

REPORT TITLE: Kirklees Local Plan Update

Meeting:	Growth and Regeneration Scrutiny Panel
Date:	26th February 2024
Cabinet Member (if applicable)	Cllr Graham Turner (portfolio holder)
Key Decision Eligible for Call In	Yes Yes
Purpose of Report <ul style="list-style-type: none"> To update on the progress of the Kirklees Local Plan Update. To note revised national planning policy and implications for the Local Plan update programme. 	
Recommendations <ol style="list-style-type: none"> Scrutiny Panel to note the progress on the Local Plan update and the implications of revised national planning policy. 	
Reasons for Recommendations <ul style="list-style-type: none"> Scrutiny Panel requested an update on the progress of the Local Plan update to have early input into scrutiny of the work programme. 	
Resource Implications: Costs to prepare a new Local Plan are estimated to be approximately £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 the policy team has been working closely with Leeds City Region colleagues, Pathfinder authorities, Planning Advisory Service to review Plan costs. It is anticipated that there will be £130K allocated for next year from the council towards the costs of producing the local plan (which includes consultation costs) with additional costs paid for from income from the Leeds City Region (LCR) business rate rebate pool being made available to support additional local plan costs (previously agreed).	
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	David Shepherd Strategic Director for growth and Regeneration 9 th February 2024 Isabel Brittain Interim Service Director - Finance 15 th February 2024 Julie Muscroft Service Director – Legal, Governance and Commissioning 9 th February 2024

Electoral wards affected: All

Ward councillors consulted: Portfolio holder Briefing: (Cllr Graham Turner) 13th February 2024

Public or private: Public

Has GDPR been considered? No personal data is contained in this report.

1. Executive Summary

Council on 15th November 2023, approved the commencement of an update of the Kirklees Local Plan following a statutorily required review process to ensure that the Plan was fit for purpose.

Prior to Council's decision, a report outlining the review process and next steps was presented to Scrutiny on 25th September 2023.

Scrutiny asked to be kept up to date on the progress of the Local Plan update. The purpose of this report is to outline the key areas of work which have been undertaken or are ongoing for the period November 2023 to February 2024.

This report sets out the following:

- A summary of the process, outcomes, and decision to commence a full update of the Plan.
- Progress on key supporting documents linked to the Local Plan update including:
 - Update on the Interim Housing Position Statement (reported to Scrutiny Panel on 20th November 2023) which seeks to set out a proactive approach to boosting housing supply in the absence of a five-year land supply.
 - Production of the Local Plan Timetable and Statement of Community Involvement. These documents play an important role as part of the Local Plan update by identifying consultation methods and opportunities to become involved in shaping planning policy (SCI) and the timetable to do so through the LPT.
- Progress on the Local Plan update which has taken place to date. This includes:
 - Early engagement
 - Identifying Sites
 - Evidence
 - Policy Review and Development
- The potential implications of recent revisions to national planning policy framework and further proposed legislative/guidance changes are outlined and implications for the work programme.

2. Information required to take a decision

Background

2.1 Local Plan Review

A report on the Local Plan review process was presented to **Scrutiny on 25th September 2023** which outlined the approach to be taken and the role of the Planning Officer's Society. The review was still being undertaken at the time of the report. A

summary of the outcomes presented to Cabinet on 17th October 2023 and Council on 15th November 2023 are outlined below.

A review of the Kirklees Local Plan was undertaken in the summer of 2023. The review commenced in accordance with the 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 was required to be completed by February 2024.

The review outcomes indicated that the plan was out of date in several areas:

- The council does not have a 5-year supply of housing.
- The council is not meeting its housing delivery targets.
- 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.
- The council's employment delivery and land supply are 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.
- 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.
- 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 reasons for the above issues being identified as out of date were outlined in the Cabinet Report 17th October and the Council Report 15th November 2023 and included:

- Housing delivery lower than the Local Plan requirement. Since 2020, the pandemic and economic circumstances are likely to have impacted on delivery rates.
- Reliance on three strategic housing sites. The complexity of granting permission on such large-scale sites impacted on expected delivery within the plan period.
- Employment/job targets - 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. Monitoring indicated that 5,820 jobs have been provided or were in the process of being provided from employment or mixed-use sites. 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.
- Opportunity to consider plan policies to support the Council's climate change ambitions.

How was the decision to undertake a full update informed?

