

Name of meeting: Council

Date: 15th November 2023

Title of report: Kirklees Local Plan Review and Update

Purpose of report: This report seeks approval to commence a full update of the Kirklees Local Plan. It is a statutory requirement to review and publish the outcomes on whether the Local Plan is fit for purpose within 5 years from the date of adoption. For Kirklees, this process is required to be completed by February 2024. The review outcomes indicated that the plan was out of date in several areas. The findings were presented to Cabinet on the 17th October 2023 for ratification. Council approval is now being sought to commence a full update of the Local Plan as recommended by Cabinet.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes Affects all wards.</p> <p>The cost of updating the Local Plan will exceed £500K per annum.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</p>	<p>Key Decision – Yes</p> <p>Private Report/Private Appendix - No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd (Strategic Director – Growth and Regeneration) 31st October 2023</p> <p>Isabel Brittain (Interim Service Director Finance (Sec151 Officer) Finance and Accountancy) 6th November 2023</p> <p>Julie Muscroft (Service Director Legal, Governance and Commissioning) 1st November 2023</p>
<p>Cabinet member portfolio</p>	<p>Cllr Graham Turner</p>

Electoral wards affected: All wards

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in the report.

1. Summary

- 1.1 The Kirklees Local Plan was adopted in February 2019. A formal 'review' of whether the Local Plan remains fit for purpose must be published within 5 years of Local Plan adoption (by February 2024).
- 1.2 The Local Plan is a statutory development plan, and its purpose is to set out a spatial development strategy identifying how much development is required over a plan period, where it will be located and designations for the protection of land. It also contains a suite of planning policies which facilitate the development strategy and against which planning applications for development will be assessed.
- 1.3 A review of a Local Plan was undertaken in the summer of 2023 using a standardised template produced by the Planning Advisory Service (PAS) which is promoted nationally as good practice. The Kirklees Local Plan was assessed against 14 questions outlined in the PAS template. Officers found the plan to be out of date against the following questions:
- A3 the council does not have a 5-year supply of housing.
 - A4 the council is not meeting its housing delivery targets.
 - A5 (ii) the assessment has identified issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.
 - A6 the council's employment delivery and land supply is borderline and there are concerns that the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations are yet to enter the planning process.
 - A8 key site allocations are unlikely to deliver housing/employment targets within the Plan period which will impact on the delivery of the Kirklees spatial strategy.
 - A14 the Local Plan was adopted prior to the council declaring a climate change emergency in 2019. It is considered an update of the Local Plan provides an opportunity develop a planning framework that supports the council's ambition of being net zero and climate ready by 2038.

Full details of the review outcomes are outlined at Appendix 1 of this report.

- 1.4 Cabinet on 17th October 2023 considered the outcomes of the Local Plan Review and resolved:
- 1) That the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan be ratified, and the council's reasons and decisions be published on its website.
 - 2) That a recommendation be made to Council that a full update of the Kirklees Local Plan commence (following current statutory local plan processes with the process to be reviewed following confirmation of the Government's proposed planning reforms).
 - 3) That authority be given to the Strategic Director Growth and Regeneration to prepare a Local Development Scheme (LDS) (programme to produce development plan documents) with a completed LDS presented to a future meeting of Cabinet for approval and publication.
 - 4) That authority be given to the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement and to consult on a draft document.

5) That a final Statement of Community Involvement be presented at a future meeting for approval and publication.

1.5 The decision details are available to view: [Decision - Kirklees Local Plan Review and Update | Kirklees Council](#)

1.6 The Cabinet report including the outcomes of the Local Review are attached at **Appendix 1** of this report. Council approval is now being sought to commence a full update of the Local Plan as recommended by Cabinet in recommendation 2 outlined above.

2 Information required to take a decision

Background

2.1 The background to the Local Plan review can be found in the Cabinet report 17th October 2023 at Appendix 1 and via the following link: [2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf \(kirklees.gov.uk\)](#)

2.2 It should be noted that following Cabinet, the Levelling Up and Regeneration Bill received Royal Assent and became law 26th October 2023. At the point of writing the report, the final version of the Act is yet to be published and secondary legislation has not been enacted. Key points to note in relation to changes to the planning system:

- Local Planning authorities will be required to have a design code in place covering their entire areas.
- A new levy will replace section 106 planning obligations and the Community Infrastructure Levy.
- A new suite of national development management policies to cover common planning considerations such as green belt and flood risk with local plans focussed on locally specific issues.

2.3 To ensure that the Act becomes effective, this will require further government consultation and secondary legislation. Additionally, an updated National Policy Planning Framework (NPPF) is intended to be published in due course with the potential to remove the current requirement for a rolling five-year supply of housing land where the plan is up to date. An update of the Kirklees Local Plan would need to be undertaken in this context because by the end of February 2024, the Plan will be older than 5 years. Both the Department of Levelling Up Housing and Communities and the Planning Advisory Service are advising local authorities to carry on with the process of producing Plans or updates.

Options

2.4 Three potential options for the Local Plan update were presented to Cabinet to consider:

- No changes are required to the plan and Kirklees Council publishes a statement to that effect setting out the reasons for the decision; or
- Changes are required, and work commences on a partial update to the plan; or
- More substantial changes are required, or the changes are interdependent on other areas of the plan and work commences on a new plan/full update.

2.5 Cabinet resolved on 17th October 2023 that a full update was required based on the review outcomes and advice from the Planning Officer's Society which is set out below:

a) "A partial review must follow the same processes and stages as the preparation of a new plan or full plan update and the amount of work, costs and resources involved should not be under-estimated.

b) Partial updates generally are only suitable where there is a specific part of the plan that is considered out of date. Due to the inter-relationships between the spatial strategy and the policies and between policies themselves, a full update is likely to be of most benefit.

c) Based on cases elsewhere in the country, there is evidence that partial updates have resulted in confusion for the public where different parts of the Local Plan were updated at different times”.

Cost breakdown

2.6 Costs to prepare a new Local Plan will be considerable, estimated to be up to £2m over the life span of the project (based on discussions with authorities who have recently been through the process and gauging our experience from Local Plan 1). This would be refined as the process evolves and includes consideration of areas of work across the council such as the Transport Model which can also be used for other work areas. Local Plan costs are identified as the first call on the Kirklees share of the Leeds City Region business rates pool. It is envisaged that a detailed cost plan to produce Local Plan 2 will be available in 2024 once detailed costs are established for the various elements involved in evidence gathering and the likely Examination in Public process conducted by the Government Planning Inspectorate.

Timescales

2.7 The likely timescales for an update of the Local Plan are:

Local Plan preparation stage	Consultation periods	Timescale
Local Development Scheme (LDS) (local plan timetable) approved by the Cabinet		January 2024
Statement of Community Involvement (SCI) – setting out how we will consult the community	6-week consultation on a draft. The final document will be presented to Cabinet for adoption.	March 2024
Early engagement about spatial strategy, broad ideas about scale of growth and Call for Sites.	Period of engagement at least 6 weeks	August 2024
Draft Local Plan – showing spatial strategy, draft site allocations and policies)	6-week consultation	September 2025
Publication Draft Local Plan – showing the final version of the plan supported by the Council which is then submitted for independent examination)	6-week consultation (representations period)	September 2026
Submission to the Secretary of State followed by an independent examination in public	The plan would then have a formal Examination in Public	March 2027

2.8 The Plan will also be subject to examination and a process of adoption. The full timetable will continue to be reviewed following a Full Council decision to commence an update, in the light of further planning reforms and changes to legislation.

2.9 The timeline for the preparation of an update of the Local Plan allows for public consultation on a Statement of Community Involvement (SCI) (a document which sets out how communities will be consulted during the Local Plan process). This consultation is no longer mandatory, but many authorities still consult on the document to allow

communities to have their say on different consultation methods. It also indicates the preparation of a revised Local Development Scheme (LDS). The production of both documents was approved by Cabinet with sign off required by Cabinet on the final documents. Compliance with an up-to-date LDS and SCI are issues which will be assessed at the independent Local Plan examination stage.

Expected impact/ outcomes, benefits & risks (how they will be managed)

- 2.10 The outcome of a Local Plan update is that it will provide an opportunity to update the Plan to ensure a continued robust and effective planning framework to guide future development across the district and a suite of policies to support development management decisions. It also provides an opportunity to support the council's ambitions for net zero by 2038 and objectives identified in the revised Council Plan. Subject to approval to commence an update of the Local Plan, statutory requirements (as outlined at Regulation 18a of the Town and Country Planning (Local Planning) (England) Regulations 2012) require early engagement of "specific" and "general" consultation bodies, residents, and businesses.

A revised Local Development Scheme (programme of development plan document preparation) is being prepared for Cabinet consideration. The preparation of a Local Plan project plan will support project delivery and risk management. The policy team will continue to work with the Service Director for Finance and the Head of Procurement to ensure that the project finances and procurement are managed effectively and in accordance with council practices.

Sustainability

- 2.11 National Planning Policy Framework, paragraph 32, 2023 states that: "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social, and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible compensatory measures should be considered)".
- 2.12 An overarching priority for the Local Plan is to deliver long term sustainable growth, ensuring that the council positively considers the three pillars of sustainable development – economic, environmental, and social. The Local Plan recognises that to do this, its vision and objectives should be drawn from the Council Plan and other corporate strategies to reflect how ambitions for personal prosperity and health, together with ambitions for jobs and business growth effect how we should plan for new development.

Services & agencies involved

- 2.13 The Local Plan timetable has been set out in the context of existing resources within Planning Policy but would also require commitment from a range of service areas to assist with this process. Consultancy support will also be required in relation to some specialist topic areas (such as Sustainability Appraisal, viability, a districtwide design codes and transport modelling). The preparation of the Local Plan will involve working with members, specific and general consultation bodies, residents, and business. The ways in which the council will engage will be set out in a revised Statement of Community Involvement which will be subject to Cabinet approval.

3. Implications for the Council

Working with People

- 3.1 The Local Plan update would require extensive early engagement with local communities to inform its vision and locally specific planning policies. The legal regulations state that at least two stages of consultation are required, however, it is the view of officers that three stages should be undertaken to ensure meaningful engagement and more certainty to meet the regulations. Undertaking just two stages of consultation on the Local Plan would raise significant risks of undermining the early engagement process and that significant risks could be raised late in the Local Plan process.

Working with Partners

- 3.2 Officers have liaised with Barnsley Council where its Local Plan review has recently been undertaken. The conclusions of the review were subject to a critical friend assessment from the Planning Officers Society to ensure a second opinion was sought on the review outcomes. The Local Plan review process also includes adhering to the Duty to Co-Operate requirements, part of which will include meeting with adjoining authorities in relation to the review outcomes. The Local Plan update process will involve working with other services within the council as well as partners (such as those relating to infrastructure provision) and the Duty to Co-operate will need to be satisfied through the plan preparation process. A series of public consultations throughout the preparation of Local Plan update will enable a range of partners to engage further in the process.

