sites, mixed-use sites and intensification in Primary Employment Areas. In Issue 12 below I have concluded that the employment allocation at Lacy Way Elland should be reinstated through further modifications to the published schedule. Inclusion of this site will increase total supply to some 112 hectares and increase supply on allocation sites from 92 to 95 hectares. I have therefore made consequential further adjustments to the published modified supply table, supporting text, Policy SD4 and paragraph 14.10 in Appendix 1 to this report. These changes in **MM14**, **MM15**, **MM17**, **MM22**, **MM23**, **MM24** and **MM78** will ensure the Plan is effective.
86. I have also made further minor corrections to the indicative developable area totals for Halifax, Brighouse and Elland (and the total) in **MM15** in the attached schedule. The changes are small and are necessary to align with the published modified site figures in Policy SD5 and Appendix 1 to the Plan.

87. The Council's supply work has been informed by a detailed assessment of the suitability and condition of existing stock and potential employment sites. Some of the employment allocations are currently on Green Belt land. However, in Issue 4 below it is concluded that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver identified employment needs. The suitability of specific employment allocation sites and their release from the Green Belt where relevant is covered in Issue 8 below.
88. The identified provision of 112 hectares is higher than the identified requirement of 73 hectares and historical take-up rates. However, it allows for the potential non-delivery of some commitments or sites within the Plan period as well as providing flexibility and market choice. It also deals with identified qualitative issues, including a shortage of good quality small and medium sized industrial premises and problems with the suitability of current employment stock. Significant interventions and investment are planned in the Leeds City Region that could lead to growth in employment land take-up. The Council has also highlighted that employment need forecasts do not include B8 sites involving land only, for example storage of buildings materials or caravans/vehicles.
89. Overall, the level of provision is considered to be soundly based and would allow identified needs to be met. The take-up rate and availability of sites will continue to be monitored and reviewed throughout the Plan period.
90. Changes are also needed to Policy SD4 and supporting text, to reflect the Use Classes Order changes and ensure consistency with national policy. This includes deletion of reference to Use Classes B1a/b/c and replacement with the new commercial Use Class E(g)i/ii/iii and related descriptions. References to 'B uses' should also be amended. These changes are covered in **MM13, MM14, MM17, MM18** and **MM21**. Changes to Policy EE1, Policy HS7 and parking standards in Annex 1 are also needed for the same reasons (**MM78, MM79, MM103** and **MM139**). Consequential changes in the allocation sites policies are covered in Issue 8 below.
91. I have made further changes to the parking standards in **MM139** in the attached schedule to include Use Class title changes for non-residential and cycle parking standards. These were omitted from the published MM schedule in error. The changes are minor, do not alter the standards themselves and are necessary to ensure alignment with national policy and the other MMs.
92. Permitted changes can take place within new Use Class E that may lead to the loss of employment and premises. The Council has indicated that it will use planning conditions where appropriate to restrict change of use where employment development is permitted on allocated sites. The approach outlined in modifications to Policy SD5 (**MM16**) is supported by evidence on employment needs and is necessary to make the Plan effective.

Employment policies

93. Policies EE1 and EE2 set out the Council's strategy for employment development across the borough, along with Policy SD5. Amendments are needed to Policy EE1 to clarify that complementary uses that provide small-scale ancillary services may be appropriate on employment sites. Such small-scale uses can support employment areas/sites without resulting in significant loss of employment land. The amendments will ensure the policy is effective (**MM78**, **MM79** and **MM140**).

Regeneration Action Areas

94. Modification **MM27** identifies two future regeneration sites in the centre of Brighouse and Todmorden. The sites are largely brownfield and have a number of constraints including areas of high flood risk and land assembly. However, the sites benefit from proximity to the town centre and the Brighouse site contains some existing commercial/residential premises. Mixed-use re-development could make a significant contribution to the objectives of the Brighouse Vision Masterplan and Town Investment Plan and the Todmorden Investment Plan.
95. As such, I consider that identification as Regeneration Action Areas rather than allocation sites is a pragmatic way to signal future potential and provide clarity on the Council's vision for the sites. It would help to support effective delivery and potential future funding bids. There is no evidence before me of other similar centrally located non-allocated sites across the borough which are available and could be suitable to designate as Regeneration Action Areas.

Conclusion

96. In summary, subject to the above modifications, it is concluded that the Plan sets out a positively prepared strategy and policies for the delivery of employment growth and development which is justified, effective and consistent with national policy.

Issue 4 – Do exceptional circumstances exist in principle to justify the release of land from the Green Belt for housing and employment? Are other proposed changes to the Green Belt justified and consistent with national policy?

97. The eastern and central part of the borough outside the built-up area is designated as Green Belt. The western part of the borough around Todmorden does not fall within the Green Belt.

98. The first section below looks at the principle of releasing land from the Green Belt for housing and employment use. The second section considers other proposed changes to the Green Belt boundary, including changes linked with villages in the Green Belt, consequential changes and minor alterations. The proposed allocation of waste management and mineral sites in the Green Belt is covered elsewhere in this report under Issues 11 and 12.

Principle of exceptional circumstances for the release of land from the Green Belt for housing and employment development

99. The Council has carried out a thorough assessment of potential capacity to accommodate housing and employment development in the borough. This work is based on evidence in the Strategic Housing Land Availability Study (2014) and Employment Land Study, and further refined by site allocation assessment work undertaken as part of plan preparation. The Council has sought to optimise site densities as part of this process whilst adjusting capacity to take account of site-specific constraints and other factors. Reasonable density multipliers seeking higher rates in town centres and accessible locations were used as a starting point, with bespoke assessments applied where feasible.
100. The assessment work shows that there is insufficient capacity within built-up areas or on suitable, deliverable and available non-Green Belt sites in the countryside in the area around Todmorden to deliver the identified housing requirement and employment land needs. As set out in Issue 1, the supply of suitable sites in the west of the borough is constrained by a number of factors, including topography, flooding and the SPA/SAC. Suitable and deliverable non-Green Belt sites in the west of the borough were selected before options in the Green Belt.
101. The NPPF 2012 states that Green Belt boundaries should only be altered in exceptional circumstances. The Council is aiming to meet identified housing needs in line with national policy and to deliver employment needs within the borough. The Council has held discussions with other authorities about accommodating needs but many of these authorities also have Green Belt land. The Leeds City Region Statement of Common Ground confirms that authorities in the sub-region have agreed to accommodate their own identified needs. The delivery of identified housing needs within Calderdale would help to provide homes for people and facilitate the delivery of additional affordable housing. The release of Green Belt land for employment would allow the Council to deliver its employment strategy and meet employment needs by offering a range of job opportunities. Without the release of Green Belt land in Calderdale a substantial amount of new dwellings and employment floorspace would not be delivered. Furthermore, the release of Green Belt land would align with the spatial strategy in the Plan which seeks to focus development in the eastern

part of the borough where there is access to jobs and services, planned investment in infrastructure and higher market demand for employment space.

102. The Council has identified that 489 hectares would be released from the Green Belt. This includes some 371 hectares of land for housing and employment allocations (including the additional housing allocations). Site-specific modifications elsewhere in this report would reduce this figure slightly. The total figure of 489 hectares equates to about 2% of the total Green Belt land area in the borough. The proposed reduction is therefore relatively small and the overall integrity of the Green Belt would remain. The Council has identified its commitment to a number of environmental, access and open space projects in the Green Belt that will enhance the beneficial use of the Green Belt in line with paragraph 81 in the NPPF 2012.

103. 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. The demonstration of exceptional circumstances on a site-by-site basis is covered in Issue 8.

Other changes to the Green Belt

104. The Council proposes that a number of villages currently 'washed over' by the Green Belt should be removed from the Green Belt by insetting them. As identified in EV09, these villages contain an extensive amount of existing development which compromises openness and/or urbanises the countryside. Their proposed removal from the Green Belt is justified and consistent with paragraph 86 in NPPF 2012.

105. A number of other minor changes to the Green Belt boundary have been proposed to remove irregularities and take account of circumstances on the ground. These are detailed in the Schedule of Minor Boundary Changes to the Green Belt (CC48) and Additional Changes document (CC48.2) as shown on the Policies Map.

106. When drawing up and refining the Green Belt boundary, the Council has sought to exclude the main built-up areas from the Green Belt and use clear defensible boundaries where possible. This means that in some cases the Green Belt boundary may not align with land ownership boundaries. Where there are no existing defensible boundaries the Council has drawn the boundary between clearly defined points such as building edges to allow ready identification. The Council's approach is logical and consistent with national policy. The changes identified will ensure the Green Belt boundary is robust and justified.

107. The Council has put forward a number of consequential changes to the Green Belt boundary linked to allocation sites. The changes are outlined in CC48.1 and relate to isolated areas that no longer satisfy the purpose of including land in the Green Belt or where a stronger defensible boundary is needed. The proposed deletions from the Green Belt are logical and justified. The amendments will need to be captured on the adopted Policies Map.
108. The Plan does not identify safeguarded land. The Council has elected to consider the issue of further releases of Green Belt land through future Plan reviews, citing uncertainty about forecasting long-term development needs. The Council's approach is pragmatic and consistent with Green Belt policy in the NPPF 2012.

Conclusion

109. It is concluded 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.

Issue 5 – Does the Plan set out a robust and viable framework for the delivery of growth and infrastructure?

Air quality

110. Calderdale has a number of designated Air Quality Management Areas (AQMA) across the borough. These are identified by the Council based on a range of evidence and are not a matter for determination through the Local Plan process. The Council has produced an Air Quality Action Plan and is a signatory to the West Yorkshire Low Emissions Strategy 2016-21.
111. The Council has undertaken air quality assessment work relating to growth proposed in the Plan over the Plan period. This is predominantly set out in the Local Plan Air Quality Assessment (CC132 and CC132a), Air Quality Assessment Supplementary information (CC151) and two Air Quality Technical Notes (CC157 and CC160). The work takes account of the modified housing requirement.
112. The Council's air quality assessment work applies detailed atmospheric dispersion modelling to predict pollutant concentrations of nitrogen dioxide and particulate matter (PM₁₀ and PM_{2.5}), taking account of cumulative growth. It focuses on areas potentially 'at risk' of significant effects, based on traffic data and air quality monitoring, and factors in nearby growth in Kirklees and Bradford. It incorporates verification work to allow modelled and monitored

results to be compared and adjusted, and further sensitivity testing relating to locations in West Vale, Clifton and Brighouse.

113. The Council's air quality work is a strategic-level assessment for Local Plan purposes, and as such is not intended to provide the same level of detail as a site-specific Air Quality Assessment. It strikes an appropriate balance between these demands and sets out data relating to the AQMAs and other key locations in the borough selected on the basis of reasonable criteria. Traffic datasets are derived from the Calderdale Strategic Transport Model (CSTM), and in the section below I have concluded it is a valid model for current Local Plan work. Assumptions in the air quality work regarding traffic flow increases linked to Smart Motorway schemes are based on observed evidence and roadside projection factors up to 2030 are derived from Government. The assessment of receptors at 4 metres from the roadside is an appropriate starting point for strategic-level air quality modelling work. The verification process allows adjustment factors to be applied for distinct zones and reduces uncertainty, as does the further sensitivity work for the specific areas.
114. Taking account of all matters raised and all evidence before me, I conclude 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. It is not intended to provide detail about the micro-environment and further site-specific air quality assessment work will be required as part of the planning application process.
115. The results show that there will be some improvements and deteriorations in air quality in the study area over the Plan period. However, the vast majority of the deteriorations are due to growth linked to the Kirklees and Bradford Local Plans. The Calderdale Local Plan is predicted to have a more limited effect. Furthermore, in most cases the scale of the deteriorations are small and pollutant levels will not be close to the annual mean national air quality objective limits⁷. The results for Brighouse show that the average annual mean concentration of nitrogen dioxide will be higher but there will be a slight reduction in the maximum annual mean concentration. This is attributed to predicted divergence of some lorries via Armytage Road due to higher traffic levels on the main route. If this divergence does not occur it would mean a slight adjustment in the maximum mean concentration but would not result in exceedance of the air quality objectives.
116. The air quality work shows that annual mean national air quality objectives will not be exceeded in any of the AQMAs or other constrained locations in the borough at the end of the Plan period. The work shows that there will be 12 new receptors in Kirklees/Bradford where annual mean national air quality

⁷ As set out in the Air Quality Standards Regulation 2010 which transposes the retained EU law 'Ambient Air Quality Directive' 2008/50/EC.

objectives will be exceeded (12 relating to nitrogen dioxide and one location where particulate matter objectives will also be exceeded). However, this is linked to growth in the Kirklees and Bradford areas and the Council's evidence indicates that traffic flows outside the borough and the verified modelled area are subject to a high degree of uncertainty as key links only are presented and junction and capacity constraints are not built in. Therefore, the results outside Calderdale cannot be relied on and are not a determinative matter in the examination of the Calderdale Plan.

117. Further assessment in CC157 looks at the time series between 2019 to 2032 and indicates that compliance in terms of nitrogen dioxide will be attained by 2022 in the AQMAs and other modelled constrained locations. The use of the four areas with the highest predicted pollutant levels in 2032 is a suitable proxy and provides a reasonable broad assessment. It also shows that the Plan will cause only small changes in nitrogen dioxide at Defra's Pollution Climate Mapping compliance link receptors for West Yorkshire and Yorkshire and Humberside and that compliance with air quality objectives on these links will be attained by 2020/21. Much of the predicted improvement in air quality is linked to the future shift to electric vehicles and Government plans to ban the sale of new diesel and petrol vehicles.
118. The Council's air quality work indicates that the Local Plan 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. As set out above, the Council's HRA air quality work also shows that traffic levels associated with the Local Plan will not have an adverse effect on the integrity of the SPA/SAC. The Plan includes other policies that will help to improve air quality or mitigate impacts, including those relating to sustainable transport and the provision of green infrastructure. Site-specific policies also specify the need for Air Quality Assessments and further mitigation measures where air quality is likely to be a key issue. Further detailed assessment will be needed in certain cases through the planning application process, as outlined in Policy EN2. Further detail relating to site-specific policies and Policy EN2 is covered in Issues 8 and 10 respectively within this report.
119. Air quality limit levels in England may alter in the future. However, the Environment Act 2021 does not currently alter the air quality objectives in the Air Quality Standards Regulations and secondary legislation is required. As such, the Council's use of current national limit levels is appropriate and justified.

Infrastructure

120. The Council's Infrastructure Delivery Plan (IDP) 2020 identifies a range of infrastructure considered to be essential to support the delivery of sustainable growth over the Plan period. It is supplemented by further updates relating to

transport requirements (CC123) and education needs (CC121 and CC161). The work takes account of the modified housing requirement figure.

121. The IDP work identifies a number of significant local transport schemes needed to support future growth, including corridor improvements to the A641 and A629 and provision of a new railway station at Elland. The WYCA Plus Transport Fund Growth Deal will provide a key source of funding and many schemes are in the process of developing business cases. Other funding will be provided by the Leeds City Region Transforming Cities Fund, developer contributions and other transport bidding opportunities.
122. The A641 Corridor Improvement Programme (CIP) will support the Garden Suburbs and growth in south-east Calderdale. About £75 million has been identified from the WYCA Plus Transport Fund and WYCA has agreed to release monies to fund preparation of a Full Business Case and detailed design work. Contributions will also be sought from the Garden Suburb schemes. WYCA has recently announced a review of infrastructure schemes in the capital programme to identify those which can be 'paused' and moved to a pipeline project list. However, at present there is no evidence before me that the paused schemes will include the A641.
123. The details of the A641 CIP are still evolving as the full business case is being prepared and masterplanning on the Garden Suburbs is underway. This applies to a number of other strategic schemes and is not atypical. Some changes have occurred since the IDP, with measures to provide a link road through the Woodhouse site and to replace Huntingdon Road bridge no longer being pursued. It is understood that alternative options to provision of a spine road through Thornhills Garden Suburb are being investigated as part of masterplanning work. Representors have highlighted other differences between the A641 projects in the IDP and those in more recent business case/EIA screening documentation. The Council has stated that recent changes to the A641 CIP scheme reflect altered priorities to move away from road-led schemes and deal with growth through a range of multi-modal measures.
124. However, although the final scope and benefits of the A641 CIP scheme have not yet been confirmed, a significant amount of work has taken place and the project is at an advanced stage with clear Council commitment and an identified funding route. Policy IM1 and the site-specific Garden Suburb policies as modified are drafted flexibly to reflect potential changes. The Garden Suburb viability assessment also includes significant contributions from the developers towards transport infrastructure, including delivery of the spine roads, half of the Huntingdon Road bridge and sizable contributions towards other A641 CIP projects. As set out in the viability section below, the scheme is viable with these costings included and they represent a fair and proportionate estimate. Overall, notwithstanding the scale of the scheme and potential need for some

compulsory purchase of land, I conclude that there is a reasonable prospect of delivery of the A641 CIP scheme at the point required.

125. Document CC122 identifies a small number of mitigation measures needed on the Strategic Road Network. The Cooper Bridge scheme is well advanced and a budget has been secured. National Highways is satisfied that improvements needed to junctions 23 and 24 are modest and could be funded using Section 106 and/or CIL monies, with scope to secure future monies from other strategic highway funding sources. Contributions would be sought from a wide area including other boroughs, and the viability section below highlights that most residential development in Calderdale is viable. Taking account of all factors I am satisfied there is a reasonable prospect of strategic road infrastructure delivery at the point required. However, modifications are necessary to Policy IM5 in the Plan to clarify the Council's approach to development schemes affecting the Strategic Road Network, for reasons of effectiveness (**MM67**).
126. The roll out of Smart Motorway schemes has recently been paused by the Government until 5 years of safety data is available. However, the Smart motorway scheme planned for junctions 20-25 of the M62 is not identified as being critical to delivery of the Plan. Furthermore, the scheme was not factored into the Council's transport modelling work due to uncertainties regarding its impacts. As such the pausing of the scheme does not affect the identified transport infrastructure measures or the delivery of cumulative growth or specific sites in the Plan.
127. The CSTM was used to assess the likely cumulative effect of the Plan's proposals on the highway network and to identify key interventions. The model primarily uses 2014 as a base year and is due to be replaced by an updated multi-modal transport model. However, the Council's review of the validation levels of the CSTM against Department for Transport criteria indicate that it remains appropriate for strategic planning purposes. In addition, evidence of observed trends in traffic flows in Calderdale do not show significant changes between 2014 and 2019. Furthermore, the CSTM uses data collected over long periods of time and in this respect I consider it provides a representative picture. Taking account of all evidence before me I am satisfied that the CSTM does not significantly underestimate traffic levels in Brighouse and is robust and proportionate for preparation of the Plan. Further detailed transport assessment work relating to specific sites will be required as part of the planning application process.
128. The list of strategic transport interventions and supporting information in Policy IM1 needs to be updated to reflect the most recent position regarding requirements and delivery (**MM59, MM60, MM61, and MM62**). This includes deletion of reference to new junction 24a on the M62 which is not being promoted by National Highways or identified as being needed to support growth in the Calderdale Plan over the Plan period. Modifications are needed to Policy

IM3 to reflect changes in the Greenway network and refer to the emerging plans for a new mass transit system in West Yorkshire. These changes in **MM63** and **MM64** are needed for reasons of effectiveness.

129. The school place forecasting in updated document CC161 sets out pupil projections without and with Local Plan growth. It applies reasonable child yields based on local evidence and takes account of existing capacity and shortfall. It is based on the higher housing requirement and the updated housing trajectory. Overall, it provides a robust and proportionate assessment of the need for additional primary and secondary school places over the Plan period and in some of the years beyond.
130. The IDP identifies that two additional primary schools will need to be provided on the Garden Suburb sites. Further 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. The Department of Education has recently written to the Council to confirm they are no longer supporting the proposal for a new secondary free school in Brighouse (CC187). However, the Council's work shows that the alternative option of expanding the existing secondary schools in Brighouse could be feasible and viably funded by development (as outlined in the viability section below). CC161 shows that the need for additional secondary school places will increase towards the end of the Plan period and beyond as the Garden Suburb sites come forward.
131. The need for additional primary and secondary school places elsewhere in the borough is more modest. The Council has confirmed that these shortfalls could be dealt with through expansion of existing schools and that this is a feasible and pragmatic approach. This also applies to the modest shortfall of secondary school needs identified in the short-term in the Brighouse area. Contributions may be sought through planning obligations as schemes come forward.
132. Work on the Garden Suburb sites to date has identified a need for significant contributions from developers towards transport and education infrastructure. 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. The approach is intended to ensure the timely delivery of infrastructure needed to support growth and enable housing schemes to come forward.
133. The legality of this approach has been questioned. However, paragraph 008 in the Planning Policy Guidance on Planning Obligations states that '*when local authorities forward-fund school places in advance of developer contributions*

being received, those contributions remain necessary as mitigation for the development' and refers to Department of Education guidance detailing the approach. The restriction on the pooling of Section 106 funds has also been lifted. I also note that the approach of using public monies to forward fund infrastructure in advance of developer contributions has been applied elsewhere, such as in the case of the East Leeds Orbital Road. The Council's infrastructure work also shows a link between the proposed housing developments in the Garden Suburbs and identified infrastructure requirements. As set out below, the Council's viability testing of the Garden Suburb sites has included key infrastructure requirements and shows that development is viable.

134. The Council, developers and landowners will need to ensure that the terms of any related planning obligations are compliant with the regulations and correctly framed. However, taking account of the above factors 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. Modifications are needed to the Plan to indicate the potential standards and scope of the contributions that may be expected, to comply with the NPPF 2012. The indicative figure in new paragraph 13.62 (**MM76**) takes account of the large-scale transport and education requirements identified in the Council's work. As identified above, work on infrastructure is still evolving, but the figures represent a suitably conservative position based on evidence in the IDP. Initial roof tax estimates have been factored into Local Plan viability work and further details of the roof tax approach will be set out in a Supplementary Planning Document. New paragraph 13.62 and new Policy IM10 (**MM77**) clarify the Council's overall approach to developer contributions and specify that appropriate mechanisms should be in place to ensure that the impact of development on infrastructure is mitigated. This is needed to ensure the Plan is effective.

135. In conclusion, the Council has carried out a robust and proportionate assessment of the cumulative impact of growth and identified a range of infrastructure needed to support the delivery of development. Although infrastructure requirements may be subject to change through masterplanning and the planning application process, significant costings and a viability cushion have been included in the viability work. Taking account of all factors I am satisfied there is a reasonable prospect that necessary infrastructure schemes will be delivered in a timely fashion.

Other growth and infrastructure policies

136. Policy IM4 sets out mechanisms to promote sustainable travel in development proposals. Modifications are needed to clarify that the range of mechanisms will be assessed on a case-by-case basis, for reasons of effectiveness. Building Regulations relating to the provision of electric charging points for vehicles have come into force since the Plan was submitted. The related criterion in Policy

IM4 is therefore no longer justified or necessary and should be deleted (**MM65** and **MM66**).

137. Modifications are needed to Policy IM5 to ensure it is clear and effective. This includes wording to 'require' rather than 'encourage' sustainable transport measures, and to clarify the circumstances in which a Transport Statement or Transport Assessment and Travel Plan may be sought. The requirement for all proposals to be located within urban areas or associated with a village inset in the Green Belt should be removed as it is not feasible or justified. These changes are covered in **MM67**.