The decision to undertake a full update was informed by the Planning Officers Society (POS) who were appointed by the council to act as an independent critical friend on the Local Plan review. In the opinion of POS, there were several potential risks with a partial 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 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”.

The findings were presented to Cabinet on the 17th, October 2023 for ratification and referred to Council on 15th November 2023 who approved a full update of the Local Plan.

2.2 Update on work relating to the Local Plan Update

Interim Housing Position Statement to Boost Supply

As a response to not having a 5-year supply of housing and the council not meeting its housing requirements, an Interim Housing Position Statement to Boost Supply was produced as a precursor to the consideration of the council’s housing position to be considered as part of the update of the Local Plan. The main aim of this statement is to provide a positive and proactive approach to dealing with planning applications in the absence of a 5-year housing land supply. It set outs a mechanism to help boost supply and provides clarity for landowners, developers, agents, and the public submitting planning applications for new housing development in the district. The interim statement will also help facilitate the council’s Development Management service and enable more effective and timely decision-making through the planning application process.

It is considered an important tool to support boosting housing supply and delivery in advance of the update of the Local Plan. Additionally, engaging with landowners, developers, agents, and the public through this process has the potential to feed into early engagement on the Local Plan.

The Interim Housing Position Statement was presented to **Scrutiny Panel on 20th November 2023** and approved by Cabinet on 21st December 2023. The statement will become operative from the end of February on the 5th anniversary of the Local Plan.

2.3 Local Plan Timetable

The timetable for Local Plan update was first published in the Cabinet Report 17th October 2023 and the Council report 15th November on the Local Plan Review and Update.

Local Plan preparation stage	Consultation periods	Timescale
Local Plan Timetable	None required but the timetable formed part of Cabinet and Council reports.	January 2024

Local Plan preparation stage	Consultation periods	Timescale
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.	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 production of a Local Plan Timetable (LPT) is a statutory requirement under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023. The Act requires that a timetable for producing a Local Plan, Supplementary Plans, Design Codes, other policy guidance/advice and the annual monitoring activity/programme associated with them is produced and published. The LPT is the replacement document for the council's existing Local Development Scheme, which was adopted in December 2019. The LPT sets out when documents will be produced, the brief purpose of those documents and when consultation is likely to happen. The LPT contains an updated timetable to that presented at Cabinet and Council:

Local Plan Timetable and Milestones- LPT

Timetable and milestones	Dates
Early Engagement Consultation	August - October 2024
Draft Plan Consultation	September - November 2025
Publication Draft Consultation	September - November 2026
Submission to Secretary of State	March 2027

An up-to-date LPT at the beginning of the Local Plan update, not only ensures compliance with statutory requirements but provides stakeholders with a timetable of documents and the opportunities to become involved in shaping policy documents. Compliance with an up-to-date LPT is an issue which is assessed at the independent Local Plan examination stage [Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118422/Procedure_Guide_for_Local_Plan_Examinations_-_GOV.UK.pdf) paragraph 1.22.

A LPT has been prepared for consideration by Cabinet on 12th March 2024. This represents a change from the previous milestone of January 2024. It was considered that a combined report on the timetable and the Statement of Community Involvement (see following section) would be of benefit to stakeholders. Both documents play an important role as part of the Local Plan update by identifying consultation methods and opportunities to become involved in shaping planning policy (SCI) and the timetable to do so through the LPT.

2.4 Statement of Community Involvement

The SCI sets out principles of engagement, consultation techniques and details of how residents and stakeholders can get involved in all aspects of planning.

Legislation requires that a Local Planning Authority (LPA) must review its SCI every 5 years from its adoption. The current SCI was adopted in December 2019; therefore, the review must have taken place before December 2024. Following the council decision that a full update of the Local Plan should commence; it was considered timely to review and update the SCI.

There is no statutory requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement, but it was considered that the Local Plan update and the potential through the Planning reforms for communities to have a greater role in shaping locally derived policies, engaging with local communities and stakeholders on this document would have added benefits in preparing future planning documents and aid transparency of the processes.

Cabinet on 17th October 2023 [Agenda for Cabinet on Tuesday 17th October 2023, 3.00 pm | Kirklees Council](#), approved a delegated decision for the Strategic Director, Growth and Regeneration to commence consultation on a revised draft SCI.