Place Based Working

- 3.3 The Local Plan update process will take account of the range of different characteristics and communities across Kirklees, for example assessing housing needs. It will also seek the views of communities from the inception of the plan-making process through early engagement exercises and throughout the process. Consultation proposals would be set out in an updated Statement of Community Involvement and would embrace council approaches such as the Inclusive Communities Framework.

Climate Change and Air Quality

- 3.4 The draft Local Plan review sets out the Climate Emergency as one of the key factors indicating a Local Plan update is required. Although the current Local Plan was assessed as sustainable during the Local Plan process, it doesn't specifically set out how developments will contribute to the net zero targets by 2038. A revised Local Plan provides the opportunity to take account of the Kirklees Climate Change Action Plan and consider how planning policy interventions can contribute towards reducing carbon emissions and ensuring resilience against climate change.

Improving outcomes for children

- 3.5 The preparation of a Local Plan update, will help create thriving communities through forward planning for jobs, homes, open spaces, and the necessary infrastructure to support growth. There is an opportunity to realign the Local Plan's vision, objectives, and policies to support a revised Council Plan and other corporate strategies. There are several indirect benefits from the Local Plan to improve the outcomes for children, including making land available for new homes, protection and promotion of important open spaces (including those with children's play facilities), making land available for new jobs and policies, and requiring the provision of essential infrastructure, including education facilities.

Financial Implications for the people living or working in Kirklees

- 3.6 A new Local Plan will include identifying and meeting the needs for housing and employment across Kirklees.

Other (eg Integrated Impact Assessment/Legal/Financial or Human Resources)

- 3.7 Financial - Costs to prepare a new Local Plan will be considerable, estimated to be up to £2m over the life span of the project (based on discussions with authorities who have recently been through the process). This would be refined as the process evolves and includes consideration of areas of work across the council such as the Transport Model which can also be used for other work areas. Local Plan costs are identified as the first call on the Kirklees share of the Leeds City Region business rates pool.

Staff resources - The Local Plan timetable has been set out in the context of existing resources within Planning Policy but would also require commitment from a range of service areas to assist with this process. Consultancy support will also be required in relation to some specialist topic areas (such as Sustainability Appraisal, viability).

Legal/Governance – governance advice has been taken in relation to the decision-making process to inform the options in this report. Planning Policy will liaise with Legal Services as the review process progresses.

The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) govern the review, preparation, consultation, examination, and adoption of Local Plans. In preparing a local plan, the council amongst other things must ensure that the plan is prepared in accordance with the council's Local Development Scheme, have regard to national policies/guidance, comply with the council's Statement of Community Involvement and the duty to co-operate with other Local Planning Authorities.

The Council must comply with its public sector equality duty under the Equality Act 2010 and produce an Integrated Impact Assessment as required.

Integrated Impact Assessment (IIA) An integrated impact assessment has been undertaken and can be found via the following link: [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](http://IntegratedImpactAssessments-IntegratedImpactAssessment(kirklees.gov.uk))

4 Consultation

- 4.1 There are no statutory requirements for consultation on a Local Plan review (assessment of whether it is fit for purpose). The decision to commence a review has however, been publicised through the mediums outlined in Section 5. There are statutory early engagement/consultation requirements for an update of the Local Plan. These are outlined under the Local Plan update potential timetable.
- 4.2 Section 15 of the Planning and Compulsory Act 2004 (as amended) requires the production of a Local Development Scheme (a timetable setting out the different stages of plan preparation including key stages of consultation etc). Following a Full Council decision to start a Local Plan update, there would need to be a Cabinet decision to approve an updated Local Development Scheme. The council is also required to produce a Statement of Community Involvement which sets out who, when and how consultation on the Local Plan will take place. This is for Cabinet to adopt.

- 4.3 The process for reviewing the Local Plan was presented to Scrutiny on 25th September 2023: [2023-09-25 Scrutiny Local Plan Review and Update.pdf \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/2023-09-25-Scrutiny-Local-Plan-Review-and-Update.pdf)

Engagement

- 4.4 The launch of the Local Plan review was communicated through the following ways:
- Kirklees Together: [We're reviewing the Kirklees Local Plan - Kirklees Together](#)
 - All social media platforms
 - Local press: Examiner Series, Dewsbury Reporter
- 4.5 At the point that an update of the Local Plan is approved, statutory requirements outlined in the Town and Country Planning (Local Planning) (England) Regulations 2012) set out the requirements for early engagement and consultation.

5. Next steps and timelines

- 5.1 Subject to Full Council's approval to commence an update of the Kirklees Local Plan, in accordance with Regulation 18a of the Town and Country Planning (Local Planning) (England) Regulations 2012, the council must notify specific and general consultation bodies, residents, and businesses and "invite them to make representations to the local planning authority about what a local plan ought to contain".
- 5.2 As outlined in the report, a revised Statement of Community Involvement will be prepared and consulted on with a final document subject to Cabinet approval. A revised Local Development Scheme will be prepared which will also be subject to Cabinet approval. These two documents form an important part of the statutory process to support the Local Plan update.
- 5.3 Officers will continue to monitor and review the published Levelling Up and Regeneration Act and subsequent secondary legislation to consider future implications on plan making and risk management.

6 Officer recommendations and reasons

- I. That Council approves the commencement of a full update of the Kirklees Local Plan in accordance with the statutory process set out in Town and Country Planning (Local Plan) Regulations 2012.

Reason: To ensure an updated plan is in place to support a revised spatial strategy and updated policy framework to guide planning decisions.

- II. That Council approves the funding of the update of the Kirklees Local Plan estimated at £2 million over a 5-year period including utilising funding from the Leeds City Region Business Rates Pool and other funding sources.

Reason: To ensure financial management/funding over the life of the project.

7. Cabinet Portfolio Holder's recommendations

The Cabinet portfolio holder agrees with the officer recommendations outlined in Section 6 of the report.

8. Contact officers

Jo Scrutton
Planning Policy and Strategy Group Leader
johanna.scrutton@kirklees.gov.uk

Mathias Franklin – Head of Planning and Development
01484 221000

9. Background Papers and History of Decisions

Cabinet report 17th October 2023 attached at Appendix 1.

10. Service Director responsible

Edward Highfield, Service Director Growth and Regeneration
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01484 221000

Appendix 1 Cabinet Report and Local Plan Review Findings

Name of meeting: Cabinet

Date: 17th October 2023

Title of report: Local Plan Review and Update

Purpose of report: To seek Cabinet ratification on the outcomes of a review of the Kirklees Local Plan. It is a statutory requirement to review and publish the outcomes on whether the Local Plan is fit for purpose within 5 years from the date of the plan adoption. For Kirklees, this process is required to be completed by February 2024.

Subject to ratification by Cabinet of the review outcomes, the officer recommendation is for Cabinet to recommend to Full Council that it endorses the commencement of a full update of the Kirklees Local Plan.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes</p> <p>Affects all wards.</p> <p>Subject to Cabinet ratification of the review outcomes, and Council approval to commence an update of the Local Plan, the cost of updating the Plan will exceed £500K.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – Yes</p> <p>Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd Strategic Director for Growth and Regeneration (2nd October 2023)</p> <p>Isabel Brittain Service Director Finance (S151 officer) (5th October 2023)</p> <p>Julie Muscroft Service Director Legal, Governance and Commissioning) (5th October 2023)</p>
<p>Cabinet member portfolio</p>	<p>Cllr Graham Turner</p>

Electoral wards affected: All Wards

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in the report.

1. Summary

The Kirklees Local Plan was adopted in February 2019. A formal 'review' of whether the Local Plan remains fit for purpose must be published within 5 years of Local Plan adoption (by February 2024).

The Local Plan is a statutory development plan, and its purpose is to set out a spatial development strategy identifying how much development is required over a plan period, where it will be located and designations for the protection of land. It also contains a suite of planning policies which facilitate the development strategy and against which planning applications for development will be assessed.

The report sets out the process which has been undertaken to review the Local Plan and the outcomes of the review. There is no prescribed method for plan review, but a review of a Local Plan against a standardised template produced by the Planning Advisory Service is being promoted nationally as good practice and forms the basis of the Kirklees assessment.

There are three potential outcomes of a review:

- No changes are required to the plan and the council publishes a statement to that effect setting out the reasons for the decision; or
- Changes are required, and work commences on a partial update to the plan; or
- More substantial changes are required, or the changes are interdependent on other areas of the plan and work commences on a new plan/full update.

Cabinet are being asked to ratify the outcomes of the Local Plan review and to recommend to Full Council to commence a full update of the Local Plan.

4. Information required to take a decision.

Local Plan Review Process

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, states that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 (PCP Act) requires them to publish their reasons if they consider that no update is necessary.

The National Planning Policy Framework (NPPF) (March 2023), Para 33 states that "Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary".

A formal decision to start the 'review' was carried out under powers delegated under the Council's Constitution to the Strategic Director Growth and Regeneration, David Shepherd. The Significant officer Decision Notice can be viewed at: [Issue details - Kirklees Local Plan Review \(Statutory requirement\) | Kirklees Council](#)

To raise public awareness of the Local Plan review an article was placed in Kirklees Together, press releases and all social media platforms (see Section 5 Engagement).

To assist all local planning authorities with the process of plan review, the Local Government Association has worked with the Planning Advisory Service to produce

advice, and an assessment toolkit. This includes standardised templates and questions to assess whether the plan is “fit for purpose”. Kirklees officers used the PAS template to assess and record the outcomes of the Local Plan review. The use of the template was considered to provide a transparent and consistent approach to the process, allowing the opportunity to benchmark against other authorities and to consider good practice.

Planning policy has consulted internally with other council Services to gain their views based on their experience and judgements on applying Local Plan policies in the consideration of their own work areas and to support the delivery of their own strategies or projects. Services include:

- Climate Change
- Conservation
- Development Management
- Economy and Skills
- Education
- Environmental Health
- Environmental Strategy
- Housing Growth
- Landscape
- Major Projects
- Public Health
- Public Protection
- Strategic Partnerships
- Transport Strategy and Policy
- Waste

The Planning Officers Society (POS) was appointed as a critical friend for the Local Plan review process to further increase the robustness of the process. This action was undertaken following advice from officers at Barnsley Council who have recently completed a Local Plan review. The Planning Officer’s Society remit is to provide independent advice and guidance to local planning authorities and to lobby at a national level for good practice.

The process for reviewing the Local Plan was presented to Scrutiny on 25th September 2023.

To undertake an update of the Local Plan requires a Full Council decision and could take place in November 2023.

Outcomes of the Local Plan Review

The Kirklees Local Plan was assessed against 14 questions outlined in the PAS template. Officers found the plan to be out of date against the following questions:

- A3 the council does not have a 5-year supply of housing.
- A4 the council is not meeting its housing delivery targets.
- A5 (ii) the assessment has identified issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.

- A6 the council's employment delivery and land supply is borderline and there are concerns that the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations are yet to enter the planning process.
- A8 key site allocations are unlikely to deliver housing/employment targets within the Plan period which will impact on the delivery of the Kirklees spatial strategy.
- A14 the Local Plan was adopted prior to the council declaring a climate change emergency in 2019. It is considered an update of the Local Plan provides an opportunity develop a planning framework that supports the council's ambition of being net zero and climate ready by 2038.