138. Modifications are needed to Policy IM6 and the supporting text to clarify the Council's approach to telecommunication schemes and to strengthen the requirement to 'consider' the provision of high-speed broadband in developments. These changes are necessary for reasons of effectiveness and are covered in **MM68** and **MM69**.

139. Masterplans can be beneficial for large-scale schemes or where there are sensitivities, complex issues or a mix of uses. Modifications are needed to Policy IM7 to remove the size threshold of 500 units and allow more flexibility. Changes are also needed to qualify the Council's overall approach to masterplans and strategic-scale development. The amended wording states that masterplans should be 'endorsed by the Council'. However, this may not be appropriate in all cases, for example in relation to modest scale schemes where it may involve unnecessary delay. I have therefore made a small additional change to the published modifications, as set out in the attached schedule, by inserting the words 'where appropriate' to allow flexibility and ensure the policy is justified and effective. The changes in **MM70**, **MM71**, **MM72**, **MM73**, **MM74** and **MM75** will ensure the Plan is effective.

Viable development

140. The Council's Viability Assessments on housing, employment and mixed-use allocations (CC67, CC73 and CC74) provide a broad assessment of development viability in the borough. The assessments take account of policies in the Plan and national standards that may have implications for development viability. Further sensitivity testing relating to electric vehicle charging points in housing schemes is set out in CC92. Separate viability work for the two Garden Suburbs is contained in the Council's Matter 8 Hearing Statement (HS8.1), with further sensitivity testing relating to accessible and adaptable homes in CC101.

141. The viability work indicates that most housing allocations are viable and capable of generating land values in excess of benchmark land values or at a level that would allow reasonable rates of return to landowners, even accounting for costs associated with recent changes to Parts L and F of the Building Regulations and electric charging points. For sites where viability is not demonstrated, the

evidence suggests that sites with apartments could become viable if developed for houses. Other changes to the assumptions may also aid viability, including reduction of the 20% profit margin to a lower rate within the range of 15-20% recommended in the current PPG.

142. Many of the employment and mixed-use allocations are identified as unviable or unable to generate land values in excess of benchmark land values. However, sensitivity testing shows that more employment allocations would be viable if an end occupier purchases the site and develops it. This number increases again if cautiously high assumptions about brownfield costs are reduced. In the case of mixed-use allocations, the evidence indicates that houses rather than apartments would benefit scheme viability. Changes to Policies SD5 and SD7 to allow specified uses on employment and mixed-use allocations to alter could also assist, as covered in Issue 8 below (**MM24** and **MM25**). Sites have willing landowners/promoters and there is an on-going demand for more employment land in the borough. The Council has also signalled an intention to seek other forms of funding for more marginal sites. Overall, I consider there is a reasonable prospect that employment and mixed-use allocations will come forward and will be developed.

143. The viability assessment on the Garden Suburbs in HS8.1 indicates that the residual roof tax value for each scheme would be lower than the required roof tax, once the higher costs linked with Part L and F of the Buildings Regulations are factored in and secondary school costs included. However, sensitivity testing shows that if the 20% profit margin is reduced to a lower rate within the range of 15-20% recommended in the current PPG the residual values would be higher than the required roof tax. The viability assessment also highlights that actual build costs may be less than the lower quartile BCIS figures used in the viability work and that this may aid viability. Evidence in CC101 shows that increasing the proportion of adaptable and accessible homes above 30% only has a small impact on viability. Overall, the evidence indicates there is a reasonable prospect of the Garden Suburb schemes being viably developed.

144. For all schemes there is inevitably an element of uncertainty regarding infrastructure costs as work evolves over time and planning applications progress. There is also uncertainty regarding costs associated with the Future Homes and Future Buildings Standards in 2025 and beyond as related Government technical specifications have yet to be published. However, the Council's viability work sets out reasonable assumptions relating to costs and profits based on current and proportionate evidence. It includes viability cushions and makes conservative assumptions relating to development on brownfield sites and profit margins. CIL costs are not incorporated as there is no adopted schedule, but the viability cushion deputises for Section 106 and other costs. Further flexibility to deal with viability is included in policies in the Plan relating to affordable housing and adaptable and accessible housing.

Overall, the evidence credibly indicates that the cumulative impact of national and Local Plan policies would not put implementation of the Plan at serious risk.

Conclusion

145. In conclusion, subject to the aforementioned modifications, the Plan sets out a robust and viable framework for the delivery of growth and infrastructure.

Issue 6 – Does the Plan set 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?

Affordable housing

146. The Council's Housing Technical Paper (2020) identifies a need for 2,895 affordable homes over the Plan period 2018/19 to 2032/33. Taking account of undersupply in 2016/17 and 2017/18 and completions in 2018/19 the adjusted need is 3,140 dwellings.

147. The affordable housing need figures are derived from the SHMA 2015. The SHMA 2018 identifies that market signals evidence did not significantly change between 2015 and 2018 and that household formation rates from the 2012 and 2014-based projections were only slightly different. Documents CC63 and CC63b outline that the Council has continued to use 2014-based household formation rates to calculate housing need as the 2016 and 2018-based projections use a methodology that has been questioned by Government. Taking account of all factors I consider 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. Modifications are needed to the supporting text to reflect the updated position on need, for reasons of effectiveness (**MM97** and **MM98**).

148. Policy HS6 in the Plan indicates that 20-35% of homes on sites of 11 or more dwellings should be affordable. The percentages differ between four zones across the borough based on the strength of the local housing market. As set out in Issue 5, the viability work shows that the majority of housing allocations would be viable based on the stated proportions. The policy also provides sufficient flexibility to deal with situations where viability is an issue.

149. The viability work assumes 10% of all units being provided as starter homes, representing 30-50% of the affordable housing requirement. This is proportionate and is broadly consistent with the approach in paragraph 65 in the NPPF 2021 relating to affordable home ownership and the Written Ministerial Statement (WMS) dated 24th May 2021 relating to First Homes.

150. The threshold of 11 or more units differs slightly to the threshold of 10 or more dwellings in the NPPF 2021. However, the Calderdale Plan is being examined under transitional arrangements and the threshold of 11 is consistent with the WMS dated 28 November 2014. There is also no evidence that the supply over the Plan period from sites of exactly 10 dwellings will be significant.
151. Overall, I consider the affordable housing proportions and approach in Policy HS6 is justified and consistent with national policy. The proportions are higher than achieved in recent years but direct comparison is difficult as much recent delivery has been on Council or Registered Provider owned sites and the current UDP does not contain a specific affordable housing policy. The proposed rates are supported by viability evidence and boosting supply will help to deliver identified affordable needs. The policy provides sufficient flexibility to deal with viability issues and take account of the latest evidence regarding mix of units.
152. The Council's updated affordable housing trajectory in CC159 shows delivery of 2,758 affordable dwellings from allocation sites over the Plan period. This is a slight shortfall against the adjusted need figure of 3,140. However, the supply figure does not take account of potential supply from windfall sites within the urban area or rural exception sites. The Council has also established a number of programmes to deliver homes on Council-owned land, including a partnership with Together Housing Group, and has a clear commitment to on-going delivery of affordable housing to meet identified needs. Overall, there is a reasonable prospect that affordable housing needs will be met over the Plan period.
153. The supply workings do not include the delivery of housing to meet identified backlog within five years. This would require a significant uplift in overall housing delivery in the early years of the Plan period and is not a realistic or feasible prospect. As identified in Issue 2, the amended housing requirement already represents a notable uplift above past rates and delivery rates in early years are predicted to be modest prior to large Green Belt release sites coming forward. No other authority has indicated it would be able to accommodate any of Calderdale's housing requirements.
154. The second part of Policy HS6 supports rural exception housing within or adjoining 11 identified villages in the western part of the borough. Modifications are necessary to widen the requirement and allow exception housing linked to villages and small settlements across the borough where there are identified local needs. This will allow the Council to respond to local circumstances and changes in need over the life of the Plan. Exception housing within or on the edge of villages and small settlements can play an important role in allowing people to remain in their communities. The NPPF 2012 (and updated policy in NPPF 2021 and the current PPG) requires local planning authorities to be responsive to local needs and support opportunities to bring forward rural exception sites. Limited affordable housing to meet local community needs is

also identified in the NPPF as a type of development that may not be inappropriate in the Green Belt.

155. The requirement that sites should be 'immediately adjacent to a settlement' should be replaced with 'well related to' in order to allow further flexibility. Criterion 2 should be amended to clarify how 'the principle of sustainable development' will be affected in this context, with reference included to the scale of the site and the size of the settlement. The above changes to the policy and the supporting text are captured in **MM100** and **MM99** and are needed for the policy to be justified, effective and consistent with national policy. The deletion of Map 16.2 in the Plan is a necessary consequential change (**MM101**).
156. The indicators in Table 16.7 should be amended to reflect that the Council intends to monitor delivery within housing sub-areas as well as the borough. This is needed to ensure that the Plan is effective and aligns with the monitoring regime (**MM102**).

Traveller accommodation

157. The Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) (GTAA) identifies a need for seven additional permanent pitches and six transit pitches for Gypsies and Travellers in the borough up to 2033/34. A need for three further plots for Travelling Showpeople is also identified over this period. The GTAA is based on a robust methodology and includes a range of qualitative and quantitative data and survey work.
158. The Council has worked with other authorities as part of the duty to cooperate, as set out above. There are no offers from other authorities to accommodate any of Calderdale's needs and the Council is proposing to meet its own need for Traveller accommodation.
159. The Plan sets out a criteria-based framework in Policy HS8 for assessing windfall applications for Traveller sites, and delegates site allocations to a separate DPD. The Council has sought to justify the delegation on the basis that further technical work is necessary to identify preferred site options and the Council wished to avoid delaying submission of the Plan. The current UDP dates from 2006 and the Council was notified by the Government in 2017 that they were under threat of Local Plan intervention.
160. 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. The Local Development Scheme 2018 confirms that technical

work on site options will re-commence immediately following adoption of the Local Plan. The scale of need is also small. Accordingly, taking account of all factors in the round, in the case of Calderdale I am satisfied that the preparation of a separate DPD is a pragmatic approach and that there is a high level of confidence the work will be done.

161. The delivery of suitable accommodation to meet the needs of Gypsies, Travellers and Travelling Showpeople is an important issue and there is an absence of five-year supply. Modifications are needed to Policy HS8 to include a commitment to DPD preparation. The change in **MM105** specifies that submission of the DPD should take place within a year of Local Plan adoption, reflecting the timeline in the Local Development Scheme. The amendment is needed to ensure the Plan is effective and justified.
162. Modifications are needed to Policy HS8 and the supporting text to specify the identified level of need and to provide a clear strategy for delivery of Traveller accommodation in the DPD. This will ensure the Plan is effective and consistent with national policy in Planning Policy for Traveller Sites (PPTS).
163. The GTAA was undertaken prior to the revised definition of Gypsies and Travellers and Travelling Showpeople in the PPTS 2015 and therefore reflects the needs of all communities. Modifications to Policy HS8 are needed to ensure the full need figures from the GTAA are referenced, for two reasons. Firstly, there is no alternative evidence to substantiate a reduction based on those meeting the PPTS definition. Secondly, national policy requires local planning authorities to plan for the housing needs of different groups and case law has confirmed that ethnic Gypsies and Travellers have a right to culturally appropriate accommodation. The accommodation needs of non-PPTS Travellers are not covered by other policies in the Plan and should therefore be referenced in Policy HS8. Modifications are also needed to the supporting text for reasons of effectiveness, to clarify that the DPD will need to consider the accommodation needs of all Gypsies, Travellers and Travelling Showpeople. The changes are captured in **MM104** and **MM105**.
164. I have had regard to the recent Court of Appeal judgement in the case of *Smith v Secretary of State for Levelling Up, Housing and Communities and Ors* [2022] EWCA which found that the PPTS definition change was unlawfully discriminatory. However, as the modified policy specifies the total need figure and does not distinguish between Travellers on the basis of the PPTS definition, and taking account of the late stage of the examination, I consider that it is pragmatic to proceed with the modifications as published.
165. Amendments are needed to several criteria in Policy HS8. Criterion iii should refer to 'no unacceptable impact' rather than 'minimal impact' on the environment as this will align other housing policies and ensure the policy is fair.

Criterion viii should require schools and community facilities to be 'within a reasonable distance' as this wording is pragmatic and flexible and aligns with the supporting text. Criterion xi should clarify flood risk requirements. The aim and meaning of criterion xiv is unclear and it should be deleted. The changes captured in **MM105** and **MM106** will ensure the policy is justified, effective and consistent with national policy.

166. I have made a small further amendment to new paragraph 16.63 in the published modifications, to refer to the need for development to 'conserve' rather than 'preserve' heritage assets (**MM104**). This change is sought by Historic England and will ensure alignment with national policy.
167. Paragraph 11 in the PPTS indicates that strategic policies should include criteria for guiding land supply allocations where there is identified need. Policy HS8 should therefore be amended to clarify that the criteria will be used to guide allocations as well as planning applications (**MM105**).

Other housing needs

168. Policy HS2 seeks to use land efficiently, in line with the NPPF 2012. It applies a reasonable base net density of 30 dwellings per hectare and seeks higher levels in town centres and close to public transport routes and hubs. Modifications are necessary to clarify that site allocation capacity figures in the Plan are indicative, as outlined in Policies SD6 and SD7, and ensure the Plan is justified and effective (**MM96**).
169. Policy HS4 seeks to promote housing suitable to meet the needs of older and disabled people. The Council's evidence, as outlined in the viability section in Issue 5, shows that the requirement to provide 100% adaptable and accessible homes that accord with M4(2) of the Building Regulations is broadly feasible. There is an identified need for such housing in the context of an ageing population and limitations in the current housing stock. Furthermore, the topography in Calderdale means that provision of M4(2) housing may not be possible in some locations. The approach in Policy HS4 maximises delivery of M4(2) housing on suitable sites whilst allowing flexibility with waived or reduced levels depending on site-specific circumstances. It forms an important part of the Council's strategy for meeting the housing needs of older people by allowing people to remain in their own homes. Where accessible and adaptable housing is feasible there is no evidence it has a notable impact on residential density. Overall, the approach in Policy HS4 represents a positive and flexible approach that would not be a barrier to development.
170. Policy HS4 does not include a requirement for the optional wheelchair standard M4(3). The Council's evidence identifies some uncertainty about the exact level of demand for wheelchair housing in the borough albeit the data suggests that it is likely to be small. On-going provision by Registered Providers is likely to contribute towards meeting this need and the strategy in criterion i of Policy HS4

seeks to increase the level of housing to meet the needs of disabled people. As such I consider the Council's approach is pragmatic and reasonable.

Conclusion

171. In conclusion, subject to the aforementioned modifications, the Plan 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.

Issue 7 – Does the Plan set out a positively prepared strategy and policies for retailing and town centres which are justified, effective and consistent with national policy?

Retail and town centre strategy

172. The Council's Retail Study 2016 identifies modest additional growth in retail floorspace over the Plan period. It is anticipated that much of this space will be met by completions since 2016, outstanding commitments and vacant retail floorspace across the borough. Policy RT1 also provides flexibility for applications to come forward and be assessed on their merits, with a focus on the identified Town Centres. Retail development may also take place on some of the mixed-use allocations in the Plan.

173. The Study does not take account of the modified housing requirement and additional housing allocations, and potential associated increased need for retail floorspace. However, conversely it predates the Covid-19 pandemic and the recent national growth of on-line retail sales. Overall, I am satisfied that the Council's retail evidence provides a reasonable and proportionate basis for Plan preparation in the circumstances. The Retail Study highlights that on-going monitoring will be important in identifying future retail trends and floorspace needs, and future Plan updates will provide an opportunity to review the position.

174. Policy RT1 seeks to direct retail, leisure and other main town centre uses towards the centres in the borough in line with the retail hierarchy. Neighbourhood Centres are the lowest category in the hierarchy and comprise small groups of local shops or scattered facilities in a community. However, Annex 2 to NPPF 2012 states that Town Centres 'excludes small parades of shops of purely neighbourhood significance'. The category of Neighbourhood Centres is therefore not consistent with the Town Centre hierarchy in the NPPF 2012 or the purpose of the retail hierarchy in Policy RT1. As such it should be deleted from Policy RT1 and the inset map to ensure effectiveness (**MM80**, **MM81** and **MM82**).

175. Work associated with preparation of a Neighbourhood Plan has identified an additional Local Centre at Queens Road South. The centre should therefore be added to ensure that the policy is effective. The Council has indicated that Rastrick was included as a Local Centre in error. It does not feature in the Retail Study 2016 nor does the Council carry out on-going retail monitoring of the area. The Council has indicated that it has the function of a small neighbourhood area serving localised needs. On the basis of the evidence before me, Rastrick should be removed from the town centre hierarchy in Policy RT1 as it is not justified. These changes to Policy RT1 and the inset map are captured in **MM81** and **MM82**.
176. Subject to the above modifications I am satisfied that the retail hierarchy in the Plan is justified and soundly based. The Council also proposes that the adopted Policies Map should be amended to include boundaries of the Local Centres. This will ensure consistency with Annex 2 in the NPPF 2012.
177. The last paragraph of Policy RT1 refers to a 'presumption against further retail development outside of existing centres'. This is not wholly consistent with the approach in the NPPF 2012, Policy RT3 and other parts of Policy RT1 which requires proposals for town centre uses to be assessed against a sequential test which gives priority to town centre locations. Accordingly, this section of wording in Policy RT1 should be removed to ensure consistency with national policy and the rest of the Plan (**MM81**).
178. The Halifax Town Centre Delivery Plan 2014 provides an important detailed framework for the delivery of specific sites across the Town Centre. The Council is proposing to update the Halifax Town Centre Delivery Plan and adopt it as a Supplementary Planning Document. Policy RT1 and the supporting text should be amended to refer to this document, for reasons of effectiveness (**MM80** and **MM81**).

Retail and town centre policies

179. Policy RT2 identifies Primary and Secondary Shopping Frontages in town centres and seeks to focus A1 retail development in the former. However, the amended Use Classes Order, as outlined previously, has removed Class A1 and allows changes of use within Class E. The strategy as expressed in Policy RT2 is therefore no longer feasible and the policy and supporting text should be amended to delete reference to Primary and Secondary Shopping Frontages (**MM83** and **MM84**). Consequential changes to Policy RT7 were omitted in error from the published MM schedule but are included in **MM93** in the attached schedule for consistency and effectiveness.
180. The Council has confirmed that where planning permission is required, it is aiming to promote active town centre frontages at street level. Policy RT2

should be modified to highlight the approach and ensure the policy is effective in helping to retain the vitality and viability of town centres (**MM84**).

181. Policy RT3 sets out impact assessment thresholds informed by evidence in the Retail Study. Modifications are needed to the policy to ensure it aligns with NPPF 2021 and can be used for development management purposes in line with the Council's intentions. This includes a requirement for impact assessments in relation to leisure as well as retail development, and consequential changes to the policy title, monitoring indicators and text in Policy RT7. Modifications are also needed to bullet point 6 to clarify that development impacts should be assessed as applicable to the scale and nature of the scheme. The modifications are covered in **MM85**, **MM86**, **MM87** and **MM88**.
182. Bullet points 2 to 5 in Policy RT3 are factors to take into account in the impact assessment process, linked to questions of town centre investment and/or the viability and vitality of existing centres and informed by local evidence in Calderdale. As such they are soundly based.
183. Modifications **MM89** and **MM90** captures various changes to Policy RT4 which are necessary to ensure the policy is legible and effective. This includes reference to small parades of shops following the deletion of Neighbourhood Centres and Policy RT1, and cross reference to Policy HW4.
184. The last paragraph of Policy RT5 should be deleted as it duplicates and is not wholly consistent with other policies in the Plan which seek to prevent the loss of main town centre facilities, including Policies HW4 and RT6 (**MM91**).
185. Modifications are necessary to the assessment criteria in Policy RT6 to include community need for a cultural/leisure facility and remove the need for viability testing where cultural/leisure facilities are not commercially based (**MM92**). These changes will ensure the policy is justified and consistent with paragraph 74 in the NPPF 2012.

Conclusion

186. In conclusion, subject to the above modifications the Plan sets out a positively prepared strategy and policies for retailing and town centres which are justified, effective and consistent with national policy.

Issue 8 – Are the proposed housing, employment and mixed-use allocations justified, effective and consistent with national policy?

187. The Plan identifies a range of housing, employment and mixed-use allocation sites. The first section below deals with the site assessment process and the

second section looks at the general scope and suitability of the allocation policies. The remaining sections look at the soundness of specific sites. The site-specific sections deal with allocations in the submitted Plan first, followed by additional allocations proposed to meet the modified housing requirement.

188. For the avoidance of doubt, some of the allocations in the Plan are not specifically referenced below. In such cases, having taken account of the evidence and representations, I am satisfied that they are soundly based and capable of delivery over the Plan period.

Site assessment

189. The Council has assessed a significant number of site options through the Plan process, building on the work of the Strategic Housing Land Availability Assessment and Employment Land Study. The approach is outlined in the Council's Site Allocations Assessment Methodology Statement.

190. A wide range of additional evidence documents, such as the Calderdale Landscape Character Assessment, Open Space, Sport and Recreation Study, Heritage Impact Assessments (HIA) and SA results were fed into the site assessment process. The Calder valley has experienced a number of recent flood events and flood risk is an important local issue. The flood risk evidence demonstrates that a sequential approach was suitably applied in site selection. The exception test was not met in the case of two additional mixed-use sites proposed by the Council in CC39 (LP0573 and LP0327) and consequently they are not identified for this purpose in the MMs to the Plan. The allocation policies include mitigation measures relating to flood risk where this is relevant, and subject to modifications set out below I am satisfied they provide an appropriate framework for addressing these matters.

191. For site options in the Green Belt, the Council's Green Belt Review (2017) was also a key document. The review focuses on land outside the urban area that is not within the SPA/SAC and which scores highly in terms of sustainability. The approach is consistent with the need to protect internationally important ecological areas, and national guidance that requires authorities to take account of patterns of sustainable development when drawing up Green Belt boundaries.

192. The fourth Green Belt purpose is interpreted in the Green Belt Review and site assessment process as preserving the setting and special character of historic features, rather than historic towns as set out in paragraph 80 of the NPPF 2012. However, sensitivity testing involving the neutralisation of this element shows that only a small number of parcels and sites would change from most sensitive to medium sensitive and conclusions regarding suitability for release are not affected as other factors were determinant. The Green Belt Review

provides an appropriate framework for assessing harm and has been carried out in a consistent and robust manner.