The revised draft SCI was prepared October – November 2023 and public consultation ([Have your say on the Statement of Community Involvement \(SCI\) consultation | Kirklees Council](#)) took place for a period of circa 7 weeks (Monday 20th November 2023 to Friday 5th January 2024). Proposed amendments have been made to the document in response to the consultation and Cabinet will be asked to adopt the final document on 12th March 2024.

It should be noted that the SCI formed an important document in the scrutiny of the “adequacy” of the council’s engagement and consultation at the examination of the existing Local Plan. The independent Inspector considered the “public consultation ... was extensive and wide ranging and elicited a high level of responses” and concluded the consultation was in compliance with the SCI and relevant regulations ([Kirklees Council Local Plan Inspector's Report](#) paragraphs 14 – 16) January 2019. It is, therefore, important moving forward that early engagement/consultation required to meet statutory stages of the Plan making process are shaped in the context of the SCI and the council’s Inclusive Communities Framework. The council must also comply with its public sector equality duty under the Equality Act 2010 and will produce an Integrated Impact Assessment at key milestones of the update.

2.5 Early Engagement

The LPT outlines early engagement about the spatial strategy and broad areas about scale of growth in August – October 2024. Prior to this, it is intended to engage with residents and stakeholders in February – March 2024 to inform them of the Local Plan update, why it is required, the purpose of a Local Plan and to seek views on the vision and content. This work will help shape locally derived priorities for the Plan.

It is important that the Local Plan vision aligns with the council’s overall plan and partnership strategies including the Environment Strategy, Inclusive Economy Strategy, Kirklees Health and Well-being Strategy and the Inclusive Communities Framework. A

revised Council Plan was presented to cabinet on 13th February 2024 ([Agenda for Cabinet on Tuesday 13th February 2024, 3.00 pm | Kirklees Council](#)). The draft Local Plan vision and objectives will be shaped by both the early engagement, corporate priorities and national planning policy.

In terms of the nature and form of future consultation, this has not yet been scoped and will depend in part on what issues the council's evidence gathering identifies and feedback from early engagement. All consultation will accord with statutory requirements, the principles outlined in the SCI, and an assessment of the consultation using the council's Inclusive Communities Framework. A review of previous Local Plan consultation processes will also be undertaken to shape the Local Plan update.

As part of the examination of a Local Plan, one of the prescribed documents is a statement of who was invited to make representations, how they were invited, a summary of the main issues raised and how they were taken into account in shaping the Local Plan. Details of the previous local plan consultation can be viewed via the following link: [Local Plan examination library, Section 1 - Submission documents | Kirklees Council](#)

- SD12 Kirklees Council Statement of Pre-Submission Consultation – November 2016
- SD13 Statement of Publication Consultation and Summary of main issues (Regulation 22)

The Consultation Statement remains as part of the requirements for the Local Plan update. Member involvement in shaping the direction of the Plan is a key part of the process and a communications/consultation plan will be developed which clearly outlines how members will be involved. The Statement of Community Involvement also references that members will be involved in the plan preparation and kept informed of progress through briefings, workshops and email.

2.6 Identifying sites

The council's Call for Sites process has remained open since February 2020. It is an opportunity for residents, community groups, business operators, landowners and developers to suggest sites that they would like to be considered for development as part of the preparation of the updated Local Plan. Following feedback from users, about the useability of the forms and the website, work has been undertaken to amend the forms/website and to update the internal IT system for the assessment of the sites.

Early engagement on the Local Plan update provides an opportunity to actively undertake a call for sites which will be considered as part of the development of a draft spatial strategy and broad areas of growth to be consulted on in August 2024.

All statutory consultees, Town and Parish Councils, Neighbourhood Plan groups, members and consultees on the planning policy consultation portal will be notified and the policy team will work with the council's communication team to ensure that the engagement is publicised widely.

The call for sites process, forms one element of identifying sites with work either in progress or to be started on:

- Ongoing promotion and review of the council's brownfield land register.
- Work with services to identify development needs and opportunities (early stages).
- Working with members (to be actioned).

2.7 Evidence

The Planning Reforms consultation on the Implementation of Plan Making reforms [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms) Chapter 5 states that “evidence will remain an important part of plan-making and monitoring, allowing planning authorities to develop robust and effective plans and allowing communities and other stakeholders to understand the decisions that have been made” (Paragraph 85). The reforms also refer to ensuring evidence is “proportionate”. This has yet to be defined.