The completed PAS template is attached at Appendix 1 where detailed responses are outlined for each question.

A summary table is provided below for reference.

Summary table of the outcomes (PAS template)

A	Plan Review Factors	Outcomes
A1	The plan policies still reflect current national planning policy requirements.	Agree
A2	There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting that there will be some degree of flux).	Agree
A3	<p>You have a 5-year supply of housing land. Government guidance (the National Planning Policy Framework) requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a five-year supply of land against their housing requirement. The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If a local planning authority is unable to demonstrate a five-year supply, the policies related to the supply of housing are considered out-of-date. As such, the presumption of sustainable development (the tilted balance) is triggered as set out in paragraph 11d of the NPPF and footnote 8.</p>	Disagree
A4	<p>You are meeting your housing delivery targets.</p> <p>A4. /A.8 Housing Delivery Test / delivery of strategic sites – The number of homes built between 31st March 2022 – 1st April 2023 was 987 against a Local Plan target of 1730. The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large sites. Whilst each of the sites is now within the planning application process (at least in part), there is under delivery of Local Plan targets.</p> <p>This question has been considered in the light of the ongoing work being undertaken by Housing Growth to progress strategic sites such as work on Bradley Park outlined in the report to Cabinet on 27th June 2023 on Housing Delivery Updates: 230615 Cabinet report Housing Delivery FINAL.pdf (kirklees.gov.uk)</p>	Disagree
A5 (ii)	Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for	Disagree A5 (ii) in relation

A	Plan Review Factors	Outcomes
	<p>First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.</p> <p>The assessment has identified issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.</p>	to commercial floorspace/job targets over the remaining plan period.
A6	<p>There have been no significant changes in economic conditions which could challenge the delivery of the Plan. Including the policy requirements within it.</p> <p>Employment delivery and land supply – borderline performance information at present but significant employment land supply issues anticipated during the remainder of the plan period. The assessment has raised concerns about the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations yet to enter the planning process and would count towards the Local Plan aspiration of achieving 23,000 additional jobs over the plan period.</p>	Disagree
A7	There have been no significant changes affecting viability of planned development.	Agree
A8	<p>Key site allocations are delivering, or on course to deliver, in accordance with the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p>See A4.</p>	Disagree
A9	There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.	Agree
A10	No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.	Agree
A11	Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.	Agree
A12	All policies in the plan are achievable and effective including for the purpose of decision-making.	Agree
A13	There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.	Agree
A14	<p>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</p> <p>Climate emergency – although the Local Plan was assessed and determined as sustainable, the Council has declared a climate emergency and there is therefore the need to reflect the climate emergency.</p>	Disagree

Feedback from internal service users

In terms of the Local Plan policies, it is considered that whilst most Local Plan policies remain fit for purpose, an update of the Local Plan provides an opportunity to consider additional policy coverage particularly in the light of emerging guidance across several

topic areas. Areas for consideration could include air quality, energy security, renewable energy, a wider range of health-related policies, and a review of sustainable transport policies. This list is not exhaustive and subject to Full Council endorsing an update of the Local Plan, Regulation 18 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the local authority to invite representations about what the local plan should contain. This would involve engagement with a range of statutory and non-statutory bodies, residents, businesses, and members.

It should be noted that the Government is proposing to prepare National Development Management Policies which would also set a context for updated policy.

An update of the Local Plan provides an opportunity to realign the Plan's vision and objectives with a revised council plan (January 2024), and the following council strategies: Inclusive Economy Strategy, Health and Well-being Strategy, Environmental Strategy, and Inclusive Communities Framework. However, no issues were identified, that would indicate a potential failing of the current Local Plan to deliver the wider corporate objectives contained in these strategies.

As outlined earlier in the report, the Local Plan was adopted prior to the council declaring a climate change emergency in 2019. It is considered an update of the Local Plan provides an opportunity develop a planning framework that supports the council's ambition of being net zero and climate ready by 2038.

Planning Officers Society (POS) (critical friend feedback)

POS provided some initial thoughts on the process for the council to consider in taking forward outcomes from the review in relation to partial or full review.

a) "A partial review must follow the same processes and stages as the preparation of a new plan or full plan update and the amount of work, costs and resources involved should not be under-estimated".

b) Partial reviews generally are only suitable where there is a specific part of the plan that is considered out of date. Due to the inter-relationships between the spatial strategy and the policies and between policies themselves, a full review is likely to be of most benefit. Additionally, advice from the Planning Officers Society based on cases elsewhere in the country, is that partial reviews have resulted in confusion for the public where different parts of the Local Plan were updated at different times.

POS concurred with the officers' view that the review raises concerns in relation to meeting housing and employment targets, and the delivery of strategic sites. POS commented:

"In theory the Council could initiate a partial review with the aim of allocating further sites to swell the land supply and delivery. However, it must be likely that to seek to bring forward further site allocations would have knock-on effects on other aspects of the plan. Consequently, it could prove very difficult to retain the narrow focus of the plan review, without finding that wider changes became necessary which could make the review process more akin to a full plan update".

POS agreed with officers that the plan policies still reflect current national policy requirements. It acknowledged that whilst there had been some changes to legislation, national policy and practice guidance since the Plan was adopted, "the objectives and

policies of the local plan remain relevant overall.

Further to this, POS concluded that based on the officers' review assessment and the evidence provided for each question, that the conclusions were supported.

Other considerations

Officers are aware of the current uncertainties relating to proposed national planning system changes and planning reforms. However, evidence to support the Local Plan and early engagement are key to both the current and proposed reforms. Both the Department of Levelling Up Housing and Communities and the Planning Advisory Service are advising local authorities carry on with the process of producing Plans or updates.

Conclusions on the review outcomes

Officers consider that the plan requires an update for the reasons set out under questions A3, A4, A5 (ii), A6, A8 and A14 of the PAS template (see earlier in the report, outcomes of the Local Plan Review and Appendix 1).

Questions A17 and B4 of the PAS template requires the local authority to outline its position on whether a review is required and whether it should be partial or full. In the opinion of the officers, a full review of the Local Plan is required based on the inter-relationships between the spatial strategy and Local Plan policies. A partial review is not considered suitable as the proposed updates are not specific to one area of the plan and could lead to the potential for further updates and costs.

5. Implications for the Council

5.5 Working with People

The Local Plan review is a technical assessment based on a standard Planning Advisory Service template and is not subject to public consultation. The Local Plan 2 process would potentially include consultation on a revised Statement of Community Involvement as well as three stages of public consultation. The legal regulations state that at least two stages of consultation are required, however, it is the view of officers that three stages should be undertaken to ensure meaningful engagement and more certainty to meet the regulations. Undertaking just two stages of consultation on the Local Plan would raise significant risks of undermining the early engagement process and that significant risks could be raised late in the Local Plan process.

6.5 Working with Partners

Officers have liaised with Barnsley Council where its Local Plan review has recently been undertaken. The conclusions of the review were subject to a critical friend assessment from the Planning Officers Society to ensure a second opinion was sought on the review outcomes.

The Local Plan review process also includes adhering to the Duty to Co-Operate requirements, part of which will include meeting with adjoining authorities in relation to the review outcomes. The Local Plan 2 process will involve working with other services within the council as well as partners (such as those relating to infrastructure provision) and the Duty to Co-operate will need to be satisfied through the plan preparation process. A series of public consultations throughout the preparation of Local Plan 2 will enable a range of partners to engage further in the process.

7.5 Place Based Working

The Local Plan 2 process will take account of the range of different characteristics and communities across Kirklees, for example assessing housing needs. It will also seek the views of communities from the inception of the plan-making process through early engagement exercises and throughout the process. Consultation proposals would be set out in an updated Statement of Community Involvement and would embrace council approaches such as the Inclusive Communities Framework.

8.5 Climate Change and Air Quality

The draft Local Plan review sets out the Climate Emergency as one of the key factors indicating a Local Plan update is required. Although the current Local Plan was assessed as sustainable during the Local Plan process, it doesn't specifically set out how developments will contribute to the net zero targets by 2038. A revised Local Plan provides the opportunity to take account of the Kirklees Climate Change Action Plan and consider how planning policy interventions can contribute towards reducing carbon emissions and ensuring resilience against climate change.

9.5 Improving outcomes for children

The Local Plan review is a technical exercise to be undertaken stating whether the Local Plan remains up to date. Local Plan 2 would need to consider the needs of children through ensuring sufficient education facilities are available to meet the needs of new developments but also links to health outcomes by protecting valuable open spaces close to where children live and providing housing to meet local needs.

10.5 Financial Implications for the people living or working in Kirklees

A new Local Plan will include identifying and meeting the needs for housing and employment across Kirklees.

11.5 Other (e.g., Integrated Impact Assessment/Legal/Financial or Human Resources)

- Financial - Costs to prepare a new Local Plan will be considerable, estimated to be up to £2m over the life span of the project (based on discussions with authorities who have recently been through the process). This would be refined as the process evolves and includes consideration of areas of work across the council such as the Transport Model which can also be used for other work areas. Local Plan costs are identified as the first call on the Kirklees share of the Leeds City Region business rates pool.
- Staff resources - The Local Plan timetable has been set out in the context of existing resources within Planning Policy but would also require commitment from a range of service areas to assist with this process. Consultancy support will also be required in relation to some specialist topic areas (such as Sustainability Appraisal, viability).
- Legal/Governance – governance advice has been taken in relation to the decision-making process to inform the options in this report. Planning Policy will liaise with Legal Services as the review process progresses.

The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) govern the review, preparation, consultation, examination, and adoption of Local Plans. In preparing a local plan, the council amongst other things must ensure that the plan is prepared in accordance with the council's Local Development Scheme, have regard to national policies/guidance, comply with the council's Statement of Community Involvement and the duty to co-operate with other Local Planning Authorities.

The Council must comply with its public sector equality duty under the Equality Act 2010 and produce an Integrated Impact Assessment as required.

- Integrated Impact Assessment (IIA) – an IIA will be undertaken dependant on a decision by Full Council to proceed with an update of the Local Plan where the impact of a plan update can be fully considered.

6. Consultation

There are no statutory requirements for consultation on a Local Plan review (assessment of whether it is fit for purpose). The decision to commence a review has however, been publicised through the mediums outlined in Section 5. There are statutory consultation requirements for an update of the Local Plan. These are outlined under the Local Plan 2 potential timetable.

Section 15 of the Planning and Compulsory Act 2004 (as amended) requires the production of a Local Development Scheme (a timetable setting out the different stages of plan preparation including key stages of consultation etc). Following a Full Council decision to start Local Plan 2, there would need to be a Cabinet decision to approve an updated Local Development Scheme. The council is also required to produce a Statement of Community Involvement which sets out who, when and how consultation on the Local Plan will take place. This is for Cabinet to adopt.