193. The site assessment process involved the initial sieving of sites to remove those with significant environmental constraints and/or located more than 500 metres from an Urban Area. The approach is reasonable and 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.
194. Remaining site options were assessed against criteria relating to suitability, availability and deliverability. The criteria and scoring have been questioned. However, the process has taken account of a suitable range of factors and appraisal evidence relating to highways/access, landscape and other factors and has been proportionate to the Local Plan process. One discrepancy between appraisal results in EV51.10 and CC53 is outlined in CC113 but it does not change the Council's overall assessment of the site.
195. The final stage involved identifying the most sustainable sites by applying a sequential approach to site selection. Brownfield sites within urban areas were prioritised followed by other land in the urban area, Green Belt sites meeting 0-2 identified purposes and then Green Belt sites meeting 3-5 identified purposes. The preparation of the transitional Plan preceded the specific requirement in paragraph 142 in the NPPF 2021 to firstly consider Green Belt sites 'well served by public transport.' However, the Council's selection process also factored in strategic matters such as the spatial strategy, distribution of growth and ability to deliver wider regeneration and infrastructure benefits. Regard was also had to full technical results when assessing site options and all factors were considered in the round. Taking account of the level of identified housing and employment needs and the preferred strategy 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. Further details are set out in the site-specific sections below.
196. The assessment of site options for Sustainable Urban Extensions was undertaken separately from other housing site options. This approach is soundly based as it supports the Plan's strategy to deliver strategic large-scale allocations, as outlined in Issue 1. The assessment process broadly aligns with the general approach for other sites in terms of site suitability and availability.
197. In the case of Hipperholme the Council applied an 'Exclusion Zone' and filtered Green Belt site options in the area. The main crossroads in the village suffers from traffic congestion and there is no clear opportunity for mitigation within the life of the Plan. The Council's evidence indicates that development on identified sustainable sites within the village would create minor additions to traffic and

limited worsening of delays at the crossroads. However, taking account of the full range of modelling work linked to recent planning applications, the Council as Local Highways Authority (LHA) concludes that additional site options released from the Green Belt in Hipperholme, on top of capacity within the built-up area of the settlement, would have a severe and unacceptable impact on congestion at the crossroads.

198. Small windfall sites were not factored into the Hipperholme assessment work. However, taking account of the size of the village and the closely drawn Green Belt boundary, it is reasonable to assume this is unlikely to be a significant source of supply. The proposed employment allocation LP0332 and amended mixed-use allocation LP0032 were also omitted. However, they are predominantly brownfield sites with recent employment use, and therefore some off-setting would occur.
199. Overall, taking account of the evidence before me, I consider that the application of the Exclusion Zone and filtering of Green Belt sites around Hipperholme is a reasonable and justified approach. I concur with the Council that any benefits linked to the provision of additional housing on land on the edge of the village would be outweighed by highways harm. There is no evidence that allocations elsewhere in the borough would place undue impact on the crossroads given the choice of routes and distances involved. 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.
200. The Council confirmed at the hearing sessions that in terms of the general approach, all of the sites identified as suitable and deliverable at plan preparation stage were included in the submission draft Plan, from all locations in the sequential priority list. The assessment results are outlined in CC53.1. In the assessment of additional housing site options, some sites which had previously been rejected were assessed as being suitable based on further appraisal work/evidence and/or alternative site boundaries. Assessment evidence on the Strategic Urban Extension options shows that two preferred sites (the Woodhouse and Thornhills Garden Suburbs) scored better and that other sites were filtered due to constraints and other factors.
201. The location of the Green Belt releases shows 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.
202. Call for sites information and other evidence indicates that the majority of the housing site allocations are available for development. The availability of parts of a small number of housing allocation sites are not confirmed. However, given the existence of promoters for parts of sites and/or other planning history, it is

considered there is a reasonable prospect of delivery within the Plan period. Landowner intentions are unknown for site LP659 in Todmorden. However, adjoining land has recently been developed and taking account of the site's location within the built-up area and the modest number of other allocations in the town it is considered there is a reasonable prospect of delivery with the Plan period. All such sites have been positioned towards the latter part of the Plan period in the housing trajectory.

203. The availability of a small number of employment and mixed-use allocations have not been confirmed. However, these largely relate to sites in multiple ownership where some landowners have come forward, sites located within existing business parks, or sites where there is evidence of sales promotion or recent development activity. In some cases the Council is taking an active role in site regeneration and working to bring parties together. Accordingly, I am satisfied there is a reasonable prospect of delivery within the Plan period.
204. The site assessment process has looked at a wide range of site options against a clear set of criteria. It has involved making some judgements and assessments regarding suitability and potential deliverability. However, notwithstanding some modifications to allocation sites outlined below, I am 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.

General site allocation matters

205. Specific employment, mixed-use and housing allocation sites are listed in Policies SD5, SD6 and SD7, with further details contained in Appendix 1 to the Plan. In order for the Plan to be effective Policies SD5 and SD6 should be amended to specify that planning applications will need to address the requirements and parameters outlined in Appendix 1 to the Plan (**MM24** and **MM25**). Policy SD7 should also be corrected to refer to compliance with Appendix 1 to the Plan rather than 'site assessment reports', for reasons of effectiveness (**MM28**). Changes to the introductory text are needed for the same reason, to clarify that the requirements and parameters are not exclusive and may alter through the planning application process (**MM140a** and **MM141**).
206. The Council's viability work, as outlined in Issue 5, shows that viability on employment and mixed-use allocations can sometimes be marginal. As such, in order to support jobs and growth, it is pragmatic and necessary to include additional flexibility in Policy SD5 and Policy SD6 by permitting other employment uses on employment allocations or alternative uses on mixed-use schemes where specified uses are not viable (**MM24** and **MM25**).
207. Amendments to the site-specific employment and mixed-use allocation policies are needed to reflect the Use Classes Order changes as outlined in Issue 3 and

ensure consistency with national policy. It involves the deletion of reference to B1, A1-A5 and D2 Use Classes and insertion of reference to the new commercial Use Class E(g), Use Class E or a generic reference to employment use as necessary. It involves changes to the majority of the employment and mixed-use site allocation policies, as captured in **MM143**, **MM144** to **MM149**, **MM151** to **MM154**, **MM156**, **MM158** to **MM173**, **MM175** to **MM182**, and **MM185** to **MM187**. Amendments to Policies SD5 and SD6 are also necessary to reflect these changes (**MM24** and **MM26**).

208. The developable areas and site capacities in the Plan are indicative figures. This is a suitably flexible approach which allows some variation through the planning application process, depending on circumstances. However, modifications are needed to clarify this approach in paragraph 1.1 in Appendix 1 of the Plan, for reasons of effectiveness (**MM140a** and **MM141**).

209. In general, the site areas, indicative developable areas and estimated site capacities in the Plan are reasonably based and informed by site-specific assessments of local character, site features and constraints. However, amendments are needed to site area/developable area/capacity and to the mix/proportion of uses in some cases to reflect updated evidence or further assessment work since submission of the Plan, and ensure the Plan is effective. This includes changes to the following site-specific policies in Appendix 1 of the Plan.

- Changes linked to planning permissions for sites LP0571 (**MM192**), LP0945 (**MM195**), LP0964 (**MM219**), LP0234 (**MM229**), LP400 (**MM235**), LP0814 (**MM241**), LP0815 (**MM242**), LP0589 (**MM277**), LP0759 (**MM278**), LP1224 (**MM291**), LP0287 (**MM294**), LP0658 (**MM308**).
- Other small adjustments to the site/developable area and/or capacity of housing, employment and mixed-use allocations following further site appraisal work, for sites LP0174 (**MM188**), LP0568 (**MM191**), LP1053 (**MM199**), LP1116 (**MM206**), LP1322 (**MM207**), LP0065 (**MM213**), LP1197 (**MM253**), LP1425 (**MM260**), LP0011 (**MM272**), LP1023 (**MM289**), LP0332 (**MM143**), LP0059 (**MM149**), LP0472 (**MM157**), LP0805 (**MM158**), LP0105 (**MM155**), LP1133 (**MM161**), LP1134 (**MM162**), LP1217 (**MM164**), LP1219 (**MM166**), LP1433 (**MM168**), LP0922 (**MM187**).

210. Other changes to the site/developable area, capacity and mix of uses for other allocation sites are detailed in the site-specific sections below. In some cases this includes significant changes to dwelling capacity or employment floorspace.

211. Consequential changes to the allocation tables in Policies SD5, SD6 and SD7 linked to the various changes in site/developable area, type of uses and capacity are covered in modifications **MM24**, **MM26** and **MM29** to **MM38**.

Consequential changes to the proportion of greenfield/brownfield allocation land, as shown in Table 6.12 in the Plan, are covered in **MM23**.

212. Appendix 1 of the Plan sets out details of constraints, reports required, and other site-specific considerations including mitigation measures. As confirmed in paragraph 1.1, the policies are not intended to be exclusive and other matters may arise or change through the planning application process. They provide a broad framework to guide future development and should be read alongside the other policies in the Plan. A number of amendments are necessary to reflect updated constraints and requirements for specific sites or provide additional information to aid effectiveness. The more common or generic ones are covered in the following paragraphs. Other changes are covered in the site-specific sections below.
213. As referred to in Issue 5, modifications are needed to a number of site-specific policies to specify production of a masterplan. This includes: LP1077 (**MM202**), LP1078 (**MM203**), LP1180 (**MM252**), LP1216 (**MM254**), LP1229 (**MM255**), LP1292 (**MM256**), LP1398 (**MM299**), LP1654 (**MM302**), LP1232 (**MM145**), LP1618 (**MM146**), LP0021 (**MM148**), LP0960 (**MM152**), LP1018 (**MM160**), LP1133 (**MM161**), LP1134 (**MM162**), LP1219 (**MM166**), LP1622 (**MM169**), LP1220 (**MM171**), LP0579 (**MM173**), LP0509 (**MM175**), LP1088 (**MM176**), LP1123 (**MM177**), LP0264 (**MM178**), LP0289 (**MM179**), LP0370 (**MM180**), LP0749 (**MM181**), LP1170 (**MM182**), LP1431 (**MM185**), LP1632 (**MM186**), LP0922 (**MM187**).
214. Amendments are needed to site-specific policies where allocation sites are within 2.5 kilometres of the South Pennine Moors SPA/SAC. These changes have been sought by Natural England and include reference to the SPA/SAC as a constraint, the requirement for survey work at planning application stage and the need to instigate mitigation or avoidance measures to address any identified impacts from the SPA/SAC surveys. These changes will help to protect key environmental assets and ensure compliance with national policy and legislation. It includes changes to the following policies, plus others highlighted in the site-specific sections below: LP0234 (**MM229**), LP0238 (**MM230**), LP0242 (**MM231**), LP1379 (**MM258**), LP1486 (**MM263**), LP1488 (**MM265**), LP1489 (**MM266**), LP1547 (**MM267**), LP0253 (**MM273**), LP0938 (**MM288**), LP0053 (**MM304**), LP0635 (**MM305**), LP0651 (**MM307**), LP0658 (**MM308**), LP0659 (**MM309**), LP0914 (**MM311**), LP1534 (**MM312**), LP1622 (**MM169**), LP0922 (**MM187**).
215. The Environment Agency has requested amended wording to site-specific policies where allocation sites are affected by flood risk. These changes include specifying the type and nature of the flood risk, adopting a sequential approach to layout within the site and requiring a site-specific Flood Risk Assessment and/or emergency access and egress plans where necessary. The changes are needed to ensure policies are justified and consistent with national policy. It

includes changes to the following policies, plus others highlighted in the site-specific sections below: LP0571 (**MM192**), LP1224 (**MM291**), LP1534 (**MM312**).

216. The Council's HIAs capture a range of heritage-related mitigation measures. Historic England has recommended that site-specific policies should be amended to require implementation of recommendations in HIAs or other suitable mitigation measures agreed by the Council, in lieu of wording that asks for these matters to be 'considered'. I concur that the amended wording is necessary to provide the appropriate protection for the historic environment and to comply with national policy. The revised approach incorporates appropriate flexibility, recognising that further assessment work through the planning application process may, in some cases, result in appropriate changes to mitigation. The amended wording relates to the following sites and others highlighted in the site-specific sections below: LP0846 (**MM194**), LP1078 (**MM203**), LP1095 (**MM205**), LP1116 (**MM206**), LP0146 (**MM216**), LP0978 (**MM220**), LP1030 (**MM221**), LP0400 (**MM235**), LP0683 (**MM240**), LP1004 (**MM247**), LP1292 (**MM256**), LP1429 (**MM261**), LP1481 (**MM262**), LP0011 (**MM272**), LP0589 (**MM277**), LP0938 (**MM288**), LP1023 (**MM289**), LP0435 (**MM295**), LP1398 (**MM299**), LP1412 (**MM300**), LP1654 (**MM302**), LP1655 (**MM303**), LP0914 (**MM311**), LP1534 (**MM312**), LP0585 (**MM144**), LP0472 (**MM157**), LP1618 (**MM146**), LP1018 (**MM160**), LP1133 (**MM161**), LP1134 (**MM162**), LP0509 (**MM175**), LP1088 (**MM176**), LP0264 (**MM178**), LP0289 (**MM179**), LP0749 (**MM181**), LP1170 (**MM182**), LP1632 (**MM186**), LP0922 (**MM187**).
217. Some site-specific policies seek the provision of green and blue infrastructure. However, the wording is not consistently expressed, and in some cases indicates that green roofs are a requirement. In the absence of local evidence to require the provision of green roofs I consider that the relevant policies should be modified and the criterion re-worded to be more flexible and consistent with other site-specific policies which seek provision of 'green and blue infrastructure such as SuDs [sustainable drainage systems] and green roofs.' This is necessary to ensure the Plan is justified and effective. It relates to the following sites: LP0174 (**MM188**), LP0565 (**MM190**), LP0568 (**MM191**), LP0945 (**MM195**), LP1033 (**MM198**), LP1053 (**MM199**), LP1054 (**MM200**), LP1077 (**MM202**), LP0037 (**MM212**), LP0683 (**MM240**), LP1004 (**MM247**), LP1481 (**MM262**), LP0253 (**MM273**), LP1217 (**MM164**).
218. The Council has included 10-20 metre buffer zones around woodland and/or watercourses in some of the site-specific policies. This standard approach is intended to protect ecology and is seen as a reasonable and justified starting point pending further site-specific work that may occur through the planning application process.
219. A number of site-specific policies specify the need to produce Air Quality Assessments as part of the planning application process. However, the list is

not exhaustive and Air Quality Assessments may be required for other sites through the application of Policy EN2.

220. The Council has identified a need for a number of allocation sites to provide off-site open space improvements. However, the wording in the Main Modifications is not consistently expressed and in some cases seeks provision 'prior to development.' This may be onerous to the developer and there is no evidence before me to indicate it is necessary and justified in each case. I have there made an additional adjustment to the wording in the published Modifications, to remove the words 'prior to development'. This small change accords with the approach for other sites in the Plan and allows the matter to be negotiated through the planning application process. As such it is not considered to be prejudicial to any parties. This relates to the following sites: LP1033 (**MM198**), LP1060 (**MM201**), LP1356 (**MM297**), LP1654 (**MM302**).

Woodhouse Garden Suburb (LP1451)

221. The site is located on the southern edge of Brighouse on land currently in the Green Belt. The Council's Green Belt assessment identifies the site as performing well against Green Belt purposes. However, it is contained by existing built development to the north/north-west and east, the A641 and the M62. Furthermore, although the site is located in the strategic Green Belt gap between Brighouse and Huddersfield and some further development is anticipated south of the M62, a clear gap would remain with Bradley Wood and the M62 motorway forming part of this division. The site is large enough to allow landscaping mitigation measures and boundary strengthening.

222. The allocation would form a major extension to the town. However, Brighouse is a large settlement with a range of services and facilities and employment opportunities. The site is in a sustainable location on the edge of an existing residential area, with a range of services nearby. There is access to nearby bus routes and Brighouse train station lies to the north. The allocation is consistent with the Plan's spatial strategy to focus growth in south-east Calderdale.

223. The majority of the site has been confirmed as being available for development. A small area on the southern side is not available but it lies outside the indicative developable area and is shown as 'land to be retained in existing use' in the initial masterplan.

224. Much of the allocation site is controlled by an active developer consortium. At the time of the Stage 3 hearings negotiations with other landowners were on-going and had not been completed. This includes land off Shepherds Thorn Lane identified as the preferred option for the spine road through the site. However, the Council has identified alternative options and has signalled that the use of Compulsory Purchase Powers would be explored if necessary. The

alternative northern route via The Gatehouse has been removed from the Green Belt as a consequential change linked to LP1451. The draft masterplan work indicates that initial phases of development will be focused on consortium land in the north and east. Taking account of all factors I am satisfied there is a reasonable prospect of land being secured and coming forward as planned.

225. The LHA has indicated that, in principle, the site is capable of being safely accessed and that related off-site highway mitigation measures can be achieved. The initial masterplan shows the main access would be provided via the A641 with secondary accesses off Ryecroft Lane and Woodhouse Gardens. Future Transport Assessment work associated with a planning application will provide an opportunity to explore access and mitigation measures in more detail. Accordingly, I am satisfied that safe access to the site is potentially capable of being achieved. In order to be effective the site-specific policy should be amended to refer to the provision of main and secondary vehicular access points and key pedestrian/cycle routes/accesses (**MM210**).
226. Technical work shows that a maximum of 680 dwellings can be delivered on the site in advance of key off-site highway mitigation measures identified in the IDP. As set out in Issue 5 above, I am satisfied that there is a reasonable prospect of delivery of these schemes in a timely fashion and that planned growth can be supported. Modifications to the policy are needed to refer to this threshold and to highway, education and other infrastructure requirements, for reasons of effectiveness (**MM210**). This includes the provision of a local retail centre and an on-site primary school. The referenced school opening date of 2025 is indicative and recognises the need for flexibility and on-going monitoring of pupil projections.
227. The site comprises an area of attractive undulating fields crossed by public rights of way, with woodland to the south. The initial landscape work by the consortium identifies that the site has predominantly medium landscape value but some areas of high-medium sensitivity to change. The site is large enough to provide buffers and landscape mitigation. High quality design and layout which respects local character and key views will also help to limit impact on the form and setting of Brighouse. Overall, I am satisfied these matters are capable of being dealt with through the planning application process. Further landscape assessment will be necessary and should be referred to in the policy for effectiveness (**MM210**).
228. The site contains Grade II listed buildings at Firth House. The Council's HIA indicates that an extensive area around the buildings will need to remain free of development to protect the significance of the assets. Sensitive design and layout measures will be key and will allow impacts on nearby non-designated heritage assets at The Gatehouse and buildings off Ryecroft Lane to be mitigated. Other designated assets are further away and the HIA does not

indicate that significance will be affected. Historic England is satisfied with the Council's approach.

229. The policy identifies a range of mitigation measures to protect ecology and wildlife, including Ancient Woodland in Bradley Wood. The buffers distances are a reasonable starting point pending further assessment work through the planning application process.
230. The site policy states that on-site open space provision should be higher than the Council's standard open space policy requirements, but does not specify the figure. This approach is pragmatic and reasonable in the context of on-going masterplanning work and cooperation between the Council and developer. The site is large and as such there could be scope for higher provision. Mitigation measures relating to ball strikes associated with the cricket ground are necessary to prevent damage and ensure the policy is justified (**MM210**).
231. 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.
232. The updated trajectory for the site, as reflected in **MM10**, shows dwellings coming forward in 2027/28. This is realistic having regard to the progress made with technical and masterplanning work. A total of 595 dwellings would be delivered within the Plan period and 662 beyond. Although these delivery rates will be challenging and other developments in the area are predicted, the site adjoins an established residential part of Brighouse, and based on the evidence before me I am satisfied that there is a reasonable prospect of delivery as predicted. Detailed phasing and delivery issues would be subject to on-going monitoring by the Council.

Thornhills Garden Suburb (LP1463)

233. The site is located on the eastern edge of Brighouse. It largely consists of open fields which rise towards a plateau in the eastern part of the site, and contains the wooded river valley of Thornhills Beck and the hamlet of Thornhills. The Council's Green Belt assessment identifies the site as performing well against Green Belt purposes. The site 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. The site is also contained in part by existing roads.

234. The site would form a major extension to the town. However, Brighouse is a large settlement with a range of services and facilities and employment opportunities. The site adjoins residential areas to the south and there are a number of road and footpath links providing access into Brighouse. The development would include a local centre and an on-site primary school. The allocation is consistent with the Plan's strategy to focus development in south-east Calderdale. As with LP1451, the referenced school opening date of 2025 in the policy is indicative and recognises the need for flexibility and on-going monitoring of pupil projections.
235. Document CC95 shows that the vast majority of the site is available for development. The unavailable areas comprise small pockets and there is no evidence they are critical to delivery of the overall scheme. Most of the site is controlled by a consortium and negotiations have commenced with other landowners. The Council is taking an active role in the process and intends to work with stakeholders towards preparation of a comprehensive masterplan. The initial work indicates that the early phases of development may be focused on consortium land in the south/south-east of the site. Reference to the preparation of a masterplan should be included in the policy for reasons of effectiveness (**MM211**).
236. Technical work has identified that a spine road through the site would be feasible that would partly be funded by developers and part-managed and front funded by the Council. Various highways projects are also needed, linked to the A641. These requirements may be subject to change through masterplanning work and further assessment as part of the planning application process. However, as identified in Issue 5, the range of requirements are already factored into the Council's viability work and scheme viability is demonstrated. Overall, I conclude there is a reasonable prospect of the necessary access and highways infrastructure being delivered in a timely fashion. References to a spine road and highways interventions in the policy are necessary for reasons of effectiveness and are worded flexibly to allow for changes (**MM211**).
237. The scale of the development and the sensitivity of the landscape means that there will inevitably be an impact on the character and appearance of the area. However, new landscaping coupled with high quality design and layout which respects local character and key views will help to limit impacts. Furthermore, the low density of the scheme will allow significant areas of open land to be retained. This includes buffer areas around Thornhills and near to Clifton to maintain their separate identity, plus other areas of the site that contain key biodiversity habitats and/or attractive landscape features. The indicative developable area is shown on the inset map in the Plan but this is likely to

evolve further through the future masterplanning process. Further landscape assessment work will form a key part of this process and should be referred to in the policy for effectiveness (**MM211**).

238. The published modifications state that the indicative developable area in the site policy should be amended from 105.15 to 101 hectares. However, this is a drafting error and inconsistent with the figure of 105.15 in the published modifications for Policy SD7. I have therefore deleted the modified area from the attached schedule and reverted to the correct figure of 105.15 hectares as set out in the submitted Plan. This is necessary for accuracy and to ensure consistency with Policy SD7.
239. The Grade II listed buildings of Woolrow and Woolrow Farmhouse lie to the north. The Council's HIA shows that mitigation can be provided by avoiding built development in identified areas and through sensitive design and layout. Modifications are necessary to confirm that developers may need to fund repairs to Woolrow as part of these mitigations, if this is shown to be necessary through further heritage assessment work (**MM211**). There are other heritage assets in the locality, including Grade II listed buildings at Birkhouse farm complex, the locally designated historic Wellholme Park, archaeological sites and the undesignated assets of the former railway structures and Thornhill footbridge and ford. The Council's HIA identifies that with mitigation measures there will be either no change or beneficial change in their significance.
240. 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.
241. The updated delivery timescales for the site, as reflected in the trajectory in **MM10**, shows dwellings coming forward in 2027/28. This is realistic having regard to the progress made with technical and masterplanning work. A total of 555 dwellings would be delivered within the Plan period and 1,443 beyond. Although these rates will be challenging and other developments in the area are predicted, the site is close to established residential areas, and based on the evidence before me I am satisfied that there is a reasonable prospect of delivery. Detailed phasing and delivery issues would be subject to on-going monitoring by the Council.