Work has commenced on reviewing the evidence base that will be required to support the Local Plan update including:

- The evidencing and justification of a revised spatial strategy (this will require evidence on housing and employment requirements).
- Strategic Housing Market Assessment (including household surveys and demographic work).
- Gypsy, Travellers and Travelling Show people Needs Assessment (in accordance with the revised NNG definition).
- Employment Land Demand Assessment/Review.
- Updated evidence on employment needs, including the number of jobs and the land requirement.
- Office Market Assessment - the office make-up and how they are used has changed substantially since Covid.
- Sustainability Appraisal/Strategic Environmental Assessment/Habitats Regulation Assessment.
- Design - Local Design Code, master planning.
- Landscape Character Assessment.
- Carbon Impact Assessment.
- Retail capacity and leisure study.
- Waste Needs Assessment.
- Minerals supply/demand assessments.
- Strategic Flood Risk Assessment.
- Consideration of infrastructure to support the spatial strategy including transport modelling, viability evidence.
- Update to the previous Green Belt Review. This list is not exhaustive.

The council's Transport Strategy Team are in the process of producing a Transport Strategy (an update was presented to Scrutiny Panel on 15th January 2024). The current Local Plan contains policies on strategic transport infrastructure which includes the opportunity to safeguard land for transport infrastructure (LP19), sustainable travel (LP20) and core walking and cycling network (LP23). The Transport Strategy will form a key piece of evidence in relation to reviewing these policies and developing sustainable travel as part of the Local Plan update. The Policy Team and Transport Strategy Team are also engaged with Active Travel as part of a pilot scheme to develop model policies and the evidence to support them.

Transport modelling will be required to test the impact of a revised spatial strategy. The impacts of proposed sites individually and cumulatively will be considered as part of the site assessment process. The Policy team are currently scoping internal resources in conjunction with Major Projects.

Transport infrastructure and other infrastructure requirements will be considered through an updated Infrastructure Delivery Plan (IDP). This will identify infrastructure

requirements across Kirklees, setting out what is needed, where, and when. It includes projects relevant to waste, transport, education, utilities, health, sports, and green infrastructure. The IDP will help to co-ordinate the partnerships required to deliver infrastructure improvements in a timely manner to support development.

Opportunities for working with research colleagues from Huddersfield University are also being investigated.

A new national requirement to produce a district wide design code has been introduced. Work has started to review the approaches undertaken by the Government's Pathfinders of which Bradford Council was one, to assess evidence requirements which would support design code development for Kirklees.

Whilst work is progressing on evidence scoping, there has been a delay to progress due to the publication of new guidance relating to national planning policy and changes to the National Planning Policy Framework (NPPF) – see Appendix 1 Main Changes to the National Planning Framework (December 2023). Changes have been made to several topic areas including housing. Additionally, revised requirements in relation to the infrastructure levy and environmental outcome reports which are proposed to replace Strategic Environmental Assessments have not yet been finalised by the government. This has the potential to impact on the current work programme. Other legislative changes include the Levelling Up and Regeneration Act 2023. The Act has introduced a number of changes, for example the introduction of national development management policies (see section 2.8) and revised Infrastructure Levy for which regulations on the detail for implementation have yet to be published.

We will, however, shortly be commissioning a Strategic Housing Market Assessment (SHMA) which will form a key evidence base for the up-dated Local Plan and will include a Local Housing Need assessment and affordable housing need assessment in accordance with NPPF and NPPG requirements using the most up-to-date evidence available. It will update and review the district's housing market areas and provide an analysis of the key strategic demographic, housing and economic data and evidence to provide clear and justified recommendations to inform the production of a new housing requirement figure for the up-dated Local Plan. Included within the NPPF is a new expectation for authorities to ensure they meet the need for retirement housing, housing with care, and care homes in addition to other specialised needs.

The NPPF expects local authorities to follow the standard method for assessing local housing need, which is set out in National Planning Practice Guidance (NPPG). The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The updated NPPF published in December 2023 states that the standard method is an "advisory starting point" for local authorities in generating housing numbers. "Exceptional circumstances, including relating to the particular demographic characteristics of an area" may justify an alternative approach to assessing housing need other than the standard method. The NPPF adds a footnote with an example of "islands with no land bridge that have a significant proportion of elderly residents."

The government plans to review the implications for the standard method of new household projections data based on the 2021 Census but said these are now not due to be published until 2025. This will need to be carefully considered as part of the development of the SHMA.