The process for reviewing the Local Plan was presented to Scrutiny on 25th September 2023: [2023-09-25 Scrutiny Local Plan Review and Update.pdf \(kirklees.gov.uk\)](#)

7. Engagement

The launch of the Local Plan review was communicated through the following ways:

- Kirklees Together: [We're reviewing the Kirklees Local Plan - Kirklees Together](#)
- All social media platforms
- Local press: Examiner Series, Dewsbury Reporter

At the point that an update of the Local Plan is approved, statutory requirements (as outlined at Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) require early engagement of “specific” and “general” consultation bodies, residents, and businesses.

8. Next steps and timelines

Officers recommend the following next steps:

- 1) Cabinet ratifies the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the report) and the council's reasons and decisions are published in its website.
- 2) Cabinet recommends to Full Council that a full update of the Kirklees Local Plan commences (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning reforms).
- 3) Cabinet authorises the Strategic Director to commence work on a Local Development Scheme and Statement of Community Involvement in accordance with recommendations outlined in sections 6 and 7.

Section 15 of the Planning and Compulsory Act 2004 (as amended) requires the production of a Local Development Scheme (a timetable setting out the different stages of plan preparation including key stages of consultation etc). Subject to a Full Council decision to start Local Plan 2, there would need to be a Cabinet decision to approve the Local Development Scheme.

The likely timescales for Local Plan 2 are as follows:

Local Plan preparation stage	Consultation periods	Timescale
Local Development Scheme (LDS) (local plan timetable) approved by the Cabinet		January 2024
Statement of Community Involvement (SCI) – setting out how we will consult the community	6-week consultation on a draft. The final document will be presented to Cabinet for adoption.	March 2024
Early engagement about spatial strategy, broad ideas about scale of growth and Call for Sites.	Period of engagement at least 6 weeks	August 2024
Draft Local Plan – showing spatial strategy, draft site allocations and policies)	6-week consultation	September 2025
Publication Draft Local Plan – showing the final version of the plan supported by the Council which is then submitted for independent examination)	6-week consultation (representations period)	September 2026
Submission to the Secretary of State followed by an independent examination in public	The plan would then have a formal Examination in Public	March 2027

The Plan will also be subject to examination and a process of adoption. The full timetable will be reviewed in the light of a Full Council to commence an update, planning reforms and changes to current legislation.

The timeline for the preparation of an update of the Local Plan allows for public consultation on a Statement of Community Involvement (a document which sets out how communities will be consulted during the Local Plan process). This consultation is no longer mandatory, but many authorities still consult on the document to allow communities to have their say on different consultation methods. Compliance with an up-to-date LDS and SCI are issues which will be assessed at the independent Local Plan examination stage. Officers recommend that consultation is undertaken on a revised Statement of Community Involvement and request Cabinet approves a six-week period of consultation with a final document presented to Cabinet for approval and publication.

The legal regulations state that there must be a minimum of 2 stages of public consultation (early engagement and a final Publication Draft Local Plan which is then submitted to the Secretary of State for examination). To follow such an approach is a high-risk strategy because the process moves from early engagement about the potential scope of the plan straight to a final Publication plan (which includes sites and policies) and risks accusations of a done deal and that consultation did not shape the plan in a meaningful way.

As such, 3 consultation stages are recommended with consultation on a Draft Local Plan (the first-time site allocations and policies are set out) between the Early Engagement

stage and the final Publication Draft consultations. The most controversial aspect of Local Plan preparation is normally this Draft Local Plan stage as this is the point where the draft site allocations are first published (housing allocations, employment allocations etc). Having this stage ensures meaningful consultation and allows issues raised in the consultation to be rectified through changes or further evidence gathering which minimises risks of significant new issues being raised at the Publication Draft stage (as that stage articulates the council's view of the final Local Plan). This approach is widely accepted as best practice to de-risk the process and was the approach followed in the production of the current Local Plan.

As outlined earlier, it should be noted that the government is currently proposing changes to the plan-making system as part of the Levelling Up and Regeneration Bill and associated consultations. A new plan-making process would need to react to such changes as they emerge.

6. Officer recommendations and reasons

It is recommended that Cabinet:

- 1) Ratifies the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the report) and the council's reasons and decisions are published on its website.

Reason: To comply with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, which states that local planning authorities must review their plans every five years from the date of adoption.

- 2) Cabinet recommends to Full Council that a full update of the Kirklees Local Plan commences (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning reforms).

Reason: Officers consider that the plan requires an update for the reasons set out under questions A3, A4, A5 (ii), A6, A8 and A14 of the PAS template (see earlier in the report, outcomes of the Local Plan Review and Appendix 1).

In the opinion of the officers, a full update of the Local Plan is required based on the inter-relationships between the spatial strategy and Local Plan policies. A partial review is not considered suitable as the proposed updates are not specific to one area of the plan and could lead to the potential for further updates and costs.

- 3) Cabinet authorises the Strategic Director of Growth and Regeneration to prepare a Local Development Scheme (programme to produce development plan documents) with a completed LDS presented to Cabinet at a future meeting for approval and publication.
- 4) Cabinet authorises the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement, with authorisation to consult on a draft document, with a final Statement of Community Involvement presented to Cabinet at a future meeting for approval and publication.

Reason: Compliance with an up-to-date LDS and SCI are issues which will be assessed at the independent Local Plan examination stage. Early production of these documents allows community involvement on the methods of consultation and transparency of process through the publication of a timetable outlining key stages of plan preparation and timings. Both the SCI and LDS will form future items for consideration by Cabinet.

9. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio holder agrees with the officer recommendations outlined in Section 6 of the report.

10. Contact officer

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11. Background Papers and History of Decisions

Kirklees Local Plan adopted 27th February 2019: (www.kirklees.gov.uk/localplan)
Significant Officer's Decision Notice: [Issue details - Kirklees Local Plan Review \(Statutory requirement\) | Kirklees Council](#)

Planning Advisory Service (PAS) Local Plan Route Mapper Toolkit Part 1: Local plan Review Assessment: [TOOLKIT PART 1 LOCAL PLAN REVIEW OCT 2019.docx \(live.com\)](#)

12. Service Director responsible

David Shepherd
Strategic Director Growth and Regeneration
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Cabinet Appendix 1 - PAS LOCAL PLAN ROUTE MAPPER TOOLKIT: Kirklees Local Plan review (Cabinet Report 17th October 2023)

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A	PLAN REVIEW FACTORS		
A1.	<p>The plan policies still reflect current national planning policy requirements.</p> <p>PROMPT: As set out above in the introductory text, in providing your answer to this statement consider if the policies in your plan still meet the ‘content’ requirements of the current NPPF, PPG, Written Ministerial Statements and the National Model Design Code (completing Part 2 of the toolkit will help you determine the extent to which the policies in your plan accord with relevant key requirements in national policy).</p>	AGREE	<p>The aims and objectives of the Local Plan remain relevant overall as do the suite of planning policies within the Local Plan. There have been changes to the law, national planning policy and planning practice guidance since the adoption of the Kirklees Local Plan which would require changes at the point the Local Plan update starts but these are not considered to be so significant that they would render the Local Plan out of date.</p> <p>Examples include:</p> <ul style="list-style-type: none"> - Environment Act – including the introduction of 10% biodiversity net gain and Local Nature Recovery Strategies. Local Plan policy LP30 (Biodiversity and Geodiversity) states that development proposals are required to minimise the impact on biodiversity and provide net biodiversity gains but does not specify a percentage. The approach to achieving net gains overall is consistent with the Act. Kirklees Council has been implementing 10% biodiversity net gain since June 2021 through a Biodiversity Net Gain Technical Advice Note. - Use Class Order changes - changes to use classes order have implications for Local Plan Policy LP14 and the removal of references to primary and secondary shopping frontages in the latest NPPF. The council would seek to reflect the latest Use Class Order requirements at the point the Local Plan is updated and would also determine whether there is sufficient evidence to continue to set out primary and secondary shopping frontages. - Permitted Development – There have been changes to permitted development rights. The Local Plan will continue to be monitored to assess whether there are implications for the Local Plan policies. - Affordable housing definitions – the introduction of First Homes and move away from Starter Homes are changes in circumstances. LP11 (affordable housing and housing mix) is sufficiently

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>flexible to allow implementation of First Homes when considered alongside the Kirklees Affordable Housing and Housing Mix SPD as well as the First Homes Position Statement.</p> <ul style="list-style-type: none"> - Custom and Self-Build – Local Plan policy LP11 states that the council will encourage proposals for custom/self-build homes where consistent with other policies in the Local Plan. The council would consider the latest evidence of need and the latest government guidance at the time of a Local Plan update to determine whether an amended policy approach is required. - Nationally Described Space Standards – although the council encourages consistency with such standards, and achieves them in most cases, the evidence base, to implement such standards through a Local Plan policy will need to be considered at the relevant time. - Design Guides and Codes – The Levelling Up and Regeneration Bill seeks to require local planning authorities to adopt authority-wide design codes. At the point of updating the Local Plan, the council will consider the latest guidance relating to design guides and codes. At the current time Kirklees Local Plan LP24 (Design) is supported by the following: <ul style="list-style-type: none"> o the council has implemented a suite of ‘Quality Places’ Supplementary Planning Documents (SPDs) setting out design expectations to ensure high quality design as the Local Plan is implemented: <ul style="list-style-type: none"> ▪ Highway Design Guide SPD ▪ Housebuilder Design Guide SPD ▪ House Extensions and Alterations SPD ▪ Open Space SPD ▪ Hot Food Takeaway SPD ▪ Affordable Housing and Mix SPD. o Local Plan (policy LP5) requires masterplans for site delivery in certain circumstances. <p>The council is also aware of the Levelling Up and Regeneration Bill and associated national planning reforms. Such reforms are currently within the consultation stage and therefore further details are awaited. The consultation documents stated that the new Local Plan system would be effective from November 2024 and is likely to include:</p> <ul style="list-style-type: none"> - Streamlined Local Plans and reduced plan preparation times.

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<ul style="list-style-type: none"> - Changes to the methodology for calculating housing requirements. - Changes in relation to potentially further restricting the use of green belt to meet housing needs through the Local Plan process. - National Development Management Policies to replace some local policies which are common to many areas. - A new Infrastructure Levy to replace CIL and Section 106 developer contributions. - Replacement of the Duty to Co-operate (the process where strategic issues such cross-boundary issues are set out) with a revised process. - Replacement of Sustainability Appraisals with Environmental Outcome Reports. - Replacement of Supplementary Planning Documents (SPD) (guidance) with a new process of Supplementary Plans (SP) which, as set out in the draft changes, would have the same weight as the Local Plan and will be subject to a written representation's examination.
A2	<p>There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).</p> <p>PROMPT: Look at whether your local housing need figure, using the standard methodology as a starting point, has gone up significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan).</p> <p>Consider whether your local housing need figure has gone down significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan). You will need to consider if there is robust evidence to demonstrate that your current housing requirement is deliverable in terms of market capacity or if it supports, for example, growth strategies such as Housing Deals, new strategic infrastructure</p>	AGREE	<p>There has not been a significant change in local housing needs numbers since the Local Plan was adopted. The local plan sets a housing requirement of 31,140 new homes during the period (2013-2031), equating to 1,730 new homes per annum. This reflected the Objectively Assessed Need for Housing as required at that time including consideration of economic aspirations.</p> <p>The Standard Method for calculating Local Housing Needs has since been introduced and sets out the minimum number of homes required in an area. This includes consideration of household projections and the application of an Affordability Ratio. It should be noted that the Standard Method still uses the 2014-based household projections as a starting point (which is consistent with the Local Plan evidence base) as set out in the latest Planning Practice Guidance.</p> <p>The Local Housing Need methodology indicates a minimum requirement of 1,686 dwellings per annum for Kirklees.</p> <p>Although lower than the Local Plan requirement, officers consider this to be broadly in line with the Local Plan requirement (1,730 dwellings per annum) especially as there can be some degree of flux each year as the affordability ratios change. It should also be recognised that the Local Housing Needs figure is the minimum number of homes required which may require an uplift to reflect economic aspirations in the district.</p> <p>The full housing needs calculation would be updated using an updated evidence base to support the preparation of the next Local Plan. The planning reforms may change the way Local Housing</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
	investment or formal agreements to meet unmet need from neighbouring authority areas.		Needs are calculated and potential changes to the NPPF state that such housing needs only represent a starting point. The council will need to react to the methodology in place at the time a new Local Plan is prepared including considering economic factors as necessary.