Brighouse – other housing allocations in the submitted Plan

242. Wilton Street, Brighouse (LP0174) – The site is primarily vacant scrubland and is identified in the Council's Open Space Study as natural/semi-natural open space. However, it has low open space value and there is a good supply of this typology in the locality. The site is suitable for development albeit with a low density to allow for access constraints and other mitigation measures. The LHA has confirmed that safe access can be provided for 15 dwellings but parking restriction mitigation is needed. The site policy should be amended to refer to this requirement, for reasons of safety and effectiveness (**MM188**).
243. Land at junction of Granny Hall Lane and Blackburn Road (LP0548) – The site is amenity greenspace and there are open space shortfalls in the area. In order to accord with paragraph 74 in the NPPF 2012 it will be necessary to provide improvements to other open space in the area to off-set quantitative loss. This requirement is captured in modification **MM189**. A reduction in site capacity from 19 to 16 dwellings is necessary to allow effective access to an adjoining property and protect trees along the site boundary (**MM189**).
244. Land at Bowling Alley/Scholey Avenue, Rastrick (LP0565) – The policy should be amended to confirm that access may be sought via Scholey Avenue or Bowling Alley Terrace. This reflects more recent appraisal work and the submission of a pending planning application. This change will ensure the policy is effective (**MM190**).
245. Land off Woodhouse Lane, Rastrick (LP1000) – The site predominantly comprises a small area of natural/semi-natural greenspace. There is sufficient provision of this typology in the area but there are some deficits of other types of open space. On balance I consider that development could be appropriate and consistent with paragraph 74 in the NPPF 2012 if sufficient improvements are made to other open spaces in the locality, such as the nearby Woodhouse Recreation Ground. A reduction in the site capacity from 24 to 10 dwellings and amendment to the indicative developable area is needed to reflect constraints identified in the HIA and remove private land that is not available. These measures and changes are necessary to ensure the policy is effective and consistent with national policy (**MM196**).
246. The Council owns the majority of the land and is exploring options for removing the restrictive covenant that requires retention as open space. Based on the evidence before me there would appear to be a reasonable prospect of the site being delivered.
247. Southages Quarry, Ogden Lane and Toothill Bank, Rastrick, Brighouse (LP1032) – Amendments to the policy are necessary for reasons of

effectiveness, to clarify that access to LP1032 should be taken from Toothill Bank. This is captured in **MM197**.

248. Land off Toothill Bank, Rastrick (LP1033) – The site is contained by development on three sides and is well related to the built-up form of Brighouse. Most of the southern boundary has a clear defensible boundary which could be strengthened by further planting. Subject to modifications to secure boundary improvements and other landscaping measures (**MM198**), I consider the scheme would not lead to urban sprawl and visual impacts could be minimised.
249. A recent Ecological Assessment advises that development in the middle section of the site could be feasible. The indicative developable area should therefore be amended and the site capacity increased from 64 to 97 dwellings. Mitigation measures should be included to secure provision of landscaping/open space on the eastern slopes, the retention of trees and hedgerows and a buffer zone to the stream. These changes are needed to ensure the proposal is justified and effective and the natural environment and visual amenity is protected.
250. Based on the Council's approach to other development schemes I am satisfied that potential mitigation linked to ball strikes and the nearby playing field matter could be dealt with through the planning application process. There is no evidence before me that the site itself was previously used as a playing field. Access to the site will need to be provided via Toothill Bank. This key requirement should be referenced in the policy for clarification and reasons of effectiveness. The aforementioned modifications are captured in **MM198**.
251. Overall, taking account of identified housing needs I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
252. Squire Hill Quarry (LP1053) and Land off Brookfoot Lane, Brighouse (LP1054) – Joint access is required to these sites for reasons of highway safety. Amendments are needed to both policies to reference this requirement and ensure the policies are effective and justified (**MM199** and **MM200**).
253. Land at Shirley Grove, Lightcliffe (LP1060) – The site is currently used as amenity open space. The Council's evidence shows there is sufficient amenity greenspace elsewhere in the local area but there are some gaps in other typologies such as play facilities for older children. On balance, I consider that development could be appropriate and consistent with paragraph 74 in the NPPF 2012 if improvements are made to other open space in the area. Mitigation measures to retain hedgerows/trees on the site are also needed to ensure the scheme is justified and minimises harm to the natural environment. The modifications are captured in **MM201**.

254. Southedge Quarry, Brighouse Road, Hipperholme (LP1077) – Further work by the site promotor indicates that the site has capacity for 174 rather than 213 dwellings. The LHA has confirmed it is content that the scheme's impact on the Hipperholme crossroads would not be severe, as set out above. Having regard to the evidence before me I am satisfied the proposed development of 174 units is reasonable and potentially capable of being delivered. Changes to capacity in **MM202** are justified and necessary for reasons of effectiveness.
255. Land between Dewsbury Road and New Hey Road, Rastrick (LP1078) – Modifications are needed for reasons of effectiveness, to reflect the recent planning permission. This includes increasing site capacity from 149 to 267 dwellings, amending the indicative developable area and specifying provision of open space, rather than retention of the cricket pitch. These changes are captured in **MM203**.
256. Former Hill Crest Quarry, Halifax Road, Hove Edge (LP1093) and Halifax Road, Hove Edge, Brighouse (LP1095) – Site LP1095 is well related to Brighouse and is contained by built development on two sides. The tree belt to the south-west limits links to the open countryside and would provide a strong defensible boundary. In this context, and having regard to identified housing needs and the site's sustainable location, I conclude that exceptional circumstances exist to justify the release of site LP1095 from the Green Belt.
257. Site LP1093 is not located in the Green Belt. Access to the site will need to be provided via LP1095. This key requirement should be referenced in both policies for reasons of effectiveness (**MM204** and **MM205**).
258. Land at Stoney Hill, Lillands Lane (LP1469) – Access to the site will need to be provided via public open space to the east. The strip of land is small and loss could be off-set through open space improvements through the planning application process. Amendments are needed to the site boundary/area and inset map in the Plan and to specify the retention of trees on the site. These are captured in **MM208** and are needed for the policy to be justified and effective.
259. Land north of Crosslee, Brighouse Road, Hipperholme (LP1648) – Modifications are necessary to increase the site capacity from 31 to 41 dwellings to reflect the recent planning permission. Amendments are also needed to refer to multi-modal transport corridor improvements and avoidance of a severe impact on the Hipperholme crossroads, in line with the Council's transport evidence. Access to the site should be taken via extended site LP0032 and this key requirement should be included in the policy. These changes are captured in **MM209** and are necessary for the proposal to be justified and effective.

Elland – housing allocations in the submitted Plan

260. Long Heys Farm, Long Heys, Greetland (LP0037) – The site is a small open field on the edge of the settlement. Links to the open countryside are limited by the adjoining road and by farm buildings to the south. Development here would read as a natural extension to the settlement and would not intrude into the countryside or cause sprawl.
261. Further site appraisal work has identified a slight reduction in the developable area and site capacity and additional constraints and mitigation measures relating to ecology, flood risk, transport, design, the operation of the nearby farm and nearby heritage assets. The changes in **MM212** will ensure the proposal is effective and consistent with national policy. The heritage measures include taking account of a nearby Grade II listed viaduct and Grade II listed boundary marker in scheme design, as advised by Historic England. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.
262. Land at Laithe Croft Farm, Bowling Green Road, Stainland (LP0075) – The site is in the Stainland Conservation Area. It is an important gap in the streetscape which allows attractive views of the wider countryside and the village in its rural setting. As such I consider that development on the site would cause significant harm to the character of the village and the significance of the Conservation Area and that this is under-estimated in the Council's HIA. This applies to both parts of the site as development on the frontage would limit the width and quality of the views of the countryside from Bowling Green Road. Accordingly, I consider the allocation is not justified or consistent with national policy and should be deleted from the Plan (**MM214**). Adjoining land identified as consequential changes in CC48 (GBD292 and GBD320) should also remain in the Green Belt as exceptional circumstances are not demonstrated. This is illustrated on the inset maps in **MM214** and **MM215**.
263. Land to the west of West View, Church Lane, Stainland (LP0146) – The site comprises an open field with hardstanding and stables to the rear. There are houses on the opposite side of Church Lane and development to the west would form a logical extension to the village. The site has strong defensible boundaries that would prevent encroachment and sprawl. The site is in a sustainable location within walking distance of local facilities.
264. The evidence before me indicates that the site is owned by Travellers and that part of the site has been occupied by a Traveller family for a number of years on an unauthorised basis. There is no information before me regarding the accommodation needs of the Travelling family and whether they intend to remain in the borough. However, the Council is due to prepare a separate Travellers DPD that will address the accommodation needs of Gypsies and

Travellers. Policy HS8 in the Plan, as modified, also provides a criteria-based approach for assessing proposed Gypsy and Traveller sites. As such there could be future opportunities to secure alternative pitch accommodation in Calderdale if necessary.

265. Appropriate mitigation measures linked to the nearby Conservation Area and listed church are captured in the Council's HIA and included in the policy. No other fundamental constraints are identified to residential development on the site. Overall, taking account of identified needs for general housing, I consider that the release of the site from the Green Belt is justified and exceptional circumstances are demonstrated.
266. Land off Lower Edge Road, Shaw Lane, Elland (LP0978) – The site comprises large agricultural fields adjoining Old Earth School. However, it is well related to the urban area with development on several sides and has a strong treeline on the eastern boundary which separates it from the wider countryside. The site is well-contained and the treeline and adjoining lane would prevent encroachment.
267. The evidence before me indicates that the site contains areas of biodiversity priority habitat but that there could be some scope for development subject to ecological mitigation measures. The production of an Ecological Impact Assessment will be key in determining biodiversity value and developable areas. The requirement for this report is captured in **MM220** in order to protect the natural environment and align with national policy. If the indicative developable area is subsequently reduced the site is large enough to facilitate higher densities in other areas, so the site capacity may not significantly alter. Overall, taking account of identified housing needs, I conclude there are exceptional circumstances to release the site from the Green Belt.
268. Land adjoining South Parade, adjacent Maple Fold, Elland (LP1030) - The site is a small field on the western edge of the settlement. It adjoins residential development and is bounded by trees to the north and south. It is well contained and does not overly protrude into open countryside. Existing boundaries could be further strengthened through planting, as identified in the policy. Furthermore, there are other built-up areas of Elland which extend further west and the gap between Elland and Holywell Green would therefore not be reduced. Overall, having regard to identified housing needs, I consider there are exceptional circumstances to release the site from the Green Belt.
269. The Council has confirmed that localised carriageway narrowing could be acceptable for a development of this size. As such the site is potentially capable of being safely accessed via Maple Fold. Modifications are needed to the policy to remove reference to access being provided via adjoining land and to the need for third party land, for reasons of effectiveness (**MM221**).

270. Land off Scar Bottom Lane, Greetland (LP1407) – The site is in a sensitive location on the edge of Greetland and has an attractive character and appearance. It is bounded by stone walls and there are engaging views across the site to the adjoining historic dwellings, with longer distance views to the south over fields to the wider countryside. The site is part of an attractive rural landscape with considerable historic character, which contributes to the setting of Greetland and the visual qualities of the Green Belt. I consider that the allocation would cause significant harm to the character and appearance of the locality and to the setting of Greetland and the adjoining historic dwellings. As such, notwithstanding the benefits of additional housing, I consider the release of the site from the Green Belt is not justified and the allocation should be deleted from the Plan (**MM222**).
271. Land at Whitwell Green Lane, Elland (LP1657) – The site is identified as an amenity greenspace and is currently grassland. There are suitable alternative facilities in the catchment at Heathfield Recreation Ground and there are Green Belt sites in the vicinity which have the function of natural/semi-natural open space. In this context I concur that the replacement of the open space is not necessary. Modifications are needed to reduce the site capacity from 34 to 30 dwellings to take account of further site appraisal work and to refer to transport mitigation measures, for reasons of effectiveness (**MM226**).

Halifax – housing allocations in the submitted Plan

272. Goosegate Farm, Heathy Lane, Holmfield (LP0046) – The site partially adjoins residential development on all sides and does not read as part of the open countryside. It scores poorly against Green Belt purposes in the site assessment evidence. Having regard to identified housing need, I consider that exceptional circumstances exist to justify the release of the site from the Green Belt. The policy contains a range of appropriate mitigation measures. A slight adjustment is necessary to the site area following further appraisal work, for reasons of effectiveness (**MM227**).
273. Land at Horley Green Road, Claremount (LP0103) – The site is currently amenity greenspace and is used for dog walking and informal recreation. It is in a highly visible location on one of the main routes into Claremount and is a key feature in the local landscape. There are views across the site from adjoining roads and it is overlooked by the frontages of residential properties. The site provides a pleasant and verdant character to this part of Claremount and makes a positive contribution to the streetscape.
274. The Council's open space evidence indicates that there is a sufficient supply of amenity greenspace elsewhere in the local area. However, the site is one of only two identified areas of amenity greenspace in Claremount and the evidence before me indicates it is a well-used and valued community facility.

The Council's open space evidence identifies a deficit of other types of open space in the local area, including parks and gardens and play provision for children and young people.

275. The allocation in the submitted Plan would involve the loss of the open space and provision of 56 dwellings. The Council has indicated that qualitative improvements could be made to Horley Green Recreation Ground. Additional housing would also provide benefits. However, I am not persuaded that the development of 56 dwellings on the site is justified or that qualitative improvements elsewhere would provide adequate compensation. The open space is a key part of the streetscape and its replacement with 56 dwellings would have a significant adverse effect on the verdant appearance of the locality and the setting of Claremount. Horley Green Recreation Ground is also located on the other side of Claremount and would not be as easily accessed by people in the locality.
276. Taking account of all factors I consider that development on a portion of the site could be justified if housing is set back from Horley Green Road and the remaining open space is retained and qualitative improvements secured to improve its function and usability. It is concluded that the developable area should be reduced to 0.25 hectares with capacity for a maximum of 14 dwellings. Additional housing/affordable housing would bring benefits to the community. Amendments are also needed to the policy wording to require the provision of high quality and usable public open space on the rest of the site, which compensates for quantitative loss and contributes to local character and the appearance of Horley Green Road. Qualitative improvements such as the provision of a play area, seating, planting and other features could be identified through consultation with the community. These changes in **MM228** are necessary for the proposal to be justified and consistent with paragraph 74 in NPPF 2012.
277. The new site policy in the published modifications correctly refers to the maximum developable area of 0.25 hectares. I have made a further amendment to the published modifications to Policy SD7 to align with this figure and ensure the Plan is correct and consistent (**MM32**).
278. Land at Turner Avenue South, Ovenden (LP0261), Land at Furness Avenue, Illingworth (LP0523) and Furness Drive/Turner Avenue South, Illingworth (LP1368) – Sites LP0261 and LP0523 comprise large areas of open space on a housing estate. The sites contain roads and were laid out for development but not brought forward. The sites are now used for dog walking and general recreation. There is no evidence before me that the sites were used as formal sports pitches. Site LP1368 is located adjacent to LP0261 and contains a disused multi-use games area (MUGA).

279. The Council's open space evidence shows there is sufficient supply of amenity greenspace in the local area, but deficits of other typologies including parks and gardens, play facilities and natural/semi-natural greenspace. The Council proposes that a local park with play facilities should be provided on part of site LP0261 as mitigation for loss of the open space on the three sites. Taking account of all factors I consider that this is a reasonable way forward that will provide qualitative improvements and play facilities for local children, whilst facilitating the delivery of additional housing as part of the North Halifax Transformation Project. Amendments to the site capacities of LP0261 and LP0523 to facilitate provision of the park have been included in the published modifications. However, new wording specifying provision of the local park and a joint approach to open space provision was omitted by the Council in error from the final draft of the published MM schedule. I have therefore reinserted the agreed wording referring to provision of the local park in the three policies (**MM232**, **MM238** and **MM257**). This reflects the Council's published plans in CC111 and ensures consistency with the amended site capacities in the MM schedule. The Council is the landowner and I am satisfied that the change is not prejudicial to other parties.
280. New 3G pitches and MUGA facilities have recently been provided on a nearby recreation ground. Taking account of the need to provide security and facilitate servicing I consider that modifications to seek qualitative improvements to these facilities should be sought as compensation for the loss of the disused MUGA on LP1368.
281. The aforementioned changes are necessary for the proposals to accord with paragraph 74 in the NPPF 2012. Amendments are also needed to the policies to specify the retention of existing trees and hedgerows to the north of Furness Gardens. The Council has indicated that site LP0523 is being planned for older person development with a higher density, and therefore the site capacity should be increased from 104 to 158 dwellings. These changes will ensure the policies are justified and effective. The modifications are captured in **MM232**, **MM238** and **MM257**.
282. Land to the rear of 109 Fairfax Crescent, Southowram (LP0353) – The site has planning permission and construction has commenced. The permission does not seek compensatory provision for the loss of on-site open space/play facilities and therefore this is not reflected in the policy. The developable area has been adjusted to accord with the planning permission, for reasons of effectiveness (**MM233**).
283. Land adjacent to Daisy Bank, Savile Park, Halifax (LP0397) - The site is allocated in the Plan for 10 dwellings. However, the access road from Savile Park Gardens is in separate private ownership. The Council's evidence indicates there is a right of access along the road but does not clearly demonstrate that upgrading/maintenance of the access track could be

facilitated. Late representations from the owner of the site have been submitted which claim this right exists, but the information has not been subject to scrutiny.

284. The site is within the urban area where housing development is generally supported in principle, subject to compliance with other policies in the Plan and resolution of site-specific matters. As such the allocation is not critical to the delivery of the site, and the site may come forward as windfall development in due course, if issues are resolved at planning application stage. In this context I consider that the modification to remove the site from the Plan is a pragmatic way forward and necessary as evidence relating to delivery has not been fully tested (**MM234**).
285. Land at Ovenden Green, Ovenden, Halifax (LP0452) – The site is currently a large area of grassed open space used for informal recreation within the estate. It previously contained areas of housing that were subject to clearance. The site is identified in the UDP as a Primary Housing Area and is part of the Council's North Halifax Transformation Project.
286. The Council's evidence shows there is a sufficient supply of amenity greenspace in the local area but deficits of other open space typologies, including parks and gardens, allotments and play facilities. As such, notwithstanding the benefits of facilitating regeneration and additional housing, I consider that mitigation to off-set the loss of the open space is necessary in order to accord with paragraph 74 in NPPF 2012 (**MM236**). The provision of a community garden/allotments and a play area on part of the site would provide qualitative improvements for the community. Alternatively, off-site provision may be appropriate if it is in an accessible location.
287. Land off Wheatley Road, Lee Mount, Halifax (LP0454) – Further feasibility work has identified that the site capacity should be reduced from 20 to 14 dwellings due to ecological constraints and the presence of trees. The amended capacity in **MM237** is necessary to ensure the proposal is justified and effective.
288. Land off Whitehill Road, Illingworth, Halifax (LP0531) – The site is well contained by residential development, Keighley Road and woodland. It forms part of a large isolated area of Green Belt within the urban area and does not help to prevent unrestricted urban sprawl or the merging of settlements. Having regard to identified housing needs, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. Modifications are needed to decrease the site capacity from 130 to 127 dwellings for reasons of effectiveness, following further site assessment work (**MM239**).
289. Land at Bank Top/Common Lane, Halifax (LP0683) – The site is surrounded by development on three sides and would form a small extension to the village

boundary. The impact of development on openness would be limited and it would be possible create a new defensible boundary along the eastern edge. Taking account of identified housing needs, I conclude there are exceptional circumstances to justify the release of this small area from the Green Belt.

290. Beacon Lodge Quarry, Long Lane, Halifax (LP0950) – The site would form an extension of the urban area to the north of the village. However, the site is bounded by roads and former quarry workings and buildings. As such the impact of development on openness and the visual qualities of the wider Green Belt would be limited. A strong defensible boundary on the northern edge would be provided by the quarry road and could be augmented by planting. Taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
291. The Council has confirmed that the indicative developable area in the Plan is incorrect. Modifications are necessary for reasons of effectiveness, to illustrate the correct area and increase capacity from 54 to 64 dwellings (**MM243**).
292. Land at West End Golf Club, Paddock Lane, Highroad Well, Halifax (LP0968) – The site forms an active part of the Golf Club site. The club is proposing to mitigate loss by re-providing a hole and fairway on adjoining land at Rolls Head Playing Field. The loss of the public open space at Rolls Head would be mitigated through qualitative improvements to the remaining open space, clubhouse and through ecological improvements. These compensatory measures should be referenced in the policy in order to ensure the proposal is effective and consistent with national policy (**MM244**).
293. The site is located in the Green Belt. However, it adjoins built development and is well related to the settlement form. New defensible boundaries would prevent encroachment. Accordingly, and taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt.
294. Land off Denfield Lane, Wheatley (LP0990) – The site forms part of a narrow inlier of Green Belt that extends into the urban area. It is well contained and its relationship to the wider countryside is limited. The site is on a ridgeline but development would be viewed as part of a backdrop of surrounding residential development. The site could be removed with minimal impact on the openness of the wider Green Belt or the visual qualities of the area. Overall, taking account of identified housing needs, I conclude that exceptional circumstances exist to justify its release from the Green Belt.
295. The site performs the function of natural/semi-natural open space and is informally accessed by local residents via a number of established footpaths. The Council acknowledges that the paths have been used for over 20 years and

therefore have status as rights of way. There is a sufficient supply of other natural/semi-natural open space in the local area but there are identified deficits of parks and gardens. In this context I consider that qualitative enhancements to other recreational space in the area should be sought to mitigate loss. The policy should also refer to the retention and enhancement of the historical footpaths within the site. The amended policy wording will ensure the proposal is justified, effective and consistent with national policy (**MM246**).

296. Site of demolished school, Clough Lane/Brow Bottom Lane, Mixenden, Halifax (LP1009) – The site previously contained sports pitches. There are identified shortages of other typologies in the area including allotments, amenity greenspace and play facilities. Mitigation should therefore be sought, either in the form of on-site open space or off-site enhancement/provision, to ensure compliance with paragraph 74 in the NPPF 2012. Linked policy wording, along with a reduction in dwelling numbers to from 55 to 38 to facilitate on-site open space, is captured in **MM248**. Mitigation measures relating to proximity of the SPA/SAC need to be included to ensure compliance with national policy and legislation (**MM248**).
297. Land adjacent to White House Farm, Riley Lane, Holmfield, Halifax (LP1019) – The site adjoins residential development to the north of Holdsworth Road and is separated from the wider countryside by woodland and a tree belt. The containment means that development would have minimal impact on openness of the wider Green Belt and encroachment would be prevented. New planting in the south-west corner would help to screen development and provide a defensible boundary. Overall, taking account of identified housing needs and subject to the modifications below, I conclude that exceptional circumstances exist to release the site from the Green Belt.
298. Further site assessment work has identified a slight adjustment is needed to the site/developable area and that a lower capacity of 27 rather than 41 dwellings would be appropriate. This would allow retention of tree belts within the site as identified in the Council's HIA and facilitate sensitive design that respects the surrounding area. The capacity change and linked alterations to the developable area, density and inset map are outlined in **MM249** along with new wording relating to the tree belts and implementation of HIA measures. These changes will provide appropriate protection for heritage assets and ensure consistency with national policy.
299. Horley Green Works, Horley Green Road, Claremount (LP1137) – The site is on the edge of Claremount and contains a farmhouse, outbuildings and other buildings in commercial use. It forms a continuation of development on the east side of Horley Green Road. The site has clear boundaries on the east and north which could be strengthened with planting to form strong defensible boundaries and prevent encroachment.