2.8 Policy Review and Development

In terms of the Local Plan policies, feedback from internal service users, is that most of the Local Plan policies remain fit for purpose and form a robust framework to assess planning applications and to support council objectives. The Local Plan alongside national planning policy remain the main tools for assessing planning applications together with the council's supplementary planning documents and where relevant the Holme Valley Neighbourhood Development Plan.

The Local Plan update provides the opportunity to consider a range of policies to support climate change and to review how existing policy can be extended. As previously mentioned, an example is the work being undertaken with Active Travel to develop model policies. Other policy areas to consider are the development of policies to support biodiversity net gain (currently the council has a Technical Advice Note), a review of the design policy to support the nationally required Design Code and any policy development to support Local Nature Recovery Strategy. The revised NPPF (December 2023) introduces new requirements around community led housing.

Work is ongoing on reviewing policy. This will continue to involve service users and will be informed by early engagement feedback and the changes to national planning policy.

It should be noted that the Levelling Up and Regeneration Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024 (February 2024) brings into force a statutory basis for **national development management policies** (through the Planning and Compulsory Purchase Act 2004 Section 38ZA). National development management policies (NDMPs) will be determined by the government. NDMPs will set out general policies on issues that apply in most areas and will have the same weight as local plans in decision making. Where there is conflict between a NPDM and Local Plan policy, the NPDM takes precedent. The content of these policies has not yet been published and the expectation is that the Local Plan would not duplicate policies on these issues.

2.9 Cost Breakdown

Costs to prepare a new Local Plan are estimated to be approximately £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 the policy team has been working closely with Leeds City Region colleagues, Pathfinder authorities, Planning Advisory Service to review Plan costs (see Resource Implications).

The Policy Team has been reviewing and scoping all elements of the Plan making process in particular the evidence requirements to support the Local Plan update to present an informed budget forecast. The team has also been working closely with procurement colleagues to ensure compliance with revised decision-making sign off processes and working with colleagues across the council and Leeds City Region partners to consider shared resources.

Budget forecasting has focussed on the following main areas associated with plan making:

- **Early engagement and consultation** (Estimated £56,000).
- **Evidence** – evidence/modelling and viability testing) - the National Planning Policy Framework requires a Local Plan to be justified and effective (Estimated £1,298,500).
- **Sustainability Appraisal/Strategic Environmental Assessment:** a statutory requirement to promote sustainable development by assessing the extent to which

the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives (Estimated £195,500).

- **Examination** – costs associated with the examination including the independent inspector and programme officer (Estimated £433,000).

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

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.

The LPT will provide a timetable against which progress can be monitored. The annual authority monitoring report also provides a monitoring tool to support 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.

2.11 Sustainability

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)".

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.

2.12 Services & agencies involved

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 are set out in a revised Statement of Community Involvement which is subject to Cabinet approval.

3. Implications for the Council

3.1 Working with People

The Statement of Community Involvement sets out the methods of engaging with people including residents, businesses, stakeholders, developers, agents, statutory consultees, and the general public. The Local Plan Timetable sets out the timetable when this will happen.

3.2 **Working with Partners**

As above.

3.3 **Place Based Working**

The Local Plan update 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 production of the Local Plan update. The requirement to undertake a district design code supports place making objectives. Methods of consultation are set out in an updated Statement of Community Involvement which is to be presented to Cabinet on 12th March 2024 and embraces council approaches such as the Inclusive Communities Framework.

3.4 **Climate Change and Air Quality**

The 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. The Local Plan update provides the opportunity to take account of the Kirklees Climate Change Action Plan and to consider how planning policy interventions can contribute towards reducing carbon emissions and ensuring resilience against climate change.

3.5 **Improving outcomes for children**

The Local Plan update will 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.

3.6 **Financial Implications**

It is anticipated that there will be £130K allocated for next year from the council towards the costs of producing the local plan (which includes consultation costs), paid for from income from the LCR business rate rebate pool being made available to support additional local plan costs (previously agreed).

The costs of early engagement/consultation will vary according to the nature and scope of the engagement exercises which will be scoped against statutory requirements, whether it is district-wide or specific to a topic or area and the mix of methods used. The Planning Policy team will engage with other service users to maximise the use of existing consultation feedback where appropriate to inform policy development to make best use of resources.

Legal Implications

SCIs are a statutory requirement under section 18 of the Planning and Compulsory Purchase Act and are required to be reviewed (and updated when necessary) under regulation 10A(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

An LPT is a statutory requirement under Schedule 7(15B) of the Levelling-up and Regeneration Act 2023. The LPT informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved.