	<p>A3 You have a 5-year supply of housing land</p> <p>PROMPT: Review your 5-year housing land supply in accordance with national guidance including planning practice guidance and the Housing Delivery Test measurement rule book.</p>	DISAGREE	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If the 2022 Housing Delivery Test results, when released, determine that Kirklees should include a 20% buffer, the five-year supply figure would need to be revised accordingly.</p> <p>At this stage the outcome of the National Planning Policy Framework consultation (December 2022) is awaited. The proposed changes stated that a buffer would no longer need to be added to the five-year supply calculation and proposed that Local Plans adopted in the past five years may no longer need to demonstrate five years supply of deliverable housing land. The Kirklees Local Plan reaches the fifth anniversary of adoption in February 2024.</p> <p>Housing land supply is a key criterion when determining whether the housing aspects of a Local Plan are up to date and therefore whether the plan should be updated in whole or in part.</p>				
A4.	<p>You are meeting housing delivery targets.</p> <p>PROMPT: Use the results of your most recent Housing Delivery Test, and if possible, try and</p>	DISAGREE	<p>Since the Local Plan base date, the number of new homes built (net), set against the Local Plan housing requirement of 1,730 per annum, are as follows:</p> <table border="1" data-bbox="952 1353 2056 1390"> <thead> <tr> <th data-bbox="952 1353 1529 1390">Year</th> <th data-bbox="1529 1353 2056 1390">Net additional dwellings</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Year	Net additional dwellings		
Year	Net additional dwellings						

forecast the outcome of future Housing Delivery Test findings. Consider whether these have/are likely to trigger the requirement for the development of an action plan or trigger the presumption in favour of sustainable development. Consider the reasons for this and whether you need to review the site allocations that your plan is reliant upon. In doing so you need to make a judgement as to whether updating your local plan will support delivery or whether there are other actions needed which are not dependent on changes to the local plan.

2013/14 (Local Plan base date)	1,036
2014/15	666
2015/16	1,143
2016/17	983
2017/18	1,330
2018/19	1,550
2019/20 (Local Plan adopted February 2019)	1,131
2020/21	1,021
2021/22	704
2022/23	987

Delivery has been lower than the Local Plan requirement throughout this period although it should be noted that the Local Plan was not adopted until February 2019. At the point of adoption, significant areas of land were allocated for development, many of which are currently proceeding through the planning applications process. Since 2020, the pandemic and economic circumstances are likely to have impacted on delivery rates.

The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large-scale sites. As set out in criteria A8, the later than expected delivery of such sites has impacted on the deliverable housing land supply, housing completions to date and expected completions of these sites by the end of the plan period. Each of these sites is now within the planning applications process (at least in part) therefore delivery is expected to start in the next few years to boost housing delivery:

- HS61 - Dewsbury Riverside (1,869 dwellings during plan period): outline application for 350 dwellings on part of the site delegated by Strategic Planning Committee for approval (2021/93689)
- HS11 - Bradley, Huddersfield (1,490 dwellings during plan period): Full application for 277 dwellings on part of the site delegated for approval by Strategic Planning Committee (2021/92086)

			<p>- MXS7 - Chidswell (1,535 dwellings): two planning applications covering the whole site delegated for approval by planning committee (2020/92331 for 1,354 dwellings and 2020/92350 for 181 dwellings)</p> <p>The government has yet to publish the 2022 Housing Delivery Test results. Consultation on changes to the NPPF included an option that the 2021 results may be rolled forward due to the uncertainty around the planning reforms. The outcome of the consultation is not yet known.</p> <p>The Housing Delivery Test result for 2022 cannot be estimated due to uncertainty whether there may be an adjustment to the calculations to reflect the recent economic uncertainty (as applied by the government during the pandemic).</p> <p>The latest available result is therefore from the 2021 Housing Delivery Test which showed that housebuilding in Kirklees met 87% of needs identified through the test over a three-year period. As this result is above 75% decisions in Kirklees continue to be plan-led from a Housing Delivery Test point of view. However, there are significant concerns that the 2022 and 2023 Housing Delivery Test results would fall below 75% once published.</p> <p>The July 2022 Housing Delivery Test Action Plan (July 2022) (https://www.kirklees.gov.uk/beta/planning-policy/pdf/housing-delivery-test-action-plan.pdf) sets out a series of actions. This has included implementation of Supplementary Planning Documents to add further certainty to the planning applications process. The council now has 4 such SPDs related directly to housing:</p> <ul style="list-style-type: none"> • Highway Design Guide SPD • Housebuilder Design Guide SPD • Open Space SPD • Affordable Housing and Housing Mix SPD <p>Other actions the council is undertaking relate to providing pre-application advice, ensuring master planning of larger sites, continuing to progress council-owned housing allocations and further work on housing brokerage approach (offering technical planning and funding advice to landowners/developers or housing allocations).</p>
A5 (afford	Your plan policies are on track to deliver other plan objectives including any (i)	AGREE	<u>Affordable Homes</u>

<p>able housing g)</p>	<p>affordable housing targets including requirements for First Homes;</p> <p>PROMPT: Use (or update) your Authority Monitoring Report to assess delivery.</p>	<p>Local Plan policy LP11 states that 20% of housing sites should be provided as affordable housing and sets out an indicative affordable housing trajectory (figure 8) but the plan does not contain an affordable housing target therefore the performance against the Local Plan cannot be assessed directly.</p> <p><u>Affordable Housing policy performance</u> Analysis of the details of viability appraisals since the adoption of the Local Plan show that most policies have been implemented in full despite viability appraisal challenges in some cases (18 viability appraisals received for housing with 7 viability appraisals not accepted). LP11 (Housing Mix and Affordable Housing) is the policy most subject to challenge, specifically the requirement for 20% affordable housing on proposals of more than 10 dwellings. Of these approximately half of viability appraisals were accepted (in full or in part).</p> <p><u>Overall affordable housing needs</u> The SHMA (2016) showed an annual net imbalance of 1,049 affordable dwellings per year. This assumes the clearance of the overall shortfall over 5 years but would be lower if the shortfall is cleared over the whole plan period (an approximate imbalance of 108 dwellings per annum). As set out below, the Authority Monitoring Report indicates that the lower imbalance figure is being achieved in most cases. Completions show an average of 150 affordable homes completed since the start of the plan period (2013).</p> <table border="1" data-bbox="954 871 1809 1243"> <thead> <tr> <th>Financial year</th> <th>Affordable homes built</th> </tr> </thead> <tbody> <tr> <td>2013/14</td> <td>320</td> </tr> <tr> <td>2014/15</td> <td>180</td> </tr> <tr> <td>2015/16</td> <td>155</td> </tr> <tr> <td>2016/17</td> <td>121</td> </tr> <tr> <td>2017/18</td> <td>100</td> </tr> <tr> <td>2018/19</td> <td>118</td> </tr> <tr> <td>2019/20</td> <td>155</td> </tr> <tr> <td>2020/21</td> <td>89</td> </tr> <tr> <td>2021/22</td> <td>109</td> </tr> </tbody> </table> <p>A new affordable housing approach (First Homes) was introduced by the government in Dec 2021 with the requirement for 25% of affordable homes to be provided as First Homes. The requirements, eligibility criteria and a local connections test are set out in the council's First</p>	Financial year	Affordable homes built	2013/14	320	2014/15	180	2015/16	155	2016/17	121	2017/18	100	2018/19	118	2019/20	155	2020/21	89	2021/22	109
Financial year	Affordable homes built																					
2013/14	320																					
2014/15	180																					
2015/16	155																					
2016/17	121																					
2017/18	100																					
2018/19	118																					
2019/20	155																					
2020/21	89																					
2021/22	109																					

Homes Position Statement, but it is too soon to fully understand the impacts of the changes in national planning policy. Local Plan policy LP11 (affordable housing and housing mix) is sufficiently flexible to allow implementation of First Homes when considered alongside the Kirklees Affordable Housing and Housing Mix SPD as well as the First Homes Position Statement.

One of the parameters applied as part of the Housing Delivery Test calculation is an Affordability Ratio (median house price to median workplace earnings). In the absence of a Local Plan affordable housing target, the Affordability Ratio provides a broad indication of housing affordability in Kirklees.

The table below sets out the housing Affordability Ratio for Kirklees since the Local Plan base date. This shows that affordability has become slightly worse since the start of the Local Plan period. There was a significantly higher affordability ratio shown in which may be due to the economic uncertainty following the pandemic, but this stabilised in 2022.

Year	Affordability Ratio (Kirklees)
2013 (Local Plan base date)	5.36
2014	5.35
2015	5.75
2016	5.68
2017	5.69
2018	5.76
2019 (Local Plan adopted)	5.84
2020	5.82
2021	6.76
2022	5.82

Changes to the need for affordable housing in Kirklees can only be fully understood through a Strategic Housing Market Assessment which would consider all factors. This would be undertaken to inform the preparation of a Local Plan. An up-date to the Local Plan and associated evidence base would be beneficial to ensure the Local Plan affordable housing policy is in accordance with national planning policy.