300. Therefore, subject to appropriate mitigation measures, I consider that impacts on the openness and visual qualities of the wider Green Belt and Special Landscape Area (SLA) could be minimised and development could be feasible. The policy seeks boundary planting and sensitive design and layout having regard to the SLA. A further requirement to undertake Landscape Impact Assessment work would strengthen protection and ensure the policy is justified (**MM251**). Overall, subject to this modification and taking account of identified housing needs, I conclude there are exceptional circumstances to justify the release of the site from the Green Belt.
301. Old Lane Dyeworks, Old Lane, Halifax (LP1180) – Further site assessment work has identified that the developable area should be reduced to take account of heritage and flood risk constraints. I concur that this amendment is necessary for the proposal to be effective and consistent with national policy. Reference to associated mitigation measures relating to heritage and flood risk are necessary for the same reasons. This includes a requirement to restore the Grade II* listed mill buildings and ensure the adjoining areas are kept free of development. These changes are captured in **MM252**.
302. Land off Park Lane, Siddal, Halifax (LP1196) – The site is well contained and lies between residential development and a school. It would not extend built form any further eastwards into the open countryside. As such I consider that the impact on the openness of the wider Green Belt would be minimal. Overall, taking account of identified housing needs, I conclude that exceptional circumstances exist to remove the site from the Green Belt.
303. Land adjacent Boothtown Road, Halifax (LP1215) – The site is located to the east of Boothtown Road adjoining an extensive tract of open Green Belt land. However, there are other nearby residential properties in the vicinity and the site is contained by trees, landscaping and boundary treatments that could be strengthened. Overall, taking account of identified housing needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
304. Land off Mill Lane and Old Lane, Boothtown, Halifax (LP1216) – The eastern part of the site is no longer available for development. Modifications are therefore needed to remove this area, reduce the site capacity from 197 to 94 dwellings, amend the access requirements and remove heritage references. These changes in **MM254** are necessary for reasons of effectiveness. The modifications also capture mitigation measures relating to ecology, which are necessary to ensure the natural environment is protected and the proposal aligns with national policy.
305. Near Royd, Ovenden, Halifax (LP1229) – The site comprises a large area of sloping fields in the Green Belt on the north-east side of Halifax. However,

development here would be an extension of built form in the area between the A647 and Shay Lane/Ovenden Road, with the A647 limiting links to the wider Green Belt to the east. Initial masterplanning work has indicated that the upper slopes of the site containing power lines could be provided as landscaping, thereby limiting the visual impact of development. New planting and landscaping would assist and help to strengthen boundaries. The site is in a sustainable location on the edge of the wider urban area and close to a range of services and facilities.

306. Further site analysis has identified the need for ecological work, land stability assessment and pedestrian/cycle links to site LP1216. Reference to these mitigation measures is necessary to ensure the policy is effective (**MM255**). Part of the site is proposed as sheltered housing and flats and the Council has indicated that the indicative site capacity should be increased from 474 to 562 dwellings to reflect this. This change is captured in **MM255** and is justified and necessary for effectiveness.
307. Overall, taking account of all factors identified housing needs and the contribution the site would make to the delivery of housing in Halifax, I conclude that exceptional circumstances exist to release it from the Green Belt.
308. Heathmoor Park Road/Field Head Lane, Illingworth, Halifax (LP1379) - The site is currently grassland and forms part of a large area of open space containing amenity greenspace and natural/semi-natural areas. Development will need to be satisfactorily mitigated in line with paragraph 74 in the NPPF 2012 and this requirement should be referenced in the policy (**MM258**). There may be scope to facilitate this through on-site provision of enhanced open space and/or qualitative improvements to other nearby sites including the large remaining area of open space to the west. Further site assessment work has indicated that the site has capacity for 43 rather than 41 dwellings with a slight adjustment to the site area, and the policy should be amended accordingly for reasons of effectiveness (**MM258**).
309. Former St. Catherine's High School, Holdsworth Road, Holmfield, Halifax (LP1429) - The evidence shows that the southern part of the site contains two former tennis courts. Although they were used by the school, such facilities can sometimes be put to public use. There is an identified need for qualitative improvements to tennis facilities in the local area and scope at nearby Beechwood Park or Holmfield Park. The policy wording should be strengthened to require provision of suitable mitigation measures to off-set the loss of the tennis courts and accord with national policy (**MM261**).
310. Other changes necessary for reasons of effectiveness are captured in **MM261** and include increasing the site capacity from 83 to 108 dwellings and slightly adjusting the site area, following further site assessment work. The Council has

confirmed that the policy requirement to provide a buffer of 10 metres around the site boundary and the woodland within the site is a drafting error and should be deleted.

311. Former St. Catherine's High School Grounds, Holdsworth Road, Halifax (LP1481) - The site was formerly used as sports pitches. There is an identified need for additional football pitches in the local area, and therefore mitigation measures are necessary to off-set loss and ensure compliance with national policy. The policy should be amended to refer to this compensation requirement and highlight scope for qualitative improvements to nearby pitches at Beechwood and Holmfield Parks. Amendments are needed to specify further planting and retention of the on-site woodland to protect the natural environment and minimise visual impact. The changes are captured in **MM262**.
312. Land off Hambleton Drive (LP1486), Land off Balkram Road (LP1487), Land off Hambleton Crescent (LP1488) and Land south of Hambleton Crescent (LP1489), Mixenden, Halifax - The four sites are used as areas of amenity greenspace within the housing estate. If all of the sites were developed there would be a shortage of amenity recreation space in the locality. The Council has proposed that site LP1487 should be retained as open space with enhanced facilities, to provide compensation for the loss of the other open spaces. I agree that this change is necessary to ensure appropriate community provision is secured and align with paragraph 74 in NPPF 2012. Housing allocation LP1487 should therefore be deleted from the Plan (**MM264**) and the policy wording for the other sites amended to refer to joint compensatory measures (**MM263**, **MM265** and **MM266**).
313. Land at Abbey Park, Illingworth, Halifax (LP1547) - Amendments are needed to increase the site capacity from 75 to 83 dwellings with slight adjustments to the site area to reflect the recent planning permission, for reasons of effectiveness and to facilitate accurate monitoring (**MM267**). The schedule of modifications as published also includes reference to compensatory improvements to other open space nearby. However, as construction has commenced this is not deliverable and therefore I have omitted this modification from the schedule attached to this report.
314. Land rear of 115 Claremount Road, Halifax (LP1603) – The majority of the site, with the exception of the south-western corner, is located in the Green Belt. The site adjoins residential development and is bounded by landscaping and field boundaries to the north. It is well-contained and further planting would help to provide a strong defensible boundary and prevent encroachment. It is located in a sustainable location on the edge of the wider urban area. Overall, taking account of identified housing need, I conclude that exceptional circumstances exist to release the site from the Green Belt.

315. Land at Titan Works, Claremount, Boothtown, Halifax (LP1609) – Part of the site is in the Green Belt and part lies within the urban area. Planning permission has been granted for residential development on the site and building has commenced. Land which is not necessary to keep permanently open should not be included in the Green Belt. Therefore exceptional circumstances to justify the release of the site from the Green Belt have been demonstrated. The site capacity in the policy should be reduced from 49 to 46 dwellings and the site area adjusted slightly to reflect the planning permission, for reasons of effectiveness and to facilitate accurate monitoring (**MM269**).

Hebden Bridge – housing allocations in the submitted Plan

316. Land east of Manor Drive, Hebden Bridge (LP1501) – The site forms a natural extension to the built-up area of Hebden Bridge and adjoins built development. The ridgeline to the east means that visual links with the wider countryside are restricted. The landscaping measures in the Plan would help to strengthen boundaries and limit visual impact of development. The provision of a Landscape Impact Assessment is an integral part of this and should be sought in the policy for reasons of effectiveness (**MM270**).

317. The site currently functions as natural/semi-natural open space and is informally used by dog walkers. However, the Council's evidence shows that there is sufficient provision of this typology in the locality and most of the site is in private ownership. The policy requires the retention of open space in the south part of the site or its re-provision elsewhere within the site, in line with recommendations in the Council's Open Space Study. This is appropriate mitigation that will ensure consistency with paragraph 174 in the NPPF 2012. Modifications are also needed to refer to the proximity to the SPA/SAC and provide necessary protection for key environmental assets in line with national policy and legislation (**MM270**). Overall, taking account of identified housing needs, I conclude there are exceptional circumstances to justify releasing the site from the Green Belt.

318. Land at Stoney Lane, Hebden Bridge (LP1503) – The site is a small area of natural/semi-natural greenspace being brought forward by the Calder Valley Community Land Trust to provide social housing. Opportunities for housing development in Hebden Bridge are limited by topography and other constraints and delivery of this site would provide housing to meet identified local needs. The Council's evidence indicates that there is a good supply of natural/semi-natural greenspace in the local area. The proposal would involve the loss of the southern part of the site, with the woodland area being retained.

319. The site is in the Hebden Bridge Conservation Area and close to a number of listed buildings. The HIA identifies that development could result in some harm to heritage assets but mitigation measures to retain important characteristics

could help to minimise impacts. Feasibility work by the Trust indicates that there could be capacity for 20 rather than 27 dwellings on the site, reflecting heritage and other constraints. Weighing up all the factors I am satisfied that, subject to inclusion of the additional heritage wording and a reduction in capacity to 20 units, development could be justified, deliverable and consistent with national policy (**MM271**). Changes to the policy are also needed to refer to SPA/SAC mitigation measures, to ensure compliance with national policy and legislation (**MM271**).

Northowram and Shelf – housing allocations in the submitted Plan

320. Land at Spring Head, Northowram (LP0221) – The site is contained by built development to the east and part of the north side and would form a natural extension to Northowram. It has clear defensible boundaries, including woodland to the west, that would contain sprawl.
321. The site is natural/semi-natural open space and is informally used for dog walking. The Council's evidence shows there is sufficient supply of natural/semi-natural open space in the local area. Nonetheless, the policy seeks the provision of an element of on-site open space and protection of the existing public right of way. As the site is close to the Shibden Valley SLA the policy should be modified to require a Landscape Impact Assessment (**MM276**). This is necessary to provide suitable analysis of landscape matters and ensure the proposal is justified.
322. The policy seeks restoration of lowland meadow in the northern part of the site and provision of a landscaping buffer. A requirement to prepare an ecological assessment and implement associated measures would further strengthen protection for the natural environment in line with national policy (**MM276**). Overall, taking account of the identified need for housing, I consider that exceptional circumstances exist to justify the release of the site from the Green Belt.
323. Land off Cock Hill Lane, Shelf (LP0782) and land north and north-west of Wade House Road, Shelf (LP1543) – The sites in combination form a large extension on the north side of Shelf. As outlined in Issue 1, Shelf is a large village with a range of services and facilities and is located on a key strategic transport corridor to Bradford. The Council's assessment work identifies that the sites perform strongly when assessed against Green Belt purposes. However, notwithstanding this, the sites would form a logical extension and offer ready pedestrian access to services via upgraded public rights of way. A significant distance would remain between Shelf and the next settlement to the north and the sites would not close a critical gap. The sites are predominantly bounded by clear field boundaries that could be augmented to form defensible boundaries and prevent future encroachment.

324. The evidence shows that safe vehicular access can be provided to LP0782 via Cock Hill Lane and to LP1543 via Wade House Road. The requirement to provide access to both sites from Cock Hill Lane should accordingly be deleted from policy LP0782, for reasons of effectiveness, and access requirements confirmed in both policies. Good pedestrian links to the main part of the village can be facilitated via upgraded public rights of way. This should be specified to ensure delivery. These changes are captured in **MM280** and **MM287**.
325. Site LP0782 is situated near Grade II listed cottages at 3-7 Cock Hill. Built development on LP0782 needs to be set back from the road to avoid harming the rural setting and significance of these buildings. The Council and Historic England have agreed a revised line and I concur that the changes in the inset map in **MM280** are necessary to protect the built environment and ensure consistency with national policy. Linked to this the developable area and capacity has been reduced from 166 to 141 dwellings, and modifications refer to the implementation of HIA measures. The indicative capacity of LP1543 also needs to be reduced from 331 to 290 to reflect new site appraisal and transport assessment work, for reasons of effectiveness (**MM287**). Furthermore, in order to ensure effectiveness and high-quality development the policies should be amended to require the preparation of a joint masterplan (**MM280** and **MM287**).
326. Subject to the above modifications the policies provide a suitable range of mitigation measures, and detailed matters could be addressed through the planning application process. Taking account of all factors, including identified housing needs, I consider there are exceptional circumstances to justify the release of these sites from the Green Belt.
327. Land at West Street and Halifax Road, Shelf (LP1041) – The western part of the site contains areas of hard standing and is potentially suitable for redevelopment. Modifications are consequently needed to the developable area and to increase the estimated site capacity to 32 dwellings. The site boundary also needs to be corrected close to the employment building (**MM284**). The owner has recently indicated that employment uses are being considered as a potential alternative to housing in the western section. However, there are no firm plans before me regarding this change, or evidence that housing would be undeliverable in this part of the site.
328. The Council's highway evidence indicates that safe access can be achieved and there is capacity on the local road network. The site forms a key gateway into Shelf and provides a gap between the main village and the area of Stone Chair. The central part of the site forms part of an ecological corridor alongside the stream and its retention will allow a small gap to remain. Additional policy wording is needed to ensure the gateway role of the site is recognised and that a high-quality scheme can be secured. Heritage mitigation measures also need to be amended to include reference to the retention or potential relocation of the milestone on Halifax Road. These changes in **MM284** are needed to ensure the

proposal is effective and consistent with national policy. Subject to the above modifications the allocation is soundly based.

Ripponden – housing allocations in the submitted Plan

329. Holme House, Holme House Lane, Rishworth (LP0938) – The northern part of the site is outside the indicative developable area due to topography and its narrow form. The Council has also been unable to confirm the availability of this section. Taking account of these factors I consider that the allocation boundary should be redrawn to exclude the area, for reasons of effectiveness (**MM288**). The amended site area is captured in the above modification to Appendix 1 of the Plan but has been omitted in error from the published modifications to Policy SD7. I have corrected this in the attached schedule of MMs, for reasons of effectiveness (**MM36**).
330. Land north of Stonelea, Barkisland (LP1027) – The site is open land on the edge of the village. Several planning applications have been refused and appeals dismissed for residential development on the site. However, these were based on particular schemes and having regard to the characteristics of the site I am satisfied that there could be scope for some form of residential development in principle. This would be subject to sensitive design and layout to avoid impacting on the residential amenity of neighbouring properties, take account of pylons across the site, and provide an attractive setting to Barkisland.
331. The policy states there is an indicative capacity for 12 dwellings. Having regard to site constraints including residential amenity, pylons and landscape character, I consider that it could be feasible but it represents an optimistic figure. This is notwithstanding the slight increase in the site area, as identified through further appraisal work and referenced in **MM290**. Nevertheless, the estimated site capacity figure is indicative, and I consider that the inclusion of additional policy wording which indicates that 12 is likely to be a maximum and is dependent on sensitive design and layout is a pragmatic way forward. A requirement to undertake Landscape Impact Assessment work would also help to ensure visual impacts are minimised. The related modifications in **MM290** are necessary for reasons of effectiveness and to ensure high quality design in line with national policy.

Sowerby Bridge – housing allocations in the submitted Plan

332. Cemetery Lane, Lower Bentley Royd, Sowerby Bridge (LP0044) – The site is well contained by housing and built development and is bounded by a hedgerow to the west. It would form a logical extension to the settlement and clear defensible boundaries could be achieved thereby preventing sprawl.

333. Amendments to the policy are needed to specify retention of the mature trees within the site. A slight adjustment to the site area is also necessary following further appraisal work. These changes in **MM293** will ensure the proposal is justified and effective. Overall, having regard to identified housing needs I consider there are exceptional circumstances to justify the release of the site from the Green Belt.
334. Land off Dean Lane, Sowerby Bridge (LP0438) – The mature tree belts are identified in the Council's HIA as being essential in protecting the setting of the adjoining listed buildings. The policy should therefore be amended to specify their retention, in order to protect the historic environment and ensure compliance with national policy. For the same reasons, the policy wording should be amended to require implementation of measures in the HIA. These changes are captured in **MM296**.
335. Hollins Park, Cemetery Lane, Sowerby Bridge (LP1356) – The site is a recreation ground with a play area and previously incorporated a playing pitch. The policy requires re-provision of the pitch and the Council has commenced discussions with Sowerby Bridge Football club regarding long-term plans. However, modifications to the policy are needed to refer to compensatory measures to off-set the loss of open space/play area, as identified in CC111. This will ensure the scheme is effective and consistent with paragraph 74 in the NPPF 2012. The Council has identified scope for facility improvements at Hollins Mill Leisure Park.
336. The latest heritage and highways evidence suggests there is scope to increase the site capacity from 10 to 32 dwellings. The adjoining Sowerby Bridge cemetery is a locally listed historic park and garden and contains a listed chapel building. Document CC116 identifies further scope for development in the western part of the allocation site and potential for an access road across the area of high sensitivity. Vehicular access may require the relocation of the cemetery gates. However, if these are appropriately repaired and positioned nearby and still form the entrance to the cemetery, harm would be minimised. This position is supported by Historic England. The site is identified in the Plan for 10 dwellings due to width constraints along Cemetery Lane. However, the Council has recently held pre-application discussions to secure widening of sections and there appears to be scope for additional numbers.
337. Taking account of all factors in the round I consider that development on the site is potentially justified and deliverable. This is dependent on suitable mitigation being secured relating to open space, heritage and access. Modifications are therefore needed to refer to these mitigation measures in the policy. Changes are also needed to the estimated site capacity and developable area to reflect the latest evidence and ensure the policy is effective. The aforementioned changes are captured in **MM297**.

338. Upper Bentley Royd, Sowerby Bridge (LP1391) – The Council has confirmed the site is no longer available for residential development. Accordingly, the policy should be deleted from the Plan as the proposal is not deliverable (**MM298**).
339. Land west side of Brockwell Lane, Triangle, Sowerby Bridge (LP1398) and Land north of Lower Brockwell Lane, Sowerby Bridge (LP1412) – The LHA has confirmed that it could be feasible to separately access both sites, with vehicular access to LP1398 facilitated through a reconfiguration of Woodlands through the site. This layout could also bring visibility improvements compared to the current Woodlands junction. At the hearing the Council stated that road speeds in the vicinity can be in the high 30s (miles per hour). In this context I am satisfied that the application of standards in the Manual for Streets is appropriate. Overall, the evidence indicates that suitable visibility splays could be achieved and separate safe access points could be feasible. As such the policies are soundly based and there is no need to stipulate provision of a joint access point. Policy LP1398 incorrectly refers to the use of third-party land to achieve access and this reference should be deleted (**MM299**).
340. Modifications are needed to increase the site capacity of LP1412 from 8 to 18 dwellings to reflect the recent planning permission and ensure the policy is effective (**MM300**).
341. Wakefield Road, Sowerby Bridge (LP1415) – The site lies in proximity to an existing waste facility. Modifications are necessary to refer to this key constraint for reasons of effectiveness (**MM301**).
342. Politt Fields, 8 Rippon House, Sowerby Bridge (LP1654) – A small part of the site is amenity greenspace. There are some deficits of open space in the area and therefore modifications are needed to specify compensation for the loss of open space through off-site qualitative improvements and ensure consistency with national policy. Modifications are also needed to reduce the site capacity from 44 to 26 dwellings for reasons of effectiveness, to reflect recent feasibility work and planning permission on the site. These changes are captured in **MM302**.
343. Rawson Wood, Wood Croft, Sowerby Bridge (LP1655) – Further feasibility work indicates that the site has capacity for 30 rather than 22 dwellings and a planning application has recently been submitted for this figure. Modifications to amend the site capacity are needed for reasons of effectiveness (**MM303**).
344. The indicative developable area of the site includes an existing area of amenity greenspace. Although there is a good supply of this typology in the area there are deficits of other types of open space. The policy should therefore be

amended to seek compensation for this loss, in line with paragraph 74 in NPPF 2012 (**MM303**).

Todmorden – housing allocations in the submitted Plan

345. Land off Key Syke Lane, Kilnhurst, Todmorden (LP0053) – The site is natural/semi-natural greenspace. There is sufficient supply of this typology in the local area but deficits of other forms of open space. As such, to comply with paragraph 74 in the NPPF 2012 the policy should be amended to seek provision of an element of open space or enhancements to open space elsewhere to offset loss. For reasons of effectiveness, the site capacity should be reduced from 13 to 11 dwellings to reflect current development on part of the site. These changes are covered in **MM304**.
346. Land off The Hollins, Stansfield Hall Road, Todmorden (LP0640) – The site has a number of constraints including topography, land stability, flood risk/drainage and heritage considerations. Local residents are concerned that development may increase land instability in the area and lead to subsidence and damage to nearby properties and roads. However, although issues have been identified on other sites in the area, the allocation site does not lie in the identified area of unstable land identified on the Policies Map and there is no technical evidence before me that the allocation site is unstable and incapable of being developed. However, modifications are necessary to require the submission of a land stability report for the site in order to manage risk and be effective. Amendments are also needed to identify mitigation measures relating to the SPA/SAC and flood risk to ensure compliance with national policy and legislation.
347. The indicative density of 45 dwellings per hectare does not take account of constraints linked to the topography of the site or heritage issues identified in the Council's HIA. The site capacity should be reduced from 53 to 33 dwellings to take account of these constraints and protect nearby heritage assets and the character and appearance of the local area. It will allow an opportunity to secure good quality design and layout which respects residential amenity. The Council has confirmed that safe access to the site for this level of development could potentially be secured, subject to improvements to The Hollins and Victoria Road.
348. Overall, the evidence before me indicates that the site is potentially capable of being developed, subject to reduced capacity and suitable mitigation measures being secured. The aforementioned modifications are captured in **MM306**. The policy as amended provides an appropriate framework. The planning application process will provide an opportunity to secure further technical work if necessary and explore detailed mitigation.

