

Martin Elliot
Planning Policy Manager
01924 331594
martin.elliott@yhassembly.gov.uk

Our ref: General/40b – Planning Conformity/Final responses/Calderdale

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Matthew Good
Principal Planner
Planning Policy and Sustainable Development
Calderdale District Council
Planning and Regeneration Services
Northgate House
Halifax
HX1 1UN

Dear Matthew

Local Development Framework – Green Belt Review – Methodology Consultation

The Yorkshire and Humber Assembly welcomes the opportunity to comment on the Green Belt Review methodology for Calderdale Council and to continue its involvement in the development of a coherent spatial planning framework for the region. The comments offered in this letter are intended to be within the spirit of continued and productive joint working.

We welcome the methodology for the green belt review. We consider that it is largely in line with The Yorkshire and Humber Plan (Regional Spatial Strategy up to 2026) which was published in May 2008 and we support Calderdale's recognition that an up to date Green Belt boundary may be required in order to accommodate the levels of housing growth included in association with RSS Policy H1.

Current approved RSS Policy YH9 states that a strategic review of the West Yorkshire Green Belt may be required to deliver longer term housing growth. The Leeds City Region Partnership has made a commitment in principle to delivering this.

There are a number of detailed issues that we wish to raise at this stage so that they may be addressed prior to undertaking the Review of Green Belt. The most significant of these issues relates to the potential permanence of the revised Calderdale Green Belt using the methodology proposed. This concern arises from paragraph 7.3 of the report, which states that options for releasing Green Belt and

designating Green Belt need to be considered to adequately address spatial options within the LDF Core Strategy.

While the Assembly recognises this need we also encourage the Local Authority to take account of potential future growth. Newly published PPS12 encourages Local Planning Authorities to take a long term and flexible view when preparing their Core Strategies. In particular paragraph 4.15 notes that "This can be achieved by local authorities considering the implications of different levels of development taking place either within the core strategy period or alternatively beyond it. Such an approach would help ensure that the preparation of core strategies is not delayed by the proposed partial reviews of RSSs which will be required to deliver the Government's proposed level of housebuilding by 2020. Strategies should consider the possibilities of development occurring more quickly than currently being planned for." With this in mind the Assembly would expect the Local Authority to take account of potential future growth which the District may be expected to accommodate up to around 2030.

The Assembly considers that a reflection of the capacity of non-green belt land to accommodate housing would help clarify the pressure likely to arise on current Green Belt land and subsequently evidence the need for amendments to the boundary. This is in line with the test in PPG2 paragraph 2.6. The Assembly would also recommend that the Authority's Strategic Housing and/or Employment Land Availability Assessment feed into this process.

I note in paragraph 4.2. that the Council proposes adding land to the Green Belt within the SPA/SAC as a "compensatory addition". RSS Policy YH9 identifies that Green Belt Reviews should consider whether there are exceptional circumstances to include additional land. To that end I draw your attention to the court case *Copas v The Royal Borough of Windsor and Maidenhead* ([2001] J.P.L. 1169). This led to a very specific test being applied when adding land to the Green Belt. The case provides that there will be no exceptional circumstance which necessitates an addition to the green belt unless "some fundamental assumption which caused the land initially to be excluded from the Green Belt is clearly and permanently falsified by a later event".

The RSS Update 2009 will identify broad locations in the Region where growth may be accommodated and where strategic change may be necessary to achieve this. The Options Stage due for consultation in October should help you inform a view of potential longer term growth needs i.e. up to and beyond 2030.

We look forward to working with you further on your Core Strategy in due course.

Regards

A handwritten signature in black ink that reads "Mart - Elliot". The signature is written in a cursive, slightly slanted style.

Martin Elliot
Planning Policy Manager