<p>A5 (employment)</p>	<p>Your plan policies are on track to deliver other plan objectives including any</p> <p>(ii) commercial floorspace/jobs targets over the remaining plan period.</p>	<p>DISAGREE</p>	<p>Employment</p> <p>The Local Plan set out to achieve 23,000 additional jobs over the plan period from 2013-31 with the additional intention of securing a 75% employment rate (in accordance with the Kirklees Economic Strategy).</p> <p><u>Jobs targets</u></p> <p>During the Local Plan period from 2013, it was expected that 23,200 jobs would be delivered, of which 6,920 jobs were expected from Local Plan employment/mixed use allocations and 11,039 were from planning permissions, completions, and Priority Employment Areas. The remaining jobs were expected from non-floorspace generating uses (i.e., those which don't require B use class floorspace (storage/distribution, heavy /light industry)). These include retail, working from home, jobs from extensions to existing businesses, construction. The jobs also include windfall sites which could be B use classes (not allocated for employment and not within Priority Employment Areas).</p> <p><u>Specific progress towards employment and mixed-use allocations (6,920 jobs target)</u></p> <p>The jobs information below has used the same jobs to floorspace ratio as the Local Plan for different sectors to set out expected job creation from Local Plan employment and mixed-use allocations.</p> <table border="1" data-bbox="954 836 2092 1098"> <thead> <tr> <th></th> <th>Jobs assumed using Local Plan density assumptions (2013-31)</th> </tr> </thead> <tbody> <tr> <td>Assumed jobs from completed/built allocations</td> <td></td> </tr> <tr> <td>Assumed jobs from allocated land with planning permission</td> <td></td> </tr> <tr> <td>Assumed jobs from allocated land with current pending planning applications</td> <td></td> </tr> <tr> <td>Total provided or within the planning system</td> <td></td> </tr> </tbody> </table> <p>This shows that approximately 5,820 jobs have been provided or are in the process of being provided from employment or mixed-use allocations. A further 1,782 jobs may also be delivered from employment / mixed use allocations yet to enter the planning process and therefore not displayed in the table above. This indicates that overall, the 6,920 jobs required from Local Plan allocations could still be achieved but there is significant doubt about the delivery of all of the potential 1,782 jobs on employment sites not yet in the planning process. There are also concerns about the remaining spatial distribution of job opportunities which would benefit from an updated evidence base through a new Local Plan process.</p>		Jobs assumed using Local Plan density assumptions (2013-31)	Assumed jobs from completed/built allocations		Assumed jobs from allocated land with planning permission		Assumed jobs from allocated land with current pending planning applications		Total provided or within the planning system	
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Assumed jobs from completed/built allocations													
Assumed jobs from allocated land with planning permission													
Assumed jobs from allocated land with current pending planning applications													
Total provided or within the planning system													

To explore the overall provision of jobs during the Local Plan period, the NOMIS information (provided by Office for National Statistics) below shows the numbers employed in jobs in Kirklees at 2013 (the start of the Local Plan period) and 2022 (the latest available monitoring period). At the mid-point of the Local Plan period, the trend shown by the number of additional jobs occupied appears to indicate that the overall Local Plan target of 23,000 new jobs is unlikely to be achieved. However, the information does not show whether the lower-than-expected progress in job numbers is due to job vacancies or whether this is due to a lower-than-expected creation of jobs. It should be noted that such overall figures can mask variations in each sector and locations across Kirklees and can change over time as employers and numbers of vacant jobs change within the district.

Progress towards overall jobs target (23,000) (using NOMIS ‘employment by occupation’)

Kirklees jobs (2013)	Kirklees jobs (2022)	Change since Local Plan base date
188,100 jobs	198,800 jobs	10,700 jobs

There are concerns that the scale of additional jobs growth initially expected from within existing Priority Employment Areas (PEAs) may not come forward as expected. This is likely to lead to issues in the availability of employment land during the latter part of the Local Plan period. In relation to the provision of employment land in the future, the council has received enquiries from a range of existing employers wishing to expand in the area as well as prospective employers. Such issues will need to be considered in the next Local Plan.

Employment rate

The following table sets out the NOMIS trend figures showing those who are economically active in employment based on financial years.

Financial year	Employment rate (%)
Apr 2013 – Mar 2014	69.3%
Apr 2014 – Mar 2015	69.8%
Apr 2015 – Mar 2016	69.4%
Apr 2016 – Mar 2017	71.1%
Apr 2017 – Mar 2018	69.3%
Apr 2018 – Mar 2019	72.4%
Apr 2019 – Mar 2020	73.2%

			<table border="1" data-bbox="954 116 1749 188"> <tr> <td data-bbox="954 116 1429 153">Apr 2020 – Mar 2021</td> <td data-bbox="1429 116 1749 153">70.8%</td> </tr> <tr> <td data-bbox="954 153 1429 188">Apr 2021 – Mar 2022</td> <td data-bbox="1429 153 1749 188">73.9%</td> </tr> </table> <p data-bbox="954 233 2047 440">This shows that progress was being made towards the 75% employment rate prior to the pandemic in March 2020 before a slight decline but that the employment rate progressed towards 75% in 2021/22. In the absence of the 2022/23 employment rate figures, exploring the calendar year figures for 2022 shows an expected reduction in the employment rate in Kirklees which is likely to lead to a lower employment rate in the 2022/23 figures once published.</p> <p data-bbox="954 485 2074 655">There is no way of directly linking this to employment allocations in the Local Plan, but the availability of employment land provided by the Local Plan provides economic benefits for the district in terms of attracting new employers to the area. Recent planning permissions on strategic employment sites should therefore impact on the employment rate over the next few years.</p> <p data-bbox="954 700 2033 836">Overall, there are issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.</p>	Apr 2020 – Mar 2021	70.8%	Apr 2021 – Mar 2022	73.9%
Apr 2020 – Mar 2021	70.8%						
Apr 2021 – Mar 2022	73.9%						
<p data-bbox="159 1114 203 1137">A6.</p>	<p data-bbox="271 882 759 1007">There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.</p> <p data-bbox="271 1043 748 1134">PROMPT: A key employer has shut down or relocated out of the area.</p> <p data-bbox="271 1174 741 1265">Unforeseen events (for example the Covid-19 Pandemic) are impacting upon the delivery of the plan.</p> <p data-bbox="271 1305 730 1396">Up-to-date evidence suggests that jobs growth is likely to be significantly more or less than is currently being planned for.</p>	<p data-bbox="781 882 898 906">DISAGREE</p>	<p data-bbox="954 882 1845 906">Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p data-bbox="954 946 2069 1082">As set out earlier in this report, there have been economic uncertainties such as those caused by the pandemic which are likely to have affected the employment rate and the number of homes built in the early part of the plan process. The short-, medium- and long-term impacts of Brexit are also unclear.</p> <p data-bbox="954 1121 2069 1407">There have also been challenges achieving projected delivery rates on strategic sites as such sites have taken longer to progress to delivery than originally anticipated. Despite this, most of the larger strategic development sites are now progressing through the planning process (in whole or in part) which should improve housing delivery (e.g., Bradley in Huddersfield, Dewsbury Riverside and Chidswell to the north-east of Dewsbury) and employment delivery (e.g., former North Bierley Waste Water Treatment Works at Junction 26 of the M62 and Chidswell to the north-east of Dewsbury) over the coming years. In addition to this, as set out earlier in this report, the employment rate remains higher than at the base date of the Local</p>				

	<p>Consider if there is any evidence suggesting that large employment allocations will no longer be required or are no longer likely to be delivered.</p> <p>You will need to consider whether such events impact on assumptions in your adopted local plan which have led to a higher housing requirement than your local housing need assessment indicates.</p> <p>Consider what the consequences could be for your local plan objectives such as the balance of in and out commuting and the resultant impact on proposed transport infrastructure provision (both capacity and viability), air quality or climate change considerations.</p>		<p>Plan although there are aspirations for this to increase further. This situation will need to be kept under review but delays due to the pandemic do not in themselves warrant an update to the Local Plan in Kirklees as there remains significant capacity for new developments on land allocated in the Local Plan. As set out in A2, the Local Housing Need outcomes using the current methodology remain similar to the Local Plan housing requirement of 1,730 per annum. The actual implications of the pandemic will not be known until detailed work is undertaken such as assumptions relating to home working, employment needs and population growth.</p>
<p>A7.</p>	<p>There have been no significant changes affecting viability of planned development.</p> <p>PROMPT: You may wish to look at the Building Cost Information Service (BCIS) All-in Tender Price Index, used for the indexation of Community Infrastructure Levy (CIL), or other relevant indices to get a sense of market changes.</p> <p>Consider evidence from recent planning decisions and appeal decisions to determine whether planning policy requirements, including affordable housing, are generally deliverable.</p> <p>Ongoing consultation and engagement with the development industry may highlight any</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>If specific schemes have viability issues, this is assessed through the planning applications process where a viability assessment is submitted by developers and the council commissions an independent assessment to validate the outputs. Analysis of the details of viability appraisals since the adoption of the Local Plan show that most policies have been implemented in full despite viability appraisal challenges in some cases (18 viability appraisals received for housing with 7 viability appraisals not accepted). LP11 (Housing Mix and Affordable Housing) is the policy most subject to challenge, specifically the requirement for 20% affordable housing on proposals of more than 10 dwellings. Of these approximately half of viability appraisals were accepted (in full or in part). There were limited viability challenges in relation to sustainable travel (LP20), education contributions (LP49) and open space contributions (LP63).</p> <p>The council has recently undertaken a viability appraisal to ensure a revised Affordable Housing and Housing Mix SPD would not place unacceptable viability pressures on developers which demonstrated that scheme typologies remain viable. Compliant schemes are being achieved in most cases but the viability approach, as set out in the Local Plan and NPPF, provides flexibility where this can be justified.</p>

	significant challenges to delivery arising from changes in the economic climate.		
A8.	<p>Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p>PROMPT:</p> <p>Identify which sites are central to the delivery of your spatial strategy. Consider if there is evidence to suggest that lack of progress on these sites (individually or collectively) may prejudice the delivery of housing numbers, key infrastructure or other spatial priorities. Sites may be deemed to be key by virtue of their scale, location or type in addition to the role that may have in delivering any associated infrastructure.</p>	DISAGREE	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>There have been challenges achieving projected delivery rates on strategic sites as such sites have taken longer to progress to delivery than originally anticipated as such some delivery expected during the plan period may not occur beyond 2031. The council is still confident that significant delivery on such sites can occur in the period to 2031 and will need to consider this situation at the point the Local Plan is updated.</p> <p>Employment:</p> <ul style="list-style-type: none"> - Chidswell (MXS7) – indicative employment is capacity expected to be delivered during the plan period. An outline application which includes the employment aspects of this mixed-use allocation has been delegated by Strategic Planning Committee for approval) - Cooper Bridge (ES9) – indicative capacity expected to be delivered during the plan period