349. Land off Stoney Royd Lane, Todmorden (LP0651) – The Council confirmed at the hearing session that the site can be accessed via Keswick Close as suitable land has been identified. As such, the requirement to upgrade Stoney Royd Lane should be removed from the policy for reasons of effectiveness (**MM307**).
350. Land rear of 302 Halifax Road, Todmorden (LP0659) – The site area in the submitted Plan does not allow vehicular access, as land adjoining the river has been excluded from the developable area due to ecological constraints. To facilitate access and ensure the allocation is effective, the site boundary should be amended to include the strip of land adjoining Woodhouse Court. Further mitigation measures relating to flood risk are needed to protect human health and be consistent with national policy. These changes are captured in **MM309**.
351. Land off Woodlands Avenue, Todmorden (LP901) - The site is currently an area of public open space used for recreational purposes, and includes a kick-about area, children's play area, woodland and community orchard/growing area. The site, known locally as Denis's Field, is a valued community facility. The site is allocated in the Plan for 16 dwellings and replacement open space is proposed on adjoining land (LP902).
352. There are views across Denis's Field from Stansfield Hall Road and the open space makes a positive contribution to the character and appearance of the locality. The site is well overlooked by the fronts of houses facing onto Woodlands Avenue and the play area is positioned in a visible location close to Stansfield Hall Road.
353. The Council has proposed that the majority of the open space would be replaced on adjoining land LP0902, with the community orchard/growing area retained in situ. Whilst LP902 would be accessible it has several drawbacks. Firstly, the Council has indicated that due to topography the kick-about area would be smaller and the site would have a different function to Denis's Field, operating more as a general amenity area. Secondly, although there may be some surveillance from nearby properties, any re-provided play area would not be in such a prominent or visible location from the main road. For similar reasons the open space as a whole would be less overlooked. This could impact on the usability and quality of the space. Thirdly, the proposed subdivision of the open space, with retention of the orchard/growing area on LP901, would diminish the role and function of the open space as a holistic community asset. It would also mean that the orchard/growing area would adjoin an access road or be positioned next to/between buildings, thereby potentially detracting from its attractiveness for users.
354. Based on the evidence before me, I consider that the proposed loss of Denis's Field and redevelopment for housing would detract from the character and appearance of this part of Stansfield Hall Road. Furthermore, the proposed

relocation of the open space to LP902 has a number of drawbacks, as outlined above. Whilst some improvements such as better play equipment could be secured, and additional housing/affordable housing would be facilitated, I am not persuaded these would outweigh the disbenefits or that replacement open space provision would be equivalent or better. The scheme would therefore fail to accord with paragraph 74 in NPPF 2012. It is therefore concluded that housing allocation LP901 and associated relocation of the open space to LP902 is not soundly based and the proposals should be deleted from the Plan (**MM310**).

355. Land opposite 46-48 Hollins Road, Walsden (LP0914) - Based on the need for a circuitous access route the Council has proposed a reduction in site capacity from 46 to 43 dwellings (**MM311**). I concur this change is necessary for the allocation to be effective.

356. Land in front of Bardnor House, Todmorden (LP1637) – The Council has confirmed that the site does not have vehicular access and it is not clear how it would be achieved. On this basis the deliverability of the site is uncertain and I conclude it should be deleted from the Plan (**MM313**).

Employment allocations in the submitted Plan

357. Land to the rear of Crosslee PLC, Brighouse Road, Hipperholme (LP00032) – The site is allocated in the submitted Plan as an extension to the adjoining Crosslee employment site. However, the Crosslee factory has since closed. Marketing has taken place but the Crosslee site is located at a distance from the strategic road network and there does not appear to be evidence of strong market demand for comprehensive employment re-use. The Council proposes in CC109 that LP0032 should be extended to incorporate the Crosslee site and re-allocated as a single new mixed-use site, including residential and retail development, a care home and an element of employment development.

358. The nearby Hipperholme crossroads has capacity restrictions and lies within an Air Quality Management Area. However, notwithstanding data relating to other sites, there is a fall-back position in the case of the Crosslee site as the former factory use generated a degree of traffic. A new secondary site access is also proposed onto St. Giles Road. The LHA has indicated that the impact on the crossroad will not be severe and that they support the proposed mixed-use development in principle, subject to further transport assessment work through the planning application process. The Council has highlighted scope for mitigation measures to be secured as part of the development scheme, to ensure that air quality in the AQMA does not worsen or result in exceedances. Multi-modal transport corridor improvements may also help to reduce air pollution whilst addressing traffic levels. The Council has now resolved to grant outline planning permission for the principle of mixed-use development on the

site, pending completion of a legal agreement and subject to a range of conditions.

359. Overall, based on the evidence before me, I am satisfied there is scope for mixed-use redevelopment on the expanded allocation site. The original employment extension is no longer capable of being delivered and an expanded mixed-use allocation is a justified and pragmatic response that will regenerate the site and deliver jobs and housing in a sustainable location. Modifications are therefore needed to delete the employment allocation (**MM142**) and insert a new mixed-use allocation policy in the Plan (**MM172**).
360. The new policy identifies an indicative number of dwellings and non-residential floorspace, an indicative developable area and a proposed mix of uses. Further technical work will need to be carried out through the planning application process to refine the scope and details of development and ensure appropriate mitigation measures are secured in relation to transport and air quality. A requirement to provide at least 2 hectares of employment land is included, reflecting the Council's original aspiration for jobs on the site and provision of local employment opportunities. The policy also identifies mitigation measures relating to other matters including ecology, heritage, contamination and flooding. The new policy provides a broad framework that will help to ensure development is effective and consistent with national policy.
361. Land at Wakefield Road/Clifton Common, Clifton, Brighouse (LP1232) – The site is designated as an Enterprise Zone and a Spatial Priority Area by WYCA. It is located close to the M62 but has a number of constraints including topography and former coal mining use.
362. The Council has granted outline planning permission for employment development and reserved matters for the site layout. The preparation and investigative work has been grant funded by WYCA and is part of the Council's preparation towards submission of a Full Business Case to secure further funds for infrastructure and ground engineering works. The Council has signalled its intention, if necessary, to front fund these works and other off-site transport infrastructure costs using prudential borrowing. Loans would be repaid using the growth in Business Rates generated by the Enterprise Zone. The Council has also secured funding for the site access road from the National Productivity Investment Fund and other funding bids have been submitted.
363. 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.

364. The site adjoins residential development on several sides and a hotel to the south-east. It will be important to ensure the scheme is designed to minimise impact on the residential amenity of nearby properties and respect the setting of Clifton village through careful design and layout and landscaping. Mitigation measures are also necessary relating to ecology, to minimise harm to the natural environment. These issues should be added to the policy to ensure the scheme is justified and consistent with national policy. Changes to the site area, developable area and floorspace capacity are needed to reflect the recent planning permission and ensure effective delivery. The modifications are outlined in **MM145**.
365. Land west of Huddersfield Road, Brighouse (LP1618) – Following further site appraisal work the Council has proposed that the western boundary of the site should be amended to include an additional area in the north-west corner and exclude part of the land to the south-west. The north-western section is separated from the wider Green Belt by strong hedgerows whilst the deleted south-western section is more visible in the landscape. Removal of the south-western section will reduce impact on the openness of the wider Green Belt. The site as amended is largely contained by the M62, the A641 and development to the north and does not perform a key role in preventing encroachment. The M62 also provides a clear divide between Brighouse and settlements to the south.
366. The site adjoins listed buildings at Toothill Hall. The historic appraisal evidence shows that built development in the north and eastern sections of the site would harm the significance of the heritage assets. As such the policy should be amended to exclude development in these areas. The construction of an access road across this area and buildings elsewhere on the site will need to be carefully designed to avoid being seen from the listed buildings. Amendments to the developable area and site capacity are necessary to ensure the policy is effective and provides appropriate protection for the historic environment. Amendments are necessary to specify retention of the tree belt along the north-west boundary, which provides a strong defensible Green Belt boundary.
367. Overall, taking account of identified employment land needs and subject to the aforementioned mitigation measures in **MM146**, I conclude there are exceptional circumstances to release the site from the Green Belt.
368. Land to the south of premises on Lowfield Way, Elland (LP0009) – The policy requires the provision of a buffer zone near the river for ecological reasons. Amendments are needed to the inset map, developable area and site capacity to reflect this requirement, for reasons of effectiveness. Amendments are

needed for the same reason to confirm the provision of a 10-metre buffer zone to the railway line. These changes are covered in **MM147**.

369. Land at Ainley Top, Brighouse Road, Ainley Top (LP0021) – The site comprises open fields to the east of Ainley Top. However, it is bounded by the M62 and other roads to the south, which limit connection to the wider countryside and could form a defensible boundary.
370. The southern section of the site is identified as an area of high sensitivity in the Council's HIA. It forms part of an undeveloped ridgeline visible from Castle Hill Scheduled Monument and contains a tree covered mound which has historic and landscape value. The ridgeline affords attractive views over the wider countryside to the north and south. To protect the historic environment and local landscape setting the southern part of the site should remain free of built development and removed from the indicative developable area. The site capacity should be reduced accordingly and mitigation measures inserted which refer to heritage measures, landscape protection and potential provision of an access road across the southern area. Due to the site's sensitivities a masterplan would be of benefit, as outlined in the Council's HIA.
371. The aforementioned changes are captured in **MM148** and are necessary to ensure the proposal is justified and in line with national policy. I have made a further adjustment to the published wording in **MM148** to delete both criterion referring to 'consideration of recommendations in the HIA'. The criterion appears twice in the submitted policy in error and only one is shown with strikethrough text in the published modifications. However, as outlined in Issue 8, the criterion has been superseded by new wording in the policy referring to 'implementation of recommendations in the HIA'. When the policy is read a whole this error is apparent and I am satisfied the change is not prejudicial.
372. Overall, subject to these changes and taking account of employment needs I consider there are exceptional circumstances to release the site from the Green Belt.
373. Land to the south of Dewsbury Road, Elland (LP0025) – The site is located to the east of the A629 on the edge of Elland. However, it is separated from the open countryside by commercial buildings to the east and by the B6114 road. As such development on the site would have minimal impact on the openness of the wider Green Belt and would not lead to encroachment. Overall, taking account of identified employment needs, I conclude there are exceptional circumstances to release the site from the Green Belt.
374. Ainley's Industrial Estate, Ainley Bottom, Elland (LP0355) – The site adjoins an established industrial estate and contains an area of hard surfacing and trees to the rear. It is contained by other industrial development and has a strong

defensible boundary to the south. The site does not read as part of the open countryside and development would not impact on the openness of the wider Green Belt. Overall, taking account of identified employment needs I conclude there are exceptional circumstances to release the site from the Green Belt.

375. The Council has proposed that the appropriate uses on the site should be widened to include B2 as well as Eg(iii) light industrial uses (**MM151**). I concur that this change is necessary and appropriate as the adjoining industrial estate contains a mix of employment uses and allowing B2 uses will aid site delivery.
376. Land off South Lane, Elland (LP0960) – The site contains areas of biodiversity priority habitat and Wildlife Habitat Network. The policy should be amended to refer to ecological mitigation measures including provision of ecological survey work as part of any future planning application. These changes in **MM152** are necessary for reasons of effectiveness and to align with national policy.
377. Land at Listers Road, Shibden, Halifax (LP0105) – The site is a small area of land between the A58 and Listers Road. It adjoins development to the south and is divided from the wider Green Belt by the A58. As such it has limited links to the wider Green Belt and does not prevent encroachment. Modifications are needed to refer to the presence of nearby geological protected areas and related mitigation measures, to provide suitable protection in line with national policy (**MM155**). Overall, having regard to identified employment needs, I conclude that exceptional circumstances exist to justify the release of the site from the Green Belt.
378. West of Holmfield Industrial Estate, Riley Lane, Holmfield, Halifax (LP1018) – The HIA identifies that built development in the southern part of the site could potentially harm the significance of listed buildings and structures at Holdsworth House. The Council's Statement of Common Ground with Historic England states that the policy should be amended to specify that the southern area should be kept free of built development. I concur with this position and consider that the change in **MM160** is necessary to ensure consistency with national policy.
379. Options are being explored to facilitate vehicular access to the site. This includes via employment allocation LP1219 and/or the adjoining established industrial estate. Overall, taking account of the scale of the allocation, I consider there is a reasonable prospect that access is likely to be facilitated and the site will come forward during the Plan period.
380. North of Holmfield Industrial Estate, Halifax (LP1219) – The site is identified in Issue 12 below as being suitable in principle for waste management uses and there could be capacity to provide an element of such uses alongside

employment development. A cross reference to the relevant waste policy as amended should be included for reasons of effectiveness (**MM166**).

381. As with LP1018 a number of options are being looked at to facilitate vehicular access. For the reasons set out above I consider there is a reasonable prospect that access is likely to be realised and the site will come forward during the Plan period. The policy should be amended to refer to the need for planning with adjoining development sites, for reasons of effectiveness (**MM166**).
382. Star Garage, Wakefield Road, Copley, Halifax (LP1203) – The site is occupied by workshop buildings and hardstanding, with a tree belt to the rear. It adjoins residential and commercial development and forms part of the built-up frontage along Wakefield Road. To the south the site is separated from the open countryside by a canal and a sewage treatment works beyond. Taking account of identified employment needs and the developed and contained nature of the site and its separation from the wider Green Belt, I conclude that exceptional circumstances exist to justify its removal from the Green Belt.
383. Land to south-east of Holmfield Industrial Estate, Holmfield (LP1218) – The policy requires the provision of a buffer zone near the beck for flood risk and ecological reasons. Amendments are needed to the inset map, area and site capacity to reflect this requirement, for reasons of effectiveness (**MM165**).
384. Shay Lane, Ovenden, Halifax (LP1231) – Further site assessment work has identified additional land within the site that could be suitable for employment development. The indicative developable area, inset map and floorspace capacity should be amended accordingly to ensure effective planning and delivery (**MM167**).
385. Top Land, Cragg Vale, Mytholmroyd (LP1622) – The site is on the edge of the village and is partly occupied by an existing business park and former agricultural buildings. The northern and eastern sections consist of open fields. The site is proposed for employment development in the Plan and the owner has confirmed that the site is available for this purpose only, rather than mixed-use development as indicated in CC39.
386. The site has an element of containment, with residential areas to the north/northeast and a strong landscaping belt to the west with housing beyond. The existing buildings on the site provide further containment, particularly for land to the north. The eastern fields are more open and slope upwards towards Hall Bank Lane. Development on the upper slopes would be highly visible in the landscape.
387. Taking account of the position of the site and its containment I consider that development on the field north of the existing business park would have minimal

impact on the openness of the wider Green Belt or the character and distinctiveness of the wider SLA.

388. Development on the eastern field would encroach beyond the current buildings into the open countryside, and could potentially harm the visual qualities of the area if located on the upper slopes. Development in the area of high sensitivity in the north-east section of the site, as identified in the Council's HIA, could harm the significance of the Grade II listed buildings on Hall Bank Lane. It is therefore concluded that the upper slopes and the area of high sensitivity should be excluded from the indicative developable area and the site capacity reduced accordingly. High quality design and layout of the business park and further landscaping and planting could help to minimise the impact of development in the eastern part of the site and create a strong new defensible Green Belt boundary. In the absence of detailed landscape assessment work, modifications are needed for reasons of effectiveness to specify that the final developable area will be determined through further landscape work undertaken at planning application stage.
389. Further assessment work has identified the site could be suited to B8 uses in addition to offices and B2 uses. To facilitate delivery, modifications to this effect should be made to the policy. This change and the aforementioned modifications are captured in **MM169**. Overall, taking account of identified employment needs and subject to the above modifications I conclude there are exceptional circumstances to release the site from the Green Belt.
390. Zodian House, Station Road, Sowerby Bridge (LP1640) – Part of the site has planning permission for employment uses and part contains an employment building. For reasons of effectiveness these areas should be removed from the site area and the floorspace capacity adjusted accordingly (**MM170**).

Mixed-use allocations in the submitted Plan

391. Firth's Carpets, 432 Bradford Road, Bailiff Bridge, Brighouse (LP0771) – The site is no longer being promoted for mixed-use development and has partly gained outline permission for residential development. It should therefore be deleted as a mixed-use allocation (**MM174**) and a new policy inserted in the housing section (**MM193**). The site has capacity for 41 dwellings and this should be reflected in the new policy along with additional mitigation measures relating to the historic environment and preparation of a masterplan. These changes are necessary to ensure the proposal is justified and effective.
392. Land and buildings opposite B&M, Dewsbury Road, Elland (LP0509) – Planning permission has been granted for 90 dwellings on part of the site and the reappraisal of the site in the Council's Mixed-Use Site Capacity Assessment (CC72b) identifies capacity for additional employment floorspace. These

changes are captured in **MM175** and are necessary for reasons of effectiveness.

393. West Vale Works, Stainland Road, West Vale, Elland (LP1088) – The landowner has recently advised that the site is now being promoted for retail development (Class E(a)). However, there is no evidence before me regarding the suitability of the site for retail use. The latest evidence in the Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that the site is suitable and feasible for mixed-use development comprising housing and employment, albeit with a reduced capacity from the submitted Plan. Furthermore, the site is close to the main crossroads in West Vale and therefore the effect of supermarket development on highways and air quality issues would need to be explored.
394. Accordingly, at this point in time there is no clear evidence before me that the site is suitable for retail development or that such a scheme has a reasonable prospect of delivery. CC72b also refers to a live planning application for C2 residential use on the site, comprising apartments for the elderly with care. Overall, I consider it would be a pragmatic and reasonable response to retain the housing/employment designation in the Plan. The site is a brownfield site within the urban area and an applicant could choose to pursue and justify retail or alternative uses through the planning application process, as set out in Policy SD5. Amendments reflecting the lower capacity in CC72b and identifying flood risk constraints are necessary to facilitate delivery and ensure alignment with national policy (**MM176**).
395. Kinnaird Close, Elland (LP1123) - The Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that converting part of the mill buildings to flats would provide additional residential capacity on the site, with an increase from 38 to 68 dwellings. There would be a consequential lowering of employment floorspace from 6,930 to 4,300 m². Amendments to the indicative capacity are therefore included in **MM177**, for reasons of effectiveness. Amendments are needed to the policy to identify flood risk constraints, to protect human health and align with national policy (**MM177**).
396. Car Park between Well Lane/King Street, Halifax (LP0264) - The latest evidence in the Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that development of one employment block would be feasible on the site and the provision of apartments would allow residential capacity to increase from 10 to 40 units. Amendments to the indicative capacity are included in **MM178**, for reasons of effectiveness.
397. Land off King Cross Street, Halifax (LP0289) - The Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that there is scope for further residential capacity that could aid the viability. Amendments to increase

indicative residential capacity from 10 to 26 units and to reduce the amount of employment floorspace are identified in **MM179**, for reasons of effectiveness.

398. Stoney Royd Mill Albion Mills, Bailey Hall Road, Halifax (LP0749) – The Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that there could be scope to develop one mill building for E(gi) uses with the others converted to residential use. Development potential on open land adjacent to the Coal Drops is not identified as it has significant constraints. Amendments to reduce the indicative developable area, lower residential capacity from 79 to 56 units and include an estimated employment floorspace figure are identified in **MM181**, for reasons of effectiveness. Additional wording to specify retention of listed buildings on the site and prevent development in the watercourse buffer area are also necessary to ensure appropriate protection for the historic environment and reduce flood risk (**MM181**).
399. Mulcture Hall Road, Halifax (LP1170) - The Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that there is scope to bring forward higher density residential development on the site. Amendments to increase the indicative site capacity from 42 to 131 dwellings and slightly reduce the indicative employment floorspace are necessary for effectiveness. Additional mitigation measures relating to ecology and creation of a buffer alongside Hebble Brook are necessary to protect the natural environment and align with national policy. These changes are captured in **MM182**.
400. Northgate House/Central Library, Halifax (LP1287) – The site has been developed as a Sixth Form and is therefore no longer available for mixed-use development. As such it should be deleted as an allocation in the Plan (**MM183**).
401. Cow Green Car Park, Halifax (LP1292) - The site is identified in the submitted Plan as a mixed-use allocation. However, it is now being promoted for residential development only, with an estimated capacity of 90 rather than 141 units. This estimated figure appears appropriate, taking account of Listed Buildings nearby and proximity to the Conservation Area. The mixed-use policy should therefore be removed (**MM184**) and replaced with a new policy in the housing section (**MM256**). These changes are necessary for reasons of effectiveness.
402. Horton Street, Halifax (LP1632) - The Council's Mixed-Use Site Capacity Assessment (CC72b) indicates that development could be viable with higher levels of residential development. Amendments to increase the indicative number of dwellings from 47 to 97 and lower the indicative employment floorspace to 2945m² are captured in **MM186** and are needed for reasons of effectiveness.

403. Former Hebden Bridge Fire Station, Hebden Bridge (LP0922) – The Council's Mixed-Use Viability Study identifies that office development (Egi) is not viable on the site. In this context, and taking account of the site's proximity to the town centre, I concur that the appropriate uses for the site should be widened from Use Class Eg(i) to Class E as well as C3 dwellings. The modification to Policy SD6 in **MM26** is therefore necessary for the proposal to be effective. I have also made a further change to the site-specific policy in **MM187**, as set out in the attached schedule, as the change from Class Eg(i) to Class E was omitted from the published version. The change is necessary to align with the modification to Policy SD6 and accord with the Council's evidence. The error is apparent when reading the Plan as a whole and taking account of the evidence base, and therefore I am satisfied the change is not prejudicial.

Additional housing allocation sites proposed by the Council

404. As outlined in Issue 2 above, the Council put forward additional housing allocations in CC39, to facilitate the higher housing requirement of 14,950. The suitability and deliverability of the specific proposed sites are covered below.

405. The Gate Farm, Saddleworth Road, Greetland (LP0026) – This Green Belt site is proposed for 67 dwellings in CC39 but the Council subsequently put forward a capacity of 16 dwellings in CC116. The site is highly visible on the approach to the village with views across fields towards the non-designated heritage asset of Brian Royd Mills and other historic buildings. There are also verdant views across the site from Brian Royd Lane and Scar Bottom Lane. The site contains a number of protected trees and is bounded by stone walls.

406. The site forms an important gateway and setting to the village and has an attractive rural appearance and character. Given the sensitivities of the site I consider that a development of 67 or 16 dwellings would cause significant harm to the character and appearance of the locality and the setting of Greetland. Development of 67 dwellings would also detract from the significance of the non-designated heritage asset and cause moderate harm in this regard (as identified in the Council's HIA). I consider that moderate benefits associated with delivery of additional housing/affordable housing would not outweigh the identified harm associated with development of either scale. The additional allocation is not justified or consistent with national policy and exceptional circumstances are not demonstrated to release the site from the Green Belt. The site is therefore omitted from the attached list of MMs to the Plan.

407. Land adjacent Ellistones Place, Saddleworth Road, Greetland (LP0177), Land at New Gate Farm, Saddleworth Road, Greetland (LP0952) and Land to the west of Silverdale Terrace, Greetland (LP1625) – These sites comprise open fields on the south side of Saddleworth Road. The Council's assessment work identifies that the sites perform strongly when assessed against Green Belt

purposes. However, the sites are in a sustainable location within walking distance of a range of facilities. They adjoin the built-up area and are partly contained by residential development to the east and west. To the south the sites are bounded by landscaping and either industrial development and/or flood plain areas that would prevent future encroachment. A significant gap would remain between Greetland and the next settlement to the south. Landscaping and design measures would strengthen existing field boundaries and mitigate the impact of development on the character and appearance of the locality.