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 Plan Timetable, have regard to national policies/guidance, comply with the council's Statement of Community Involvement.

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

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

- **Integrated Impact Assessment** – An integrated impact assessment have been undertaken for the Local Plan and the SCI and can be found via the following links:
Local Plan - [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/IntegratedImpactAssessment)
SCI - [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/IntegratedImpactAssessment)
- **Human Resources** – The Local Plan Time 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 the process. Consultancy support will be required in relation to specialist, technical evidence as outlined in the report.

4. Consultation

Growth and Regeneration Scrutiny Panel were consulted on the Local Plan review process on 25th September. At this meeting, Panel members asked questions relating to the use of the Planning Advisory Service template which set out a series of questions to evaluate whether the Plan policies were still in accordance with relevant requirements in national planning policy, an assessment of the delivery of the spatial strategy and its impact on the effectiveness of plan policies and whether the council had revised its priorities which would require a change to the approach set out in the current plan. The Panel also raised questions on the production of the Statement of Community Involvement and the need to ensure that early engagement/consultation included a range of measures to ensure it was inclusive and reached a wide range of groups. The proposed Local Plan timetable and key milestones were noted.

Growth and Regeneration were consulted on 20th November on the Interim Housing Position Statement. Panel members were keen to ensure that future development was considered in relation to Local Plan policies and where relevant in accordance with the council's suite of quality spaces Supplementary Planning Documents. Further signposts to other council initiatives to boost housing supply were requested.

5. Engagement

Early Engagement/consultation is set out in the report at section 2.5.

6. Options

6.1 Options considered

Scrutiny Panel to note the progress on the Local Plan update and supporting documents and the implications of revised national planning policy.

6.2 Reasons for recommended option

Scrutiny Panel requested an update on the progress of the Local Plan update to have early input into scrutiny of the work programme.

7. Next steps and timelines

A joint report on the Statement of Community Involvement and the Local Plan timetable LPT will be presented to Cabinet on 12th March 2024.

Local Plan - Work will continue with the programme areas outlined in the report. Further changes implemented through revised national planning policy, planning reforms or legislation relating to the Local Plan will continue to be monitored and reviewed.

8. Contact officer

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9. Background Papers and History of Decisions

- Growth and Regeneration Scrutiny Panel 25th September 2023 – Kirklees Local Plan Review Process and Update [2023-09-25 Scrutiny Local Plan Review and Update.pdf \(kirklees.gov.uk\)](#)
- Cabinet report 17th October 2024 – Kirklees Local Plan Review and Update [2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf \(kirklees.gov.uk\)](#)
- Council report 15th November 2023 Kirklees Local Plan Review and Update (Reference from Cabinet) [2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf \(kirklees.gov.uk\)](#)
- Growth and Regeneration Scrutiny Panel 20th November 2023 Interim Housing Position to Boost Supply [Item 7 2023-11-20 Scrutiny Interim Housing Position Statement to Boost Supply.pdf \(kirklees.gov.uk\)](#)
- Cabinet 21st December 2023 Interim Housing Position Statement to Boost Supply [2023-12-21 Cabinet Report Interim Housing Position Statement to Boost Supply.pdf \(kirklees.gov.uk\)](#)
- Kirklees Local Plan adopted 27th February 2019 www.kirklees.gov.uk/localplan
- National Planning Policy Framework (December 2023) [National Planning Policy Framework \(publishing.service.gov.uk\)](#)
- Growth and Regeneration Scrutiny Panel 15th January 2024 Transport Strategy [Item 7 GR Scrutiny Report - Transport Strategy Final.pdf \(kirklees.gov.uk\)](#)
- Cabinet 13th February 2024 Our 2024/25 Council Plan [Our Council Plan - Cabinet Report - 13.02.24.pdf \(kirklees.gov.uk\)](#)

10. Appendices

Appendix 1: Main changes to the National Planning Policy Framework

11. Service Director responsible

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Appendix 1

Main Changes to the National Planning Policy Framework (December 2023)

The main changes to the updated NPPF that was published in December 2023 are shown below by topics, including potential implications for Kirklees.