			<ul style="list-style-type: none"> - Slipper Lane, Mirfield (MXS3) – this site is now completed and has delivered 5,990 sq.m. greater than the indicative capacity. - Lindley Moor (MXS3) – the employment aspects of this site have been partly built. The remaining employment area is currently subject to a planning application for a mix of uses. If approved, overall, there would be an anticipated loss of approximately 12,000 sq.m. compared to indicative site capacity. Despite this, if approved, there would be some alternative employment generating uses on part of the site such as retail/restaurant/cafe which are not included in the jobs assessment in indicator A5. - Whitechapel Road, Cleckheaton (ES6) – potential significant increase in floorspace compared to indicative site capacity through recent planning application, but recent refusal of planning application means the situation on this site is unclear at present - Former North Bierley Waste Water Treatment Works (ES7) – all of this site is now subject to either planning approval or has been delegated for approval by the Strategic Planning Committee. This includes a number of employment units at varying stages of the process (some complete, some outline and some reserved matters) which overall show almost 8,000 sq.m. additional floorspace compared to the indicative capacity. <p>Housing:</p> <ul style="list-style-type: none"> - Chidswell (MXS7) - Outline applications covering the whole site (one for housing/employment and one for housing) have been delegated by the Strategic Planning Committee for approval. Although the site is expected to deliver the number of new homes set out in the indicative site capacity overall, it is now likely that approximately 500 fewer homes will be delivered during the plan period (to 2031). This site will, however, remain an important ongoing source of new housing beyond the plan period. - Dewsbury Riverside (HS61) – Outline application under consideration for the first 350 dwellings which has been delegated for approval by the Strategic Planning Committee. The site is now expected to deliver around 600 fewer dwellings than expected delivered during the plan period to 2031. This site was already anticipated to continue delivery into the next plan period and will continue to be an ongoing source of new housing.
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			<ul style="list-style-type: none"> - Bradley (HS11) – Full application for part of the site (277 dwellings) has been delegated by the Strategic Planning Committee for approval. The site is now expected to deliver 100 fewer dwellings than anticipated during the plan period (to 2031). This site was already anticipated to continue delivery into the next plan period and will continue to be an ongoing source of new housing. - Blackmoorfoot Road (HS23) – Outline planning permission has been granted for this whole housing allocation, but it is now expected that approximately 150 fewer dwellings will be delivered on this site during the plan period than anticipated. This site is therefore expected to continue to deliver new homes beyond the plan period. <p>In conclusion, whilst the delivery from strategic employment sites is close to that expected, there are likely to be issues with the delivery of housing from strategic sites as many of the sites are now likely to deliver a lower than expected number of new homes during the plan period (to 2031). Delivery will therefore continue beyond the plan period. In relation to implications for the spatial strategy, delivery will still occur on these sites but at a slower rate than originally anticipated.</p>
<p>A9.</p>	<p>There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.</p> <p>PROMPT: You may wish to review the indicators or monitoring associated with your Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA).</p> <p>Identify if there have been any changes in Flood Risk Zones, including as a result of assessing the effects of climate change.</p> <p>Consider whether there have been any changes in air quality which has resulted in</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The current Local Plan was subject to Sustainability Appraisal which was independently assessed through the Local Plan examination in public and the council has no reason to consider why this would not continue to be the case.</p> <p>Since the adoption of the Kirklees Local Plan the council declared a Climate Emergency including the ‘net zero and climate ready target by 2038. For the purposes of this Local Plan review, this has been addressed under indicator A14 (Political changes and corporate strategy) to avoid duplication.</p> <p>There have been changes to flood risk zones and associated National Planning Practice guidance which will require updated evidence as part of an updated Local Plan. Amendments are also proposed to some of the Air Quality Management Areas which will be reflected in the next Local Plan. There have been no changes to the Special Protection Areas / Special Areas of Conservation.</p>

	<p>the designation of an Air Quality Management Area(s) or which would could result in a likely significant effect on a European designated site which could impact on the ability to deliver housing or employment allocations.</p> <p>Consider whether there have been any changes to Zones of Influence / Impact Risk Zones for European sites and Sites of Special Scientific Interest or new issues in relation to, for example, water quality.</p> <p>Consider whether there have been any new environmental or heritage designations which could impact on the delivery of housing or employment / jobs requirements / targets.</p> <p>Consider any relevant concerns being raised by statutory consultees in your area in relation to the determination of individual planning applications or planning appeals which may impact upon your plan - either now or in the future.</p>		<p>The Environment Act has also been brought into force since the Local Plan was adopted which will impact on policies and approaches. This includes biodiversity net gain, Local Nature Recovery Strategies and additional requirements in relation to Particulate Matter which will all need to be considered when the Local Plan is updated. In relation to biodiversity net gain, the Local Plan already specifies that net gain should be achieved from new development. Although the policy doesn't specific a percentage net gain (such as 10% set out in the Environment Act), the policy is not inconsistent with the Act. The council is already implementing the 10% biodiversity net gain requirements through a Biodiversity Net Gain Technical Advice Note in advance of the Environment Act regulations on this matter coming into force. This process may lead to a Supplementary Planning Document to add further clarity. Further work will also be required to ensure synergies with Local Nature Recovery Strategies.</p>
<p>A10.</p>	<p>No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.</p> <p>PROMPT:</p> <p>Consider if there have been any new sites that have become available, particularly those within public ownership which, if they were to come forward for development, could have an impact on the spatial strategy or could result in loss of employment and</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>There are no sites which have become available which require the Local Plan spatial strategy to be re-evaluated, either within Kirklees or in the adjoining authorities.</p>

	<p>would have a significant effect on the quality of place if no new use were found for them.</p> <p>Consider whether any sites which have now become available within your area or neighbouring areas could contribute towards meeting any previously identified unmet needs.</p>		
<p>A11.</p>	<p>Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.</p> <p>PROMPT: You may wish to review your Infrastructure Delivery Plan / Infrastructure Funding Statement, along with any periodic updates, the Capital and Investment programmes of your authority or infrastructure delivery partners and any other tool used to monitor and prioritise the need and delivery of infrastructure to support development.</p> <p>Check if there have been any delays in the delivery of critical infrastructure as a result of other processes such as for the Compulsory Purchase of necessary land.</p> <p>Identify whether any funding announcements or decisions have been made which materially impact upon the delivery of key planned infrastructure, and if so, will this impact upon the delivery of the Local Plan.</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources) <u>Local Plan Transport Schemes</u></p> <ul style="list-style-type: none"> • TS1 A62/A644 Huddersfield to M62 J25 - Larger scale interventions replaced with more localised changes. Consultation has occurred on revised proposals. A full business case for the A62 to Cooper Bridge proposals are likely to be submitted in December 2024. • TS2 New Motorway junction 24a on M62 - Not currently in any programme but has not directly impacted on delivery of Local Plan sites. • TS3 Huddersfield Southern Gateways - Full Business Case likely to be submitted in October 2023. • TS4 A629 Halifax Road (Huddersfield to Halifax Corridor) - a planning application was submitted in May 2023. • TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone – planned submission of Full Business Case in July 2023. • TS6 Highway Network Efficiency Programme / TS9 Strategic Road Network Improvements - various improvements to the Strategic Road Network by National Highways – to be taken into account in Local Plan update highway modelling. • TS7 Public Transport Improvement Schemes - various schemes progressing including A62 – A644 Bus enhancements (to be taken into account in Local Plan update). • TS8 Walking and Cycling Improvement Schemes - various schemes progressing (to be taken into account in Local Plan update). <p><u>Other schemes</u> Trans Pennine Route Upgrade – the Transport and Works Act Order has been approved and this process is progressing through the planning process and construction has started in part. Other key activities include progress on discharging planning conditions and listed building</p>

conditions, various technical highway approvals in progress, and applications for environmental section 61 consents.

Bus stations – proposals for improved bus stations at Huddersfield, Dewsbury and Heckmondwike are progressing. Opportunities to reference Kirklees Blueprints (Huddersfield, Dewsbury, Heckmondwike, Batley, Cleckheaton and Holmfirth) as part of a Local Plan update but this is not preventing the schemes from progressing.

Section 106 developer contributions

The council continues to successfully secure developer contributions through the planning applications process as set out in the annual Infrastructure Funding Statement as follows.

Table 1 – s.106 monies unallocated March 2021

Infrastructure Type	s.106 monies available (£)
Public Open Space	£897,436.67
Affordable Housing	£2,345,736.06
Highways	£2,519,183.29
Education	£3,935,176.41
Drainage	£36,500.00
Miscellaneous ^[1]	£31,500.00
Total	£9,765,532.43

Table 2 - s.106 contributions received 2021/22

Infrastructure Type	s.106 monies received (£)
Public Open Space	£1,117,936.44
Affordable Housing	£34,924.88
Highways / Sustainable Transport	£432,642.49
Education	£843,789.81
Miscellaneous	£727,500.00
Total	£3,156,793.62

Table 3 - s.106 contributions spent 2021/22

			<table border="1"> <thead> <tr> <th>Infrastructure Type</th> <th>s.106 monies spent (£)</th> </tr> </thead> <tbody> <tr> <td>Public Open Space</td> <td>£1,360,662.18</td> </tr> <tr> <td>Affordable Housing</td> <td>£560,000.00</td> </tr> <tr> <td>Highways</td> <td>£370,406.88</td> </tr> <tr> <td>Education</td> <td>£1,280,227.51</td> </tr> <tr> <td>Other^[2]</td> <td>£1,205,730.34</td> </tr> <tr> <td>Total</td> <td>£4,777,026.91</td> </tr> </tbody> </table>	Infrastructure Type	s.106 monies spent (£)	Public Open Space	£1,360,662.18	Affordable Housing	£560,000.00	Highways	£370,406.88	Education	£1,280,227.51	Other ^[2]	£1,205,730.34	Total	£4,777,026.91										
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			<p>Table 4 - Total s.106 amount available to spend March 2022</p> <table border="1"> <tbody> <tr> <td>Net total as of March 2021</td> <td>£9,765,532.43</td> </tr> <tr> <td>s106 income received 21/22</td> <td>£3,156,793.62</td> </tr> <tr> <td>S106 allocated not spent 20/21</td> <td>£1,054,631.20</td> </tr> <tr> <td>Sub Total</td> <td>£13,976,957.25</td> </tr> <tr> <td>Minus monies spent</td> <td>£4,777,026.91</td> </tr> <tr> <td>Total</td> <td>£9,199,930.34</td> </tr> </tbody> </table>	Net total as of March 2021	£9,765,532.43	s106 income received 21/22	£3,156,793.62	S106 allocated not spent 20/21	£1,054,631.20	Sub Total	£13,976,957.25	Minus monies spent	£4,777,026.91	Total	£9,199,930.34												
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<p>A12.</p>	<p>All policies in the plan are achievable and effective including for the purpose of decision-making.</p> <p>PROMPT: Consider if these are strategic policies or those, such as Development Management policies, which do not necessarily go to the heart of delivering the Plan’s strategy.</p> <p>Identify if there has been a significant increase in appeals that have been allowed and /or appeals related to a specific policy area that suggest a policy or policies should be reviewed.</p> <p>Consider whether there has been feedback from Development Management colleagues, members of the planning committee, or applicants that policies cannot be effectively applied and / or understood.</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections, and relevant evidence sources):</p> <p>Since the adoption of the Local Plan (February 2019), the appeals record is as follows:</p> <p>Appeals performance.</p> <table border="1"> <thead> <tr> <th></th> <th>Total appeals</th> <th>Upheld</th> <th>Part upheld / part dismissed</th> <th>Dismissed</th> </tr> </thead> <tbody> <tr> <td>2019/20</td> <td>84</td> <td>18</td> <td>2</td> <td>64</td> </tr> <tr> <td>2020/21</td> <td>79</td> <td>13</td> <td>1</td> <td>65</td> </tr> <tr> <td>2021/22</td> <td>87</td> <td>22</td> <td>1</td> <td>64</td> </tr> </tbody> </table> <p>Overall, the policies remain effective and specific policy monitoring indicators are set out in the annual Authority Monitoring Report (AMR). There are some specific examples where policies may not necessarily be out of date, but which have been identified as benefitting from an updated position either in the context of local circumstances (such as the Climate Emergency) in addition to the examples referred to in A1 of this template. Examples include:</p> <table border="1"> <thead> <tr> <th>Policy</th> <th>Issues</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>		Total appeals	Upheld	Part upheld / part dismissed	Dismissed	2019/20	84	18	2	64	2020/21	79	13	1	65	2021/22	87	22	1	64	Policy	Issues		
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2021/22	87	22	1	64																							
Policy	Issues																										