408. The Council's evidence shows that the three sites are capable of being accessed safely. Furthermore, as identified in Issues 1 and 5 above, the sites could feasibly be developed individually or cumulatively without significant harm in terms of highways impacts or air quality. Further detailed assessment work will be required as part of the planning application process and mitigation measures sought as necessary. This could include measures to reconfigure road layouts or provide additional cycle or walking links as necessary.
409. The developable area for LP177 in CC39 includes land to the east of the school that would be accessed via land adjoining Black Brook. However, the fields alongside the brook are unsuitable for development or road infrastructure due to flood risk, landscape and heritage constraints linked to the nearby Grade II listed Bradley Hall farmhouse. There is no evidence of a suitable alternative vehicular access point to allow residential development in the eastern section of the site. Accordingly, the eastern section plus land adjoining Black Brook have been omitted from the site area and inset map in the attached MM schedule.
410. The proposed policies in **MM217**, **MM218** and **MM225** provide an appropriate range of mitigation measures relating to landscaping, access, design, heritage, access, flood risk, air quality, ecology and other matters. Overall, having regard to identified housing needs, I conclude that exceptional circumstances exist to justify the release of the sites from the Green Belt.
411. Land adjacent to Exley Lane, Elland (LP1567) – The site adjoins Elland and is well related to the urban form. It is contained by residential development on several sides and the southern section has a strong sense of enclosure. The northern section is more open and consists of attractive sloping fields. However, further landscaping and the provision of open space on the northern edge could help to strengthen existing boundaries, prevent encroachment and mitigate the impact of development on the character and appearance of the local area. A clear gap between the settlements of Elland and Salterhebble would remain.
412. An independent highways report submitted by representors identifies several issues. However, the LHA is satisfied that the site could be accessed safely subject to a number of improvements. This includes formalisation of on-street

parking, traffic calming measures and signalisation of the Park Road/Exley Lane junction. A new foot/cycle bridge planned as part of the Elland Station Access Package would facilitate improved pedestrian and cycling access from the site to key facilities. The Council's evidence indicates that there is sufficient width to gain safe access to the site and that other foot/cycleway links are capable of delivery. Taking account of all of the submitted highways evidence before me, I am satisfied that the site is capable of being safely accessed and that necessary mitigation and detailed matters can be dealt with through the planning application process.

413. The proposed policy in **MM223** sets out an appropriate range of mitigation measures relating to flood risk, ecology, heritage, landscaping/design, transport and other matters. There is evidence of flooding in the locality in the past and therefore the further flood risk and hydrological assessment work will be important in ensuring that appropriate mitigation measures are secured and that flood risks adequately mitigated. Overall, taking account of identified housing needs, it is concluded that exceptional circumstances exist the release the site from the Green Belt. Part of an existing Primary Employment Area would be lost following designation but the area is small and benefits associated with housing provision are considered to outweigh this loss.
414. Land at Ainley Top, south-west of the junction of the A643/New Hey Road (LP1616) – The site is in an elevated setting adjoining the built-up area of Ainley Top and affords long distance views towards Huddersfield and the Scheduled Monument of Castle Hill. It is partly contained by residential development to the north and west. Development, as identified in **MM224**, would be confined to the western part of the site. As such it would be viewed against a back-drop of built-up form. The A643 road provides a clear defensible boundary to the south. Further landscaping, as sought in **MM224**, could help to strengthen the boundary and mitigate the impact of development on the character and appearance of the locality. Development in the western section would avoid the 'area of high sensitivity' identified in the Council's HIA and protect the significance of the Scheduled Monument and the listed buildings associated with Fixby Hall.
415. The proposed policy in **MM224** set out a range of appropriate mitigation measures relating to ecology, noise, transport, heritage and landscaping and other matters. Overall, having regard to identified housing needs, I conclude that the proposal is justified and that exceptional circumstances are demonstrated to release the site from the Green Belt.
416. Land at Maltings Road, Halifax (LP0983) – The site forms a gap in the built-up frontage on the north side of Maltings Road. The tree belt to the north divides the indicative developable area from the wider Green Belt and would be retained as part of the scheme. Subject to retention of the trees and sensitive design and layout the site is capable of accommodating development without

harming the significance of the nearby listed Old Maltings Brewery. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt and the proposal in **MM245** is justified.

417. Land off Park Lane, Siddal, Halifax (LP1128) - The site comprises an open field on the eastern side of Halifax. It is contained by existing vegetation along much of its eastern boundary and steeply sloping land to the east. Additional landscaping could strengthen the boundaries and help to mitigate the impact of development on the character and appearance of the area. The policy identifies necessary highway mitigation measures that will enable the site to be safely accessed. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt and the proposal in **MM250** is justified.
418. Wood Lane, off Ovenden Wood Road Wheatley, Halifax (LP1409) – The site is identified as a poorly performing Green Belt site in the Council's assessment work. It forms part of an inlier of Green Belt within the urban area and is contained by areas of residential development, Wood Lane and a railway embankment. The LHA has confirmed the need for the development proposal to provide a safe pedestrian crossing of the Hebble Brook. The LHA is satisfied that a technical solution is feasible and options such as a bridge or traffic lights could be explored through the planning application process. The LHA's position is informed by technical assessment and local knowledge and is robustly based. This requirement and the need for other highway works and other mitigation measures are referenced in the proposed policy in **MM259** and are necessary to ensure the policy is justified and effective.
419. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt and the proposal in **MM259** is justified. The release of the site has consequential changes for the Green Belt boundary as an adjoining isolated section would no longer satisfy the purpose of including land in the Green Belt. The proposed change is outlined in CC48.1 and will need to be captured in the adopted Policies Map.
420. Land adjacent to the Wells, Stock Lane, Halifax (LP1590) – The site adjoins the urban area and is contained by residential development to the north and east and woodland to the south with residential development beyond. The site does not form part of a key gap and overall performs poorly against Green Belt purposes in the Council's assessment work. Taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt. The proposed policy in **MM268** captures an appropriate range of mitigation measures and is soundly based.

421. Land at Greave House Field, Luddenden (LP0931) – The site is an elevated field on the edge of the settlement. It is contained by residential development on several sides and the site boundary does not extend any further west than existing residential properties. The settlements of Luddenden and Luddenden Foot already partly join and the site does not form part of a key gap. Subject to the inclusion of suitable mitigation measures relating to landscaping, design and layout I conclude that development can be accommodated without causing significant harm to the character and appearance of the area and the setting of Luddenden. Such measures are also necessary to protect the historic environment and the listed buildings at Greave House and barn and Luddenden Conservation Area, as outlined in the Council's HIA.
422. The proposed policy in **MM274** sets out necessary mitigation measures relating to flood risk, ecology, retention of the PROW across the site and re-provision of a small area of amenity open space to facilitate access via site LP1372. Overall, based on the evidence before me, I consider the proposal is soundly based subject to appropriate mitigation measures being secured.
423. Kershaw Drive, Luddenden Foot (LP1372) – The site adjoins Kershaw Drive and lies within the Green Belt and a SLA. Development in the southern part of the site would represent a modest extension of the urban area and the topography would help to contain the site. Additional landscaping and sensitive design and layout could help to provide new defensible boundaries and mitigate the impact on the character and appearance of the area. The Council and Historic England concur that development in the indicative developable area could come forward without harming the significance of nearby listed buildings at Greave Farm and barn subject to mitigation measures in the Council's HIA.
424. The proposed policy in **MM275** sets out a range of appropriate mitigation measures relating to heritage, landscaping, ecology, flood risk and other matters. Subject to these measures I consider that the proposal is soundly based. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.
425. Land off Hall Lane, Northowram (LP0766) – The site is identified as a strongly performing area of Green Belt in the Council's evidence. However, it is largely contained by a strong tree belt and divided from the wider Green Belt to the west by Upper Lane. These features and the planned reinstatement of the northern tree belt would help to prevent urban sprawl, provide clear defensible boundaries and limit visual impact. The site is in a sustainable location on the edge of the village within walking distance of key facilities.
426. The site is located to the south of Grade II* listed buildings at Marsh Hall and adjoins the Grade II listed Slab Wall to the south. The indicative developable

area in the proposed policy in **MM279** includes part of the area of high sensitivity identified in the Council's HIA. However, taking account of the intervening distance between the site and Marsh Hall and elements of screening there could be potential scope for sensitively designed development in part of this area without harming the significance of the heritage asset. The developable area is indicative and would be determined through the planning application process.

427. The policy sets out mitigation measures on a range of matters including heritage, landscaping, ecology, flood risk and highways and will help to ensure development is soundly based. There is history of coal mining in the area but no evidence before me that the site is incapable of being developed. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.
428. Land off Soaper Lane, Shelf (LP1034), Land north of Shelf Cricket Ground, Shelf (LP1036) and Land off Burned Road, Shelf (LP1037) - These adjoining sites do not score highly against Green Belt purposes in the Council's evidence and are in a sustainable location on the edge of the settlement. Site LP1034 is on the outer edge but adjoins residential development to the east and west. Soaper Lane and the green lane to the north divide the site from the wider Green Belt, and the boundary could be strengthened with further planting. Taking account of the merging between Shelf and Buttershaw that already exists along Carr House Lane and the modest scale of the sites, it is considered that the proposed development would not significantly harm the identity of either settlement or Green Belt purposes.
429. The Council's evidence indicates that the sites are capable of being safely accessed and development will not have a severe effect on the highway network subject to appropriate mitigation measures. Ownership of the access point to LP1036 via Cloverdale was not confirmed at the time of the hearing but the policies for LP1034 and LP1036 allow for alternative vehicular access via LP1034. The Council has identified that mitigation may be necessary to ensure Burned Road is wide enough to allow vehicular access to LP1037 and this matter will be explored further through the planning application process. On this basis further changes to **MM283** have been included in the attached MM schedule to refer to future assessment of the situation. It is a minor change which reflects the stated position and does not prejudice parties.
430. The proposed policies in **MM281** (LP1034), **MM282** (LP1036) and **MM283** (LP1037) set out a range of mitigation measures relating to highways and other matters such as landscaping, ecology and coal mining/land stability. The southern boundary of LP1036 and exclusion of the cricket ground from the site is justified as the Calderdale Playing Pitch Strategy does not identify a surplus of playing pitches and there are no details of how mitigation for the loss of the

cricket ground would be provided in line with NPPF 2012. Accordingly, the ball strike mitigation measures in the policy are necessary.

431. Overall, I consider the proposed allocations are robustly based and, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the sites from the Green Belt. In the attached schedule of main modifications to this report I have removed reference to creation of a strong defensible Green Belt boundary from the policy for LP1037. This small further change is necessary as the site does not adjoin the Green Belt.
432. Hud Hill Farm, Northowram (LP1044) – The site is in the Green Belt and in a prominent location on the A644. However, the site does not extend any further north than existing housing to the east of the A644. Furthermore, when approaching south along the A1644, development would be seen against the backdrop of existing housing off Score Hill. The site is bounded by hedgerows and stone walls which could be augmented to provide strong defensible boundaries. A sizable gap would remain between Shelf and Northowram.
433. The exclusion of the area of high sensitivity identified in the Council's HIA, coupled with mitigation measures in the proposed policy in **MM285**, provides appropriate protection for the Grade II listed Whinney Royd Farmhouse. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.
434. Land at Westercroft Lane, Northowram (LP1523) – The site is in the Green Belt on the east side of the village and is identified as strongly performing in the Council's assessment work. However, the site is partly contained by residential development to the north and west and the indicative developable area does not significantly protrude into the open countryside. Westercroft Lane would form a clear defensible boundary to the south and further planting along the eastern boundary could strengthen this edge. The site is in a sustainable location within walking distance of facilities in the village.
435. The site adjoins the historic small hamlet of Westercroft. Westercroft forms an attractive feature in the landscape and is identified in the Council's HIA as a non-designated heritage asset. The indicative developable area is set back from the hamlet, thereby protecting its distinctive historic character and separate identity and providing a rural setting. The new policy in **MM286** sets out an appropriate range of heritage, landscaping and other mitigation measures. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.
436. Barkisland Cross, Jackson Lane, Barkisland (LP1602) – The site is identified in the Council's assessment work as a strongly performing area of Green Belt.

However, the site is contained by roads on several sides and adjoins housing to the west. As such there is a clear division between the site and the wider Green Belt and encroachment into the countryside would be limited. Further planting and landscape/design mitigation measures in the new policy in **MM292** would help to augment the boundaries and ensure that development does not harm the setting and appearance of Barkisland or the SLA. Overall, taking account of identified housing needs, I conclude that exceptional circumstances are demonstrated to release the site from the Green Belt.

Conclusion

437. In conclusion, subject to the above modifications the proposed housing, employment and mixed-use allocations are justified, effective and consistent with national policy.

Issue 9 – Does the Plan provide an appropriate supply of deliverable and developable sites to meet identified housing needs and align with national policy?

Overall housing supply

438. The Council's updated Housing Trajectory and Five-Year Supply paper (November 2021) (CC125d) identifies supply from a range of sources including completions, extant permissions, windfall sites, the brownfield land register and allocation sites in the Plan.

439. Extant permissions and site allocations have been categorised according to the definitions of developable and deliverable in the NPPF 2021. This is necessary as future housing supply will be tested on this basis. The assessment process has taken account of a range of evidence on specific sites, including progress with planning applications, updates from developers/landowners and information on viability and constraints. The approach is broadly robust and provides an up-to-date estimated position on delivery timescales in line with current guidance.

440. The site allocation lead-in times and build out rates have also been informed by standard rates in Tables 18 and 19 in the Housing Technical Paper (CC40). The standard lead-in rates are based on local evidence regarding delivery timescales and the build-out rates are informed by local planning data and dialogue with housebuilders. Overall, they are considered to represent an informed average. The lead-in times for allocation sites have been adjusted as the Plan examination has rolled forward. A lapse rate for allocation sites has not been applied but on the basis that the suitability, capacity and deliverability of sites has been assessed through the Plan process this approach is sound.

441. The small-site windfall allowance of 98 dpa is informed by historical completions data since 2008/9 with a discount applied. There is clear evidence of past supply from windfall development over a long timeframe. The borough contains extensive urban areas and it is reasonable to assume that delivery from this source will continue in the future. The application of a discount rate is a suitably conservative approach which builds in flexibility. The rate is applied from 2024/25 onwards to avoid double counting with extant permissions.
442. The trajectory also includes a small supply of 50 dwellings from the Council's brownfield land register. Most of the sites on the register are already accounted for in other sources in the trajectory. However, the supply of 50 dwellings relates to sites with lapsed planning permission that the Council has identified as being suitable for development with potential for delivery later in the Plan period.
443. Modifications are needed to the housing supply table and trajectory in the Plan to reflect the updated figures in CC125d and capture changes to site capacity and delivery rates of allocations outlined in Issue 8 above. Additional rows are needed to show the total supply figure over the Plan period and cumulative delivery. These changes will support monitoring and ensure the Plan is effective. The changes are covered in **MM6, MM7, MM9 and MM10**.
444. The amended supply table in the attached schedule of MMs shows that 13,528 dwellings are predicted to be delivered over the Plan period 2018/19 to 2032/33. This represents a reasonable estimate which takes account of a range of sources and potential capacity. The projected annual supply rates would represent a significant step-up from recent delivery rates 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.
445. The supply figure of 13,528 is lower than the overall modified housing requirement of 14,950 dwellings, amounting to a shortfall of some 1,422 dwellings. Based on an annualised rate of 997 dpa this would equate to a supply shortfall of about one and half years and means the Plan makes provision for just short of ten years of supply over the remainder of the Plan period (as taken from the start of the five-year period in 2022/23).
446. Nevertheless, the identified shortfall is modest in scale. The current Plan dates from 2006 and there is an urgent need to identify new sites and release land to meet identified housing needs. The submitted Plan also identifies a number of strategic housing sites that are predicted to be partly delivered beyond 2033, providing some 2,399 additional dwellings beyond the Plan period.

Furthermore, the supply calculations do not include a windfall allowance for large sites, although this has been a previous source of supply. Given the extent of built-up areas and regeneration areas in the borough it is likely that there will be large windfall sites that come forward in the latter part of the Plan period which are not identified in the Plan, which could further increase supply. 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 supply

447. The modified five-year supply table in **MM12** shows 5.90 years of supply between 2022/23 and 2026/27. It takes account of the modified housing requirement and changes to supply outlined above. The Plan is due to be adopted in the monitoring year 2022/23 albeit towards the latter part of this period. In the case of Calderdale, taking account of delays already experienced in the examination process, the age of the current Plan and the identified need to release land for housing, I consider that progressing with the examination on the basis of the above five-year period is pragmatic and justified.
448. Changes are needed to the five year supply table to show how under-delivery over the last few years will be dealt with. Current and previous guidance in the PPG indicates that the 'Sedgefield' approach, whereby the shortfall is re-distributed in the five-year supply period, should be used unless an alternative approach is justified. In the case of Calderdale, there is no persuasive evidence before me that an alternative approach is justified or necessary. A number of large sites in the Plan are due to deliver homes later in the Plan period but a stepped housing requirement has been applied to deal with this. Accordingly, the five-year supply table and supporting text should be amended to reflect the Sedgefield approach (**MM11** and **MM12**).
449. The Council's methodology applies a 20% buffer to the housing requirement figure in the five-year supply calculations. This buffer is justified given recent under-delivery of housing against Local Plan targets. However, changes are necessary to the five-year supply table to ensure the buffer is applied after and not before under-delivery is taken into account. This will ensure alignment with the approach identified in the current PPG. I have made a small correction to the wording in paragraph 6.7a of the published modifications, to clarify that adoption of the Plan is anticipated in the monitoring year 2022/23 rather than in April 2022 (**MM9**).

Conclusion

450. 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.

Issue 10 – Does the Plan set out positively prepared policies on addressing climate change, health and well-being, the built and historic environment, Green Belt and the natural environment and environmental protection which are justified, effective and consistent with national policy?

Addressing climate change

451. Policy CC1 provides a broad strategic framework for tackling climate change and identifies a range of potential planning measures. It sets out a clear vision which is consistent with national policy. It is supported by a range of other detailed policies in the Plan which address climate change, including policies relating to flood risk, water resource management, transport and renewable energy. Modifications which clarify the strategic role of the policy and its overall purpose are necessary to ensure it is effective (**MM39** and **MM40**).

452. Paragraph 10.2 in the Plan refers to national carbon reduction targets which have been superseded by the Government and do not reflect the Council's local reduction target of net zero by 2038. The Council's target is a borough-wide aim and is not a specific Local Plan target. However, 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. The Local Plan can play a part in the delivery of the borough-wide net zero target, alongside a range of other local and national measures and policies. Reference to the concept of net zero within Policy CC1 itself would also aid effectiveness. These changes are covered in **MM39** and **MM40**. Consequential changes are also needed in the supporting text to Policy CC6 (**MM49**) and Policy BT1 (**MM107**).

453. The approach to flood risk management in Policy CC2 refers to application of policy in line with the NPPF 2012 and the need to take account of climate change. It relates to all forms of flooding and provides a soundly based framework for assessing planning applications. The approach to development in Flood Zone 3ai recognises that there are some areas in Calderdale which

already contain buildings and cannot operate as functional floodplain, and is a pragmatic response with a range of restrictions.

454. The WMS on Sustainable Drainage Systems in 2014 requires major development to incorporate sustainable drainage systems, unless demonstrated to be inappropriate. This has since been incorporated into the NPPF 2021. Modifications are needed to Policy CC3 to reflect this position and ensure the policy can be effectively used for development management purposes in line with the Council's intentions. Reference to WYCA guidance on sustainable drainage is also needed for reasons of effectiveness. These changes are covered in **MM41** and **MM42**.
455. Policy CC4 should be modified to refer to all sites designated for their biodiversity and geology value, rather than just SPA/SAC. This will provide appropriate protection for the natural environment in line with national policy. For effectiveness the policy should also be amended to confirm it applies to all watercourses, not just river and canal banks. These changes are covered in **MM43** and **MM44**.
456. Policy CC6 provides a framework for assessing renewable energy and low carbon energy proposals. Part 1 of the policy should be amended to require proposals to assess harm to protected species as well as designated nature sites. This will help protect the natural environment in line with national policy (**MM50**).
457. The Policies Map identifies two categories of areas where wind turbine development comprising 'small turbines' of 25 to 59 metres or 'very small turbines' of 18 to 24 metres (to blade tip) may be permitted in accordance with Policy CC6. However, the Council has confirmed that schemes below these size thresholds would, logically, also potentially be suitable in both areas. Modifications are needed to the supporting text to Policy CC6 to alter the categories to 'up to 59 metres' and 'up to 24 metres', for reasons of effectiveness (**MM45**). The Council will need to adjust the Policies Map key accordingly, prior to adoption of the Plan.
458. The identified areas have been informed by a number of evidence documents which use established methodologies to assess the effect of turbines on the landscape. 'Low' and 'moderate' sensitivity areas are identified as potentially suitable for wind turbine developments but excluding SPA/SAC areas and land within 2.5 kilometres of the SPA/SAC. This precautionary approach is robust and measured and there is no evidence before me that the boundaries are misplaced or inaccurate. Wind turbine proposals that come forward on sites in the identified areas will still need to be suitable in other respects and meet the criteria in Part 1 of Policy CC6.

459. Part 2 of Policy CC6 also allows wind energy schemes less than 18 metres to blade tip outside the identified areas. Councils are required to plan positively for renewable energy and address climate change. However, the WMS dated 18th June 2015 states that wind energy development requiring planning permission should only be granted in areas identified as suitable for wind energy development in a Local or Neighbourhood Plan. There is no evidence before me that turbines below 18 metres outside the designated areas, and not benefiting from permitted development rights, have or are likely to be a strong source of supply in Calderdale in the future, or that there are other compelling local circumstances for departing from policy in the WMS. Although the Calderdale Plan is subject to transitional arrangements it is also relevant to note that the general WMS approach is broadly reiterated in the NPPF 2021. Taking account of all factors in the round I consider that Policy CC6 should be modified by deleting the second bullet in Part 2 (**MM51**). Linked changes are needed to the supporting text (**MM46** and **MM48**).
460. Modifications are also necessary to refer to the need for wind turbine development to take account of potential impacts on Castle Hill Scheduled Monument, given its prominence in the landscape and historical importance. The changes in **MM47** should help to protect the environment in line with national policy.
461. Part 3 of Policy CC6 specifies that developments of 1000m² or more or 10 dwellings or more should seek heating systems in line with the identified hierarchy. However, this approach is insufficiently flexible and does not recognise that the heat density of different development schemes is a key factor in determining suitability for connection to or provision of a district heating network. Modifications are needed to remove the size threshold and allow schemes to be assessed on a case-by-case basis in terms of heat density. Changes are also needed to the supporting text to provide further information on assessing the viability of networks and reference the Council's forthcoming SPD on District Heat Networks. These changes are necessary to enable the policy to function effectively and are captured in **MM49** and **MM52**.

Health and well-being

462. Policy HW2 seeks Health Impact Assessments from developments of 30 or more units or non-residential developments of 3000 m² or more. Evidence shows that there are notable health issues and inequalities in Calderdale. The thresholds represent an appropriate balance between ensuring that health and well-being is considered as part of sizable development schemes, whilst avoiding burdens on small schemes where fewer health benefits would be realised. However, amendments are needed to ensure that the measures sought are proportional to the scale and type of development proposed and ensure the policy is justified (**MM53**).