Achieving Sustainable Development

- Presumption in favour of sustainable development – clarification that development plan policies are out of date where: -
(a) the LPA cannot demonstrate a five-year supply (or a four-year supply for emerging plans) of deliverable housing sites and does not benefit from the provisions of paragraph 76 (authorities with a plan less than five years old no longer need to continually show a deliverable five-year housing land supply); **or**
(b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- **Neighbourhood Plans** - protection against development that conflicts with neighbourhood plans has been extended to plans that are up to five years old (previously this was for plans up to two years old). Tests removed which had meant local planning authorities needed to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test in order that Neighbourhood Plans benefited from the protection.

Housing

- **The standard method for calculating housing need** - is an “advisory starting point” for local authorities in generating housing numbers. The government’s consultation response makes clear this simply confirms explicitly in national policy the existing status as set out in guidance. The response has also confirmed the government plans to review the implications for the standard method of new household projections data based on the 2021 Census but said these are now not due to be published until 2025.
- **Local characteristics which may justify the use of an alternative method of assessing housing need** - the new NPPF says “exceptional circumstances, including relating to the particular demographic characteristics of an area” may justify an alternative approach to assessing housing need other than the standard method. It adds a footnote with an example of “islands with no land bridge that have a significant proportion of elderly residents.”
- **Standard method uplift** - the NPPF retains the uplift of 35 per cent to the assessed housing need for the 20 largest towns and cities in England. This does not apply to Kirklees but does include Leeds and Bradford.
- **Meeting older people’s housing needs** - new expectation for authorities to ensure they meet the need for retirement housing, housing with care, and care homes.

Identifying Land for Homes

- **Community-led housing, and self-build and custom build housing** - new clause that councils should use policies and decisions to support small sites for community-led housing and self-build and custom build housing and makes a new reference to permissions in principle as a way to enable this.
- **Exception sites for “community-led development”** - authorities should support the development of exception sites for “community-led development” on sites that would not otherwise be suitable as rural exception sites. A proportion of the market homes may be allowed on the site at the LPAs discretion.

- **Community-led development definition** - new definition states that community-led developments must be instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members.

Housing Supply and Delivery

- **Five-year housing land supply** - authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply. ‘Up to date’ means where the housing requirement as set out in strategic policies is less than five years old.
- **Emerging plans reduced housing land supply requirement** - authorities with emerging local plans will benefit from a reduced housing land supply requirement. For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will only have to demonstrate a **four-year** housing land supply requirement.
- **Housing land supply buffers** - councils no longer have to provide five-year housing land supply buffers of 5 per cent or 10 per cent. The 20 per cent buffer still applies as a consequent of failure to hit targets under the Housing Delivery Test.
- **Historic oversupply in five-year housing land supply calculations** – amendment to include a reference to the “circumstances in which past shortfalls or over-supply can be addressed”. Additional planning practice guidance to be published in due course to offer further clarification on how this can be done.

Making Effective Use of Land

- **Promotion of mansard roof extensions** - authorities “should also allow mansard roof extensions on suitable properties” where they harmonise with the original building. Mansard roof definition added to the NPPF Glossary.

Achieving appropriate densities

- **Character of local areas** - new paragraph setting out the objective to protect the character of local areas. This states that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be “wholly out of character with the existing area”. The proposal applies to plan-making only, and any resulting policies should be evidenced by local design codes.

Achieving Well-designed and Beautiful Places

- **Beauty agenda** - the new NPPF includes a number of changes designed to embed the government’s “beauty” agenda. Beauty, beautiful places, and design is a new key theme throughout the updated NPPF.
- **Local design codes** - added reference that the appropriate primary tool for assessing and improving the design of developments should be through the preparation and use of local design codes that are produced in line with the National Model Design Code.
- **Clear details of a scheme’s design and materials** - relevant planning conditions should refer to “clear and accurate plans and drawings which provide visual clarity about the design of the development”, and which are “clear about the approved use of materials” to make enforcement easier.

Green Belt

- **Green Belt Boundaries** - there is “no requirement for Green Belt boundaries to be reviewed or changed” when plans are being prepared or altered. But councils can still

choose to review boundaries “where exceptional circumstances” justify it, in which case proposals for change should be made only through the plan-making process.

Climate Change

- **Energy efficient buildings** - in determining planning applications, “significant weight” should be given to the importance of energy efficiency through adaptation of buildings. The NPPF says that where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply relevant policies.

The Natural Environment

- **Land for food production** - should be considered when allocating agricultural land for development. When agricultural land must be used, poorer quality land should be preferred over higher quality land.