			LP7 (Housing density)	Challenges securing 35 dwellings per hectare especially due to site configuration, topography, open space requirements, focus on quality design in recent SPDs and new requirements for biodiversity net gain.
			LP9 (Skilled and flexible workforce)	Updates to be considered to maximise social value/social capital including in relation to apprenticeship schemes.
			LP11 (Housing Mix and Affordable Housing)	Providing further clarity about the required housing mix (currently set out in a Supplementary Planning Document), and consideration of a policy relating to nationally described space standards for new homes.
			LP13, LP14 (town centre retail)	Changes to the Use Classes Order will need to be considered as the Local Plan is updated.
			LP17, LP18 (Huddersfield and Dewsbury town centres)	To reflect the focus on town centre regeneration in the Huddersfield and Dewsbury Blueprints, at the point of updating the Local Plan there will need to be a focus on Huddersfield and Dewsbury but also the blueprints (masterplans) for Batley, Cleckheaton, Heckmondwike and Holmfirth town centres.
			Green belt policies	Consideration may need to be given to the approach to infill in the green belt to take account of appeal outcomes.
			LP24 (Design)	Likely to require further consideration of the carbon impacts of development and other factors emerging from the Climate Emergency and Climate Change Action Plan
			LP42 (Hydrocarbons)	To consider the latest position in relation to the environment and national planning policy approach.
			LP63 (New Open Space)	Further clarity could be added to the policy in relation to specific types of open space, on-site vs off-site provision and how developer contributions are used.

<p>A13.</p>	<p>There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.</p> <p>PROMPT: In making this assessment you may wish to:</p> <ul style="list-style-type: none"> ● Review emerging and adopted neighbouring authority development plans and their planning context. ● Review any emerging and adopted higher level strategic plans including, where relevant, mayoral/ combined authority Spatial Development Strategies e.g. The London Plan. ● Review any relevant neighbourhood plans ● Consider whether any of the matters highlighted in statements A1- A12 for their plan may impact on your plan - discuss this with the relevant authorities. ● Consider any key topic areas or requests that have arisen through Duty to Cooperate or strategic planning discussions with your neighbours or stakeholders - particularly relating to meeting future development and /or infrastructure needs. 	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>Within Kirklees, the Holme Valley Neighbourhood Development Plan was 'made' in December 2021 which now forms part of the development plan for the relevant area alongside the Kirklees Local Plan. The Neighbourhood Development Plan is in conformity with the Kirklees Local Plan, but the content will be considered as part of a Local Plan update such as Local Green Space designations.</p> <p>Kirklees is now within a Mayoral Combined Authority. For a future Local Plan process this will include consideration of the Mayoral Pledges (such as those relating to affordable housing delivery, high quality jobs). The emerging Local Transport Plan 4 (LTP4) will also be a key consideration linked to the council's own Transport Strategy and future Local Plan.</p> <p>As part of the Devolution Deal, there is currently no proposal for a Spatial Development Strategy at the regional scale, but a Local Plan update would need to react to such changes should they occur.</p> <p>The council continues to actively engage with adjoining local authorities under the Duty to Co-operate process as their Local Plans emerge and no strategic cross boundary issues discussed have been significant enough to trigger a Local Plan review. In relation to this process, Statements of Common Ground remain between the Leeds City Region authorities that each authority will meet its own housing and employment needs within its own area. There are also proposals for a regional Mass Transit system which will need to be considered when the Local Plan is updated but in itself would not trigger an update.</p>
<p>A14.</p>	<p>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</p> <p>PROMPT: In making this assessment you may wish to:</p>	<p>DISAGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The main change in relation to local politics and corporate strategies relates to the Climate Emergency (2019) and associated Climate Change Action Plan. These are directly linked to the emerging Kirklees Environment Sustainability Strategy. The council has declared a Climate Emergency in January 2019 and the associated Climate Change Action Plan sets out actions to facilitate the achievement of the net zero target by 2038. Although the current Local Plan</p>

<ul style="list-style-type: none"> ● Review any manifesto commitments and review the corporate and business plan. ● Engage with your senior management team and undertake appropriate engagement with senior politicians in your authority. ● Consider other plans or strategies being produced across the Council or by partners which may impact on the appropriateness of your current plan and the strategy that underpins it, for instance, Growth Deals, economic growth plans, local industrial strategies produced by the Local Economic Partnership, housing/ regeneration strategies and so on. 	<p>does represent a sustainable approach, it does not specifically refer to developers and their developments directly contributing to the achievement of net zero therefore a policy approach would be needed to assist the council in delivery of the aspirations relating to climate change e.g. relating to whole life carbon, emissions, walking & cycling infrastructure, energy security, electric vehicle charging, Local Area Energy Plans and adapting / improving resilience to the potential impacts of climate change. These will need to be considered as the Local Plan is updated alongside other evidence such as viability evidence to determine the potential extent of the policy response to climate change.</p> <p>Other important factors to be considered include:</p> <p>Health and Wellbeing strategy (2022-2027) – this will be an important consideration in the preparation of a new Local Plan but does not require a fundamental change to the approach set out in the Local Plan.</p> <p>Forthcoming council documents (Economic Strategy / Transport Strategy / Air Quality Strategy) – Updated strategies will play a key role to influence the Local Plan process.</p> <p>Regeneration proposals - At the point the council updates the Local Plan, a range of emerging regeneration proposals will need to be considered but these do not represent such a significant change to the spatial development strategy to warrant a Local Plan update at this stage. Many such schemes are currently progressing using existing policies.</p> <p>Inclusive Communities Framework – this outlines the aims, objectives and approach in engaging with local communities. This will be important in relation to the preparation of a new Local Plan at the relevant time.</p>
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	ASSESSING WHETHER OR NOT TO UPDATE YOUR PLAN POLICIES	YES/NO (please indicate below)	
A15.	You AGREE with <u>all</u> of the statements above	No	<p><u>If no</u> go to question A16.</p> <p><u>If yes</u>, you have come to the end of the assessment. However, you must be confident that you are able to demonstrate and fully justify that your existing plan policies / planning position clearly meets the requirements in the statements above and that you have evidence to support your position.</p> <p>Based on the answers you have given above please provide clear explanation and justification in section A17 below of why you have concluded that an update is not necessary including references to evidence or data sources that you have referenced above. Remember you are required to publish the decision not to update your local plan policies. In reaching the conclusion that an update is not necessary the explanation and justification for your decision must be clear, intelligible and able to withstand scrutiny.</p>
A16.	You DISAGREE with one or more of the statements above and the issue can be addressed by an update of local plan policies	Yes	<p>If yes, based on the above provide a summary of the key reasons <u>why</u> an update to plan policies is necessary in section A17 below and complete Section B below.</p>
A17.	<p><u>Decision: Update plan policies</u></p> <p>Reasons for decision on whether or not to update plan policies (clear evidence and justification will be required where a decision not to update has been reached):</p> <p>The assessment has identified that the Local Plan is considered to require an update to address the following issues:</p> <ul style="list-style-type: none"> - A3. Housing land supply – Government guidance (the National Planning Policy Framework) requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a five-year supply of land against their housing requirement. The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to 		

	<p>the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If a local planning authority is unable to demonstrate a five-year supply, the policies related to the supply of housing are considered out-of-date. As such, the presumption of sustainable development (the tilted balance) is triggered as set out in paragraph 11d of the NPPF and footnote 8.</p> <ul style="list-style-type: none"> - A4. /A.8 Housing Delivery Test / delivery of strategic sites – The number of homes built between 31st March 2022 – 1st April 2023 was 987; against a Local Plan target of 1730. The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large sites. Whilst each of the sites is now within the planning application process (at least in part), there is under delivery of Local Plan targets. - A5. /A6. Employment delivery and land supply – borderline performance information at present but significant employment land supply issues anticipated during the remainder of the plan period. The assessment has raised concerns about the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations yet to enter the planning process and would count towards the Local Plan aspiration of achieving 23,000 additional jobs over the plan period. Economic uncertainties such as those caused by the pandemic has impacted on the delivery of strategic sites. - A14 Climate emergency – although the Local Plan was assessed and determined as sustainable, the Council has declared a climate emergency and there is therefore the need to reflect the climate emergency. 		
	B. POLICY UPDATE FACTORS	YES/NO (please indicate below)	Provide details explaining your answer in the context of your plan / local authority area
B1	Your policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.	No	The standard method for calculating housing requirements indicates that the Kirklees housing requirement would be broadly similar to the existing requirement of 1,730 dwellings per annum. There are, however, concerns relating to housing delivery towards meeting the housing requirement and the ongoing availability of deliverable housing capacity.
B2	The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and your policies update is likely to involve a change to this.	Yes	The spatial strategy remains fit for purpose overall but there are concerns about later delivery of strategic housing sites and the location of new employment opportunities to meet needs. Such issues should be explored through an updated Local Plan process.
B3	Your policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.	Yes	Concerns relating to the capacity of new homes to be delivered from strategic sites within the plan period. This is due to sites such as Dewsbury Riverside, Chidswell, and Bradley expected to start delivering

			new homes later than originally anticipated. Such sites will continue to provide an important source of housing delivery beyond the plan period. The implications of the Climate Emergency also need to be considered in relation to implications for strategic policies.
	You have answered yes to one or more questions above.		You are likely to need to undertake a full update of your spatial strategy and strategic policies (and potentially non-strategic policies). Use your responses above to complete Section B4.
	You have said no to <u>all</u> questions (B1 to B3) above		If you are confident that the update can be undertaken without impacting on your spatial strategy and other elements of the Plan, you are likely to only need to undertake a partial update of policies. Complete Section B4 to indicate the specific parts / policies of the plan that are likely to require updating based on the answers you have given above.
B4	<p>Decision: Full Update of Plan Policies/ Partial Update of Plan Policies (delete as necessary)</p> <p>Reasons for scope of review:</p> <p>For the reasons set out in A17 in relation to housing land supply, delivery of strategic sites and the council’s Climate Change Emergency and associated Climate Change Action, it is considered that a review of the Local Plan is required.</p> <p>In terms of the Local Plan policies, it is considered that whilst most Local Plan policies remain up to date, many would benefit from being updated through a new Local Plan process particularly in the light of the comments made in relation to updated guidance, changes to the use classes order and permitted development rights.</p> <p>A full review of the Local Plan is proposed due to the interrelationship of the spatial strategy and the Local Plan policies.</p>		

Date of assessment:	17 th October 2023
Assessed by:	Kirklees Planning Policy Team
Checked by:	Planning Officer’s Society (critical friend)

Comments:	17 th October 2023 consideration by Kirklees Cabinet