463. Policy HW4 seeks to minimise the loss of community facilities and overlaps with a number of other policies including RT6 and GN6. Cross referencing in the supporting text is necessary for reasons of effectiveness (**MM54**). Changes are needed to Policy HW4, to clarify that it covers the full range of community facilities referred to in the supporting text and not solely public houses, village shops and post offices, and to reference the Asset of Community Value designation. The changes in **MM55** are necessary for reasons of effectiveness.
464. Policy HW5 seeks the provision of communal gardens and food growing areas from residential development schemes, except for apartments and specialist accommodation. However, such accommodation may include the provision of communal gardens or facilitate space for growing. Therefore, in order to align with the Council's vision and be effective, the policy should be amended to seek provision from these types of accommodation where practical (**MM56**).
465. Policy HW6 indicates that proposals for hot-food takeaways will not be permitted within 400 metres of schools, unless located within identified town centres. Current and previous versions of the PPG relating to health state that planning policies can be used to limit the proliferation of particular uses where justified by evidence, and may involve taking account of proximity to locations where children and young children congregate.
466. The Council's evidence shows high levels of childhood obesity and children who are overweight in Calderdale, close to national and regional averages. There has been a marked increase in obesity and overweight between 2007/8 and 2018/19 which exceeds the national average, and by school year 6 there are clear disparities between the most deprived and least deprived wards in the borough. Premature mortality from cardiovascular disease in Calderdale is significantly higher than the national average, with the highest rates in the most deprived wards. Calderdale has a higher than national average density of fast food outlets. The Council's evidence shows that many areas with the greatest concentration of outlets are also areas where there is prevalence of childhood excess weight and high levels of deprivation.
467. The causes of obesity are complex but the availability of hot food takeaway within the local environment allows access. It is recognised that some hot food takeaways may sell some items marketed as healthy options. However, the Council's evidence points to high levels of salt, sugar and fat often being present in food from hot food takeaways. Controlling fast food outlets near schools is a recognised way in which the planning system can contribute to health aims, as part of a wider package. However, in the case of primary schools there are limited opportunities for children to leave school at lunchtime or walk/cycle to and from school without an adult. The Council's maps show that application of the policy in terms of both primary and secondary schools would cover a significant proportion of the built-up areas of the borough.

468. Taking account of all factors, in the case of Calderdale I conclude that the approach in Policy HW6 is justified in relation to secondary schools but not in the case of primary schools. Modifications are therefore necessary to remove reference to primary schools from Policy HW6 and the supporting text (**MM57** and **MM58**). The policy as amended is a proportionate approach that aligns with national policy and with the Council's priorities to improve health outcomes and reduce inequalities in the borough. It would not affect the majority of the borough, including the identified Town Centres, or existing hot food takeaways.
469. The 400 metres threshold represents a 10 minute walk and is a reasonable basis for application of the policy. Modifications are needed to clarify that measurement of the 400 metres threshold is based on walking routes rather than the radius from the principal entrance. This will ensure the policy is justified and effective. Changes are also needed to clarify that, following the recent Use Class Order changes, hot food takeaways are sui generis. These changes are covered in **MM57** and **MM58** and are necessary for reasons of effectiveness.

Built and historic environment

470. Policy BT1 provides a comprehensive overarching policy relating to high quality inclusive design. Modifications are necessary to Part 3 to clarify that development proposals will be encouraged to incorporate principles associated with Passive Solar Design, for reasons of effectiveness (**MM109**). Changes are needed to the supporting text to clarify that energy efficiency standards can be set locally, for reasons of effectiveness and to align with national policy (**MM108**).
471. The words 'if practicable' should be removed from Policy BT3 to ensure enhancement of local biodiversity and compliance with national policy on biodiversity net gain (**MM110**).
472. Modifications are needed to criterion vi in Policy BT5 to clarify that target hardening measures will only be permitted where sympathetic to the character of the building and the wider streetscape (**MM111**). This change is necessary to protect the built environment and ensure the policy is effective.
473. Policy HE1 covers both designated and non-designated heritage assets. Additional supporting text to Policy HE1 is necessary to provide clear guidance on the status and approach to archaeological sites and ensure the policy on the historic environment is effective (**MM112**).

Green infrastructure and the natural environment

474. The Wildlife Habitat Network, as referenced in Policy GN2 and shown on the Policies Map, is informed by extensive ecological records held by the West Yorkshire Ecology Service. There is no evidence before me that the methodological approach or proposed areas are inherently unsound.
475. A number of new Local Wildlife Sites and some boundary amendments were made in 2019, as shown in the Council's Proposed Changes to the Local Plan Policies Map document. These changes will need to be incorporated into the Policies Map when the Plan is adopted and are necessary to the effectiveness of Policy GN3.
476. Modifications are needed to Policy GN3 to qualify that measurable net gains in biodiversity should be secured in line with the most up to date national and local guidance (**MM117**). This is linked to legislative changes in the Environment Act 2021 which requires development schemes to provide at least 10% biodiversity net gain and is currently anticipated to take effect from late 2023. Other changes to Policy GN3 and GN1 are covered in the Habitats Regulations Assessment section above. I have also made a small change to the policy text and paragraph 20.7, further to the published version, to refer to the 2017 Habitats Regulations rather than the 2010 version. This is necessary to ensure the policy is justified and effective.
477. Additional text in Policy GN4 is necessary to provide an effective criteria-based approach to determining applications in SLAs and enable appropriate protection for these areas (**MM118** and **MM119**). The new wording also recognises that proposals outside a SLA may affect it and that the setting of a SLA is important. In the schedule of modifications attached to this report I have reinserted reference in the policy to the illustration of SLAs on the Policies Map. This further change to the published modifications is necessary to ensure the policy is effective. It does not alter the meaning or intention of the policy and is not prejudicial.
478. The boundary of the Shibden Valley SLA, as shown on the submission Policies Map, has largely been carried over from the adopted Plan, except for two areas in the west and east which have been removed. The western deleted area lies to the east of Swalesmoor Road and below the main ridgeline. Notwithstanding some quarrying in this area and nearby industrial buildings, the elevated areas and open fields are clearly visible in distant views across the valley and form part of a scenic backdrop. The eastern deleted area near Northowram is predominantly characterised by attractive open fields and is a popular area for walking and access.

479. The Council's assessment underplays the cultural significance of the Shibden Valley as a recognised topographical area. The excluded western and eastern areas contribute to the special scenic and landscape qualities of the Shibden Valley with its strong sense of place. The outer boundaries of the excluded areas are clearly defined by roads and other features. Taking account of all factors, I conclude that the two areas should be included in the adopted Policies Map in order for Policy GN4 to be justified. The Council's Proposed Changes to the Policies Map document illustrates these changes.
480. The Council's assessment work shows that the identified SLAs have special landscape qualities. Subject to the above modifications I am satisfied that the boundaries of the SLAs, as shown on the submission Policies Map, are robustly based. It includes the removal of land at Stainland Moor from the Ringstone Edge and Norland Moor Fringes SLA, which is justified on the basis of lower tranquillity levels and proliferation of masts and structures.
481. The open space, sport and recreational standards identified in section 20.21 of the Plan do not include quantitative figures for a number of key typologies, including parks and gardens, amenity greenspace, natural/semi-natural greenspace and provision for children and young people. Paragraph 73 in the NPPF 2012 indicates that quantitative and qualitative data should be used to determine requirements for open space and sports and recreational provision, and paragraph 174 requires Council to give clear guidance on what is expected from developers. New quantitative standards in **MM121** have been informed by the Council's open space assessment work and further analysis in CC111. The assessment work includes detailed evaluation of a wide range of typologies of open spaces across the borough. The inclusion of quantitative standards in the Plan will provide the necessary clarity and ensure that Policy GN6 is effective and consistent with national policy.
482. The Council's Playing Pitch Strategy sets out further details relating to shortfalls and the need for improvements in relation to different sports. Modifications are needed to Policy GN6 and the supporting text to refer to the Strategy and ensure the policy is effective (**MM120**).
483. The Council's Proposed Changes to the Local Plan Policies Map document includes amendments to the designated open spaces shown on the submission Policies Map. It includes the deletion of open spaces where sites have been built out for development, typology changes to reflect recent changes of use, and corrections to boundaries. These changes are necessary for Policy GN6 to be effective and will need to be incorporated in the adopted Policies Map.
484. Policy GN8 specifies the protection of Local Green Spaces (LGS), as identified in Table 20.8. The three LGS have been selected through a thorough

assessment process involving a robust methodology which is linked to national policy.

485. The LGS at Daisy Bank allotments (LGS26) is a rare example of woodland within this built-up part of urban Halifax and contains a large number of protected trees. It is not accessible to the public but there are clear views into part of the site from the adjoining Cat Steps public footpath. The topography of the locality means that the woodland is clearly visible from streets to the north, as seen above and between residential properties. The site makes a significant positive contribution to the visual qualities of the area and to the setting of the adjoining Conservation Area. The site provides an important semi-natural woodland habitat within the built-up urban area and has considerable local biodiversity value in this context despite its modest size. Although the red line boundary for planning approval 91/01628/FUL includes part of the LGS site, the permitted buildings lie to the south of the LGS and the Council's evidence indicates that the northern area has similar characteristics to the rest of the LGS. There is clear support from the local community, via the Clover Hill Community Group, for the designation.

486. Overall, taking account of all factors, I consider that site LGS26 has demonstrable community value and a particular local significance. It is local in character and is within the urban area. It is capable of enduring beyond the Plan period as the designation does not rely on public access and the site contains protected trees. The LGS designation is justified and consistent with policy in the NPPF 2012. However, the submission Policies Map incorrectly shows part of the site as designated Open Space rather than LGS. In order for Policy GN8 to be effective, the correction relating to LGS26 in the Council's Proposed Changes to the Local Plan Policies Map document will need to be included in the adopted Policies Map.

487. The Council's evidence shows that the other two LGS sites have local significance and are well used by the local community, and overall are justified. However, the approach to LGS, as set out in Policy GN8, is not wholly consistent with wording in the NPPF 2012 and does not reflect the undeveloped nature of the identified LGS sites. Changes in **MM122** are therefore necessary to ensure the policy reflects national policy and is effective.

Environmental protection

488. Policy EN2 as currently worded does not clarify what the Council is seeking to achieve in air quality terms from applications in AQMAs and elsewhere in the borough. Furthermore, it does not provide clear information on the scope and type of evidence required from applicants. The changes to the policy and the supporting text in **MM123** and **MM124** facilitate this and are necessary for the policy to be effective. The general strategy of minimising the effect of

development on air quality as far as practicable, mitigating residual effects and securing compliance with legal air quality objectives as soon as possible is a robust approach which is consistent with national policy and legislation. The requirement that development proposals in AQMAs should not worsen air quality is a key part of this approach.

489. Modifications are needed to the monitoring outcome in the Plan, to reflect the Council's stated objective of improving air quality across the borough and confirm the Council is seeking compliance with lawful limits in the Plan period. These changes are captured in **MM125** and will facilitate effective monitoring.

Conclusion

490. In conclusion, subject to the above modifications the Plan sets out positively prepared policies on addressing climate change, health and well-being, the built and historic environment, Green Belt and the natural environment and environmental protection which are justified, effective and consistent with national policy.

Issue 11 – Does the Plan provide a positive strategy and policies for minerals management which are justified, effective and consistent with national policy? Are the minerals allocations in the Plan justified, effective and consistent with national policy?

Minerals strategy and policies

491. Sandstone and millstone grit are the main focus of the borough's mineral industry and are used for building materials and to produce some crushed rock aggregate. Shale, mudstones and clays are also worked although on a modest scale. The surface coal reserves in the east of the borough also contain brick and fire clays. There are no sand and gravel workings in Calderdale due to lack of a viable resource. Small reserves of hydrocarbons have been identified in the far west of the borough and adjoining the boundary with Kirklees.
492. The West Yorkshire Local Aggregate Assessment has been updated to 2021 and identifies a crushed rock landbank of 33 years. However, the vast majority of crushed rock consumption in the sub-region in 2019 was met by imports from the Yorkshire Dales and elsewhere. In terms of sand and gravel the Local Aggregate Assessment identifies a landbank of 1 year and 6 months, with 100% of supply in 2019 coming from imports. Modifications are needed to the introductory text to chapter 22 in the Plan to reflect the updated Local Aggregate Assessment and ensure the minerals strategy in Policy MS1 is effective (**MM126, MM127, MM128, MM129, MM130 and MM131**).

493. Effective cooperation with other local authorities is key in ensuring an adequate and steady supply of minerals in Calderdale. The Council has effectively engaged with other authorities through membership of the Yorkshire and Humber Aggregates Working Party, preparation of the West Yorkshire Local Aggregates Assessment and joint funding of a West Yorkshire minerals post at WYCA. Discussions between WYCA and East Yorkshire authorities indicate that the supply of sand and gravel from these areas will continue to contribute to supplies in West Yorkshire. Discussions between WYCA, Derbyshire and North Yorkshire have focused on drawing up or, in the case of North Yorkshire, updating formal connectivity agreements that acknowledge and formalise the minerals linkages. There are no outstanding objections to the Plan from other mineral planning authorities and no significant identified threats to the future continuity of supplies to West Yorkshire.
494. The Plan includes a range of policies which seek to protect existing mineral reserves and minerals infrastructure (Policies MS2 and MS3) and provide a framework for determining applications for new or extended mineral sites or securing restoration (Policies MS4 and MS6). The policies are supported by proportionate evidence and are broadly effective and consistent with national policy. The option of deferring submission of full restoration details to a later stage, as set out in Policy MS6, is reasonable on the basis that some workings may last for many years. Modifications are needed to Policy MS2 for reasons of effectiveness, to clarify that only one of the second set of bullet points needs to be satisfied and to specify how applications for non-mineral development in the Mineral Safeguarding Area buffer zones will be dealt with (**MM132**).

Minerals allocations

495. Policy MS5 lists existing mineral sites and several new allocation sites. Some small changes are needed to the list of existing sites to reflect changes in site status and ensure the policy is effective (**MM133**). New allocation site MLP31 is an existing concrete batching plant. As such it would be protected under Policy MS3 and its allocation is not necessary or justified. The site is therefore deleted from Policy MS5 through **MM133**.
496. The two proposed mineral site allocations close to Southowram have a number of constraints. However, the Council's HIA work indicates that harm to the significance of nearby Grade II listed buildings could be minimised, subject to mitigation measures such as the retention of tree belts and stone walls and the exclusion of development from areas of high sensitivity. Mitigation measures could be secured through the planning process to divert and reinstate public rights of way and minimise impact on the living conditions of nearby residents.
497. The sites are in the Green Belt but in both cases I have found that there would be no harm to the openness of the Green Belt or the reasons for including land

in the Green Belt. Following quarrying the sites would be restored so there would be no encroachment on the countryside. Any ancillary built development could be controlled through the planning application process.

498. Given the sites sensitivities I consider that site-specific policies setting out constraints and requirements are necessary to provide direction for developers and the community and ensure suitable mitigation is secured. New policies and inset maps are therefore proposed (**MM314** and **MM315**) and a cross reference is inserted in Policy MS5 (**MM133**). These changes are necessary for effectiveness and to protect the environment. The new inset map for site MLP30 excludes the HIA area of high sensitivity from the developable area.

499. I have made a small adjustment to the published wording of Policy MS5, as set out in **MM133**, to clarify that the existing and new minerals sites are illustrated on the Policies Map. This change is necessary to ensure the policy is effective. The Policies Map will also need to be updated prior to adoption to show the numbering of the minerals sites, and thereby facilitate effective site identification and policy application.

Conclusion

500. In conclusion, subject to the above modifications the Plan provides a positive strategy and policies for minerals management which are justified, effective and consistent with national policy. Proposed allocation site MLP31 is not justified. However, subject to the inclusion of site-specific policies in the Plan and other aforementioned modifications to Policy MS5 I conclude that the remaining mineral allocations are justified, effective and consistent with national policy.

Issue 12 - Does the Plan provide a positive strategy and policies for waste management which are justified, effective and consistent with national policy? Are the waste allocations in the Plan justified, effective and consistent with national policy? Does the Plan make sufficient provision to meet waste management needs?

Strategy and policies for waste management

501. The Council's Waste Data Evidence Report 2016 sets out current and future waste arising figures in Calderdale. It identifies future waste capacity requirements of approximately 4 to 5.5 hectares over the Plan period, depending on landfill diversion rates. This roughly comprises between 3 to 3.5 hectares of additional land for recycling/composting and between 1 to 1.5 hectares of additional land for other facilities. These requirement figures are listed in Table 23.3 in the Plan.

502. The Data Evidence Report 2016 provides a proportionate and reasonable set of figures. It is informed by the West Yorkshire Waste Capacity Gap Analysis Report and other joint working across the sub-region. The Data Evidence Report applies projected household growth of 1,038 dpa from the Initial Draft Plan. This growth figure is broadly comparable to the modified housing requirement figure of 997 dpa.
503. Policies WA1, WA3 and WA4 provide a framework for waste management. Modifications are needed to Policy WA3 for reasons of effectiveness, to clarify what evidence should be submitted where the loss of waste management facilities is proposed (**MM136**). A new policy (WA5) identifying existing major waste facilities is also needed to provide effective safeguards and ensure the Plan is aligned with national policy (**MM138**). I have corrected the published version of **MM138** to show the last paragraph with underlining as well as italics. It would have been apparent from the new title and reading the draft Plan that the whole policy text was new, and the change is therefore not prejudicial. In order for Policy WA5 to be effective, the Policies Map will need to be updated prior to adoption to show the existing major facilities, as identified in the Proposed Changes to the Policies Map (2022).
504. Modifications are also needed to Policy WA4 to clarify that previously developed land, employment sites and redundant agricultural and forestry buildings should be prioritised for waste management facilities, to align with national policy (**MM137**).

Waste allocations

505. As identified above, the Council's evidence shows a need for a further 4 to 5.5 hectares of land to accommodate new waste management facilities over the Plan period. The submitted Plan allocates four waste sites (WLP1-4) with an overall indicative developable area/capacity of about 8.5 hectares (as identified in CC104). Three of the sites (WLP2-4) are located in and are proposed to remain within the Green Belt.
506. Further site assessment work by the Council after the hearings subsequently identified three other site options for waste facilities. The sites at Atlas Mill Road, Brighouse (site 436) and land at Lacy Way, Elland (site 133) are located outside the Green Belt. Part of employment allocation LP1219 in Halifax could also be suitable for waste use.
507. The Council's evidence in CC158 shows that the non-Green Belt allocations/additional sites (WLP1 and sites 133 and 436) would provide 4.55 hectares of new capacity, with further potential on LP1219. The non-Green Belt sites are suitable in principle, subject to the inclusion of new site-specific policies in the Plan setting out appropriate mitigation criteria relating to heritage,

ecology, flood risk, access and other matters. The Council's evidence demonstrates that the boundary of the SLA in the vicinity of site WLP1 is justified. The designation does not prevent all development, and applications on the site will continue to need to have regard to issues of design and landscape character. For site 436 I am satisfied that issues relating to fire-related pollution events and impact on adjoining watercourses can be dealt with as part of the planning application process.

508. Notwithstanding the Council's waste options work, other employment sites may also potentially provide a source of further capacity for waste management facilities, as such uses can sometimes be appropriate on business parks (with some waste uses classed as B2 development). Furthermore, Calderdale has a significant stock of employment land and the Plan allocates more employment land than is required. The Council's waste site options assessment work also takes a cautious approach to site selection and there may be scope for some waste uses on large vacant or new employment sites which were rejected on the basis of proximity to residential areas.
509. As such, I consider that supply from the non-Green Belt allocations/additional sites and other windfall sources will provide sufficient capacity to meet waste management needs over the Plan period. In this context, and taking account of the fact that waste management facilities often require buildings, neither very special circumstances or exceptional circumstances have been adequately demonstrated for waste management allocations in the Green Belt or for land to be released from the Green Belt for waste management purposes. Site WLP2 is also a sensitive location in an elevated hilltop setting where particular regard should be had to the impact of new buildings on the character and appearance of the locality and the wider landscape. Accordingly, I have concluded that the new additional waste sites should be included through modifications to the Plan and the three Green Belt waste allocation sites in the submitted Plan (WLP2 as submitted and the reduced areas discussed at the hearings, WLP3 and WLP4) are not justified and should be deleted. These changes are shown in the published modifications.
510. The owner of the new waste allocation site at Lacy Way (site 133) has subsequently submitted evidence which shows that part of the site has been developed for employment, and there are well-developed plans for identified businesses on the remainder in line with its employment designation in the submitted Plan (LP1223). As such, the site is not available or deliverable for waste uses and should be removed from the modifications.
511. The removal of Lacy Way would reduce the waste allocation supply figure as modified from about 4.55 hectares to approximately 2.28 hectares. However, the difference between this supply figure and the identified need of 4-5.5 hectares is modest in scale. Furthermore, as set out above, there is a significant stock and surplus of employment land and potential for waste

facilities to come forward on employment sites, including LP1219. As such I am satisfied that if the Lacy Way site is discounted, the modified Plan still makes appropriate provision for waste management facilities over the Plan period and sufficient supply would be realised. Accordingly, as before I conclude that the three allocations on Green Belt land (WLP2, WLP3 and WLP4) are not justified and their deletion is necessary.

512. Changes are needed further to the published MMs to remove the Lacy Way site from Policy WA2 (**MM135**), delete the new site-specific Lacy Way waste policy (**MM317**) and amend the waste allocation figure in **MM134** to reflect this. Changes to the proposed numbering of the waste allocations have also been made to reflect its removal, with site 436 becoming W2 and LP1219 becoming W3 (**MM135, MM318, MM319**). Lacy Way has been reinstated as an employment allocation (**MM24** and **MM153**) and employment supply figures in Policy SD4 and the supporting text and tables have been amended accordingly (**MM14, MM15, MM17, MM22, MM23**). The further changes involve an existing employment allocation in the submitted Plan and there are some crossovers between employment and waste uses. The numerical reduction in waste allocation supply is modest in itself and is not critical in the context of other sources of supply identified above. Taking account of all factors I am satisfied that the interests of other parties have not been prejudiced.

513. Modifications to provide site-specific policies for the remaining waste allocation sites are covered in **MM316, MM318** and **MM319**. Site-specific policies will provide a framework for determining applications and ensure that suitable mitigation measures are secured. I have made a further amendment to **MM319** as published to include constraints and required reports for site W3. These are already captured in employment site policy LP1219 and are needed for consistency. Cross reference to the new waste policies is needed in Policy WA2 to facilitate delivery (**MM135**). Modifications are also needed to Policy LP1219 to refer to a potential element of waste uses on the employment site, for reasons of effectiveness (**MM166**).

514. In order for the waste policies to be effective, the Council will need to update the Policies Map prior to adoption of the Plan, to include new waste site W2 and the updated allocation site numbering. The boundary of WLP1 will also need to be adjusted as shown in Council's Proposed Changes to the Local Plan Policies Map document.

Conclusion

515. In conclusion, subject to the above modifications the Plan provides a positive strategy and policies for waste management which are justified, effective and consistent with national policy. The three Green Belt waste allocations in the Plan are not justified and should be deleted. The new proposed waste site at

Atlas Road and potential supply from employment site LP1219 should be included in the Plan to facilitate delivery. Subject to these and aforementioned changes the waste allocations in the Plan are justified, effective and consistent with national policy and the Plan makes sufficient provision to meet waste management needs.

Overall Conclusion and Recommendation

516. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

517. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendices the Calderdale Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Katie Child

Inspector

This report is accompanied by two Appendices containing the Main Modifications.