

Ref:     (For official use only)
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***Kirklees Publication Draft Local Plan***

Please return this form to Kirklees Council either by:

Email: [local.development@kirklees.gov.uk](mailto:local.development@kirklees.gov.uk)

Post:

Planning Policy Group

PO Box B93

Civic Centre 3

Market Street

Huddersfield

HD1 2JR

**No later than 5pm on 19<sup>th</sup> December 2016.** Any representations received after this time will be recorded as late.

Guidance notes on how to complete the form are attached and are available on the website. All responses (including submitted evidence) will be publicly available and **cannot** be treated as confidential. All representations will be made available for public inspection and will be processed in accordance with the Data Protection Act 1998. Anonymous representations will not be accepted. Your contact details will also be provided to the Planning Inspectorate in order that the Planning Inspector can contact you regarding the Examination in Public process.

This form has two parts –

**Part A** – Personal Details

**Part B** – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

**Part A - Personal Details**

1. Personal details		2. Agents details (if applicable)
*If an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details of the agent in 2.		
Title		
First Name		
Last Name		
Job Title <small>(where relevant)</small>		
Organisation <small>(where relevant)</small>		
Address Line 1		
Line 2		
Line 3		

Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

**Part B - Representation (Please use a separate sheet for each representation)**

**Name or Organisation:**

**3. To which part of the Local Plan does this representation relate? (please specify)**

Document Name	<input type="text" value="Kirklees PDLP Allocations &amp; Designations – Accepted Sites"/>		
Paragraph	<input type="text" value="4 Kirklees Rural Sub-Area P144"/>	Policy	<input type="text"/>
		Policies Map	<input type="text" value="Map 6 Kirklees South"/>

**4. Do you consider the Local Plan is: (please tick)**

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to Co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.**

My Comments are made in the context of proposed sites H288a, SL2170a and SL2170b in Hade Edge, Holmfirth.

I believe the Publication Draft with reference to H288a, SL2170a and SL2170b is unsound as regards the evidence on which it is based, and its failure to adequately reflect NPPF policies specifically paragraphs 9, 14, 17, 28, 29, 34, 42, 43, 47, 55, 72, 109, 117, 118, 119, 157, 158 therein.

I also believe that the allocation of site H288a for development is not sound as there are flaws and inconsistencies in the assessment of the site in the Council's sustainability appraisal – Kirklees Local Plan: Publication Draft Sustainability Appraisal Report 2016. The belief is that the evidence on which it is based does not comply with policies 34 and 55 of the NPPF and policies PLP3, PLP6, PLP10 and PLP20 of the Local Plan.

The proposal of site H228a for development is based on assessment results containing a number of

significant inaccuracies. It demonstrates a failure to accurately evaluate the significant social, economic and environmental effects, individual and in-combination, which the allocation will have on the site itself, the agricultural land surrounding it, the South Pennines SPA 1, PDNP SAC, SSI & SSSI protected sites, and KC Ecological Networks. The proposed allocation of H288a, SL2170a, SL2170b, is rendered unsound in its failure to acknowledge the fundamental social, economic and environmental role this nationally recognised heritage landscape performs, in line with NPPF guidelines, Natural England Guidance, European Commission Regulations, Southern Pennines Rural Regeneration Company Objectives (Pennine Prospects), Kirklees Council Biodiversity Action Plans (BAPS), UK BAPS 2020.

It has been further identified as unsound and failing to reflect NPPF policies 3. Supporting a Prosperous & Rural Economy (3.28), 8. Promoting Healthy Communities (8.74, 8.76, 8.77, 8.78), 10. Meeting the Challenge of Climate Change, Flooding & Coastal Change (10.93, 10.94, 10.95, 10.103), 11. Conserving & Enhancing the Natural Environment (11.109, 11.110, 11.111, 11.113, 11.114, 11.115, 11.116, 11.117, 11.118, 11.119, 11.120, 11.123, 11.124, 11.125), 12. Conserving & Enhancing the Historic Environment (12.126, 12.128, 12.129, 12.130, 12.131, 12.132, 12.133, 12.134, 12.135, 12.141),

I wish it to be recorded that I support the detailed representations being made by Hade Edge Fight for the Fields group (HEFF). Please refer to their document ref: HEFF Local Plan Rep - December 2016.

I wish the Local Plan to be changed such that the now proposed 3 sites of H288a, SL2170a, SL2170b are re-designated as Green Belt.

(Continue on a separate sheet if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (N.B.

Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Removal of H288a from the Local Plan

Return of H288a, SL2170A and SL2170b to Green Belt.

(Continue on a separate sheet if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate in the oral examination

Yes, I wish to participate in the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please record that I wish to be represented by Hade Edge Fight the Fields Group (HEFF) during the oral examination of the plan.

*Please note the Inspector will determine the appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Signature:

Date:

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**Data Protection Act 1998**

Representations submitted (including evidence) cannot be treated as confidential and will be made available for public inspection along with your name but with any personal data obscured or removed. Representations may also be published on the council website. The council will process and hold the information you provide only for the purposes of preparing the Local Plan and with the Data Protection Act 1998. Anonymous representations will not be accepted. Your contact details will also be provided to the Planning Inspectorate in order that the Planning Inspector can contact you regarding the Examination in Public process.

# Notes to Accompany Model Representation Form

## 1 Introduction

- 1.1 The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004<sup>17</sup> (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

## 2 Legal Compliance and Duty to Co-operate

- 2.1 The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2 You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations) 19. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

- 2.3 You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

### 3 Soundness

3.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:**

This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified:**

The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- **Effective:**

The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- **Consistent with national policy:**

The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.2 If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

### 4 General advice

4.1 If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further

submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

- 4.2 Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.