

**Mirfield Neighbourhood Development Plan (NDP)**  
**Minutes of meeting – 7<sup>th</sup> December 2022**

1. **Present:** Christine Sykes, Cheryl Tyler, Jo Scrutton, Amanda Potter and Oliver Howells
2. **Introductions:** Attendees introduced themselves to the group
3. **Context for the meeting:** Jo thanked Christine and Cheryl for setting up and hosting the meeting. Jo asked for feedback on where the group were with the Plan and what resources they had to take it forward. Christine and Cheryl outlined that they were both very committed to taking the Plan forward but were frustrated as they had had no contact from David Gluck YorPlan, the consultant on the NDP so were looking for direction. They were the main resources for taking forward the Plan, but this had to be balanced against other work and community commitments.

Jo asked the group if it would be beneficial if the council's help on the Plan was broken down into bite size pieces dealing with subjects such as the design code, comments on policies, evidence, local green spaces and any other concerns. This may make the process longer but more easily manageable. Jo also offered up more regular meetings to progress the areas of work and said that the team would be happy to attend meetings in Mirfield. Christine and Cheryl agreed that this would be beneficial. It was agreed that the focus of this meeting would be on an overview of issues to consider, feedback on the project plan and design code. It was agreed that a detailed discussion on policies could form the basis of a future meeting.

**4. Overview and the value in continuing**

Both Christine and Cheryl asked if there was any point in continuing the Plan. Jo responded by saying that ultimately that was a decision for them and Mirfield Town Council. She outlined the following areas where it would be useful for the group to consider their priorities:

- **Capacity and resources**

- **Do you have the capacity and resources to continue?**

- See context. It was agreed that Ollie would provide some feedback on the Mirfield NDP project plan at this meeting.

- **Design code**

- **Is the group confident that it knows what they want the design code to achieve and what elements of Mirfield that need to be protected or enhanced?**

- The council felt that while the design code set out a lot of information on what Mirfield was like, it did not clearly set out what elements should be reflected in new design and in the consideration of planning applications. It was also unclear which areas of Mirfield, the design codes applied to. It was agreed that Amanda would talk them through the council's views on the design code document at this meeting.

- **Ensuring consistency and links between the Design Code and the NDP**

- **Amanda to pick this up later in the discussion.**

Chapter 12 of the NPPF, paragraph 127 states that plans should “set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable” and that “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”.

### **Policies**

- **Do the policies meet basic conditions?**

**The council can assist with this assessment as part of feedback on the Plan.**

National Planning Policy Framework (NPPF) July 2021, paragraph 37 states that: Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

The basic conditions are:

- Have regard to national policies and guidance
- Contribute to achievement of sustainable development
- Be in general conformity with the strategic policies in the local plan
- Be compatible with EU obligations
- Does not breach Conservation of Habitats and Species Regulations 2017

- **Do the policies add value to the NPPF and the Kirklees Local Plan?**

**The council considers that some of the policies repeat National and Local Plan policy. What is it that is special about Mirfield that you want the NDP to protect or enhance that will add value to the existing policy framework? The policies can be revised to reflect the local circumstances.**

Chapter 3 of the NPPF on plan-making provides several criteria on what plans should be including:

- Be prepared positively, in a way that is aspirational but deliverable.
- Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

- **Is there local evidence to support the policies and is it clear to the reader (applicant, developer, public, development management planner, councillors etc what the policy is seeking to achieve?** Jo explained the importance of ensuring that the policies were clear about what the Mirfield NDP wanted to achieve for the area and where the policies would apply (e.g. whole area or for parts of Neighbourhood Area.)

Planning Practice Guidance (PPG) on neighbourhood planning advises how policies in a neighbourhood plan should be drafted in that: “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.” (Paragraph 041)

### **Local Green Spaces v Urban Green Spaces**

The council had several concerns relating to the identification of potential local green spaces in the Mirfield NDP and the assessments that would be required. It was agreed that this should form the basis of a future meeting.

- **Future National guidance**

Jo explained that there were proposed changes to Neighbourhood Plans outlined in the Planning and Levelling Up Bill. Jo outlined about neighbourhood priority statements but felt that the Mirfield NDP could feed into these if they remained in the final Bill. Jo advised that these proposed changes had not been formally agreed but was something to keep in mind as the plan progressed.

## **5. Project Plan**

Note: The ‘By when’ column dates and timelines are indicative and not set in stone. They may depend on your own capacity.

- **Row 24:** Public meetings/consultation: Jo asked if the group had undertaken all their planned early engagement of the NDP and if they had an analysis of the consultation feedback that could be used to support, the vision and objectives and shape the direction of the Plan and to feed into the consultation report. Christine was concerned that a lot of information was with David but they had a number of post it notes that contained information. Christine raised concerns over the low numbers that had attended the consultation event. Jo outlined that from the experience of the Holme Valley NDP, the examiner considered whether the consultation methods used were representative and allowed a wide range of people to be involved and that there was an audit trail of what the comments were received and how they shaped the Plan.

**Action:** Christine/Cheryl to review what consultation feedback they have and to type this up so it could be used as part of the evidence audit and form part of the consultation statement.

- **Row 25:** First good draft  
**Action:** Christine/Cheryl to consider when a revised draft could be produced in the light of their capacity and the decision to address the work areas in bite size pieces.  
**Action:** Jo to produce meeting note to clarify actions.
- **Row 26:** From the list of actions and/or meeting outcomes, this may assist in the production of an updated draft Plan.

- **Rows 27/28:** Strategic Environmental Assessments (SEAs). Point noted about not using acronyms.

Ollie outlined that a Strategic Environmental Assessment (SEA) screening report will be undertaken by the council once we receive an updated version of the Neighbourhood Development Plan. This will be reviewed both internally and by three statutory consultees (Historic England, Natural England and the Environment Agency). The statutory consultees have 5 weeks to respond to the consultation request.

Where it is considered that the Plan is not likely to have significant environmental effects, a statement of reasons will be prepared by the Council and the Plan can move forward. Where it is considered that the Plan is likely to have significant environmental effects, a full SEA needs to be carried out and an environmental scoping report is to be prepared. The council can advise more on this at a future meeting.

- **Row 29:** Ollie advised on producing a Neighbourhood Plan webpage as part of the Mirfield Town Council website which could include an audit trail of all previous stages and summaries/outcomes of any early engagement. Assistance on the production of a website can be provided should the Steering Group need further guidance. We recommended looking at Holme Valley Neighbourhood Development Plan webpage: [Neighbourhood Planning - Holme Valley Parish Council](#) and/or speaking to Rachel Hunter Holme Valley Parish Councillor.
- **Row 30:** 6-week consultation period on revised draft plan, known as the 'Regulation 14 Pre-submission' Stage. Ollie recommended adding at least an extra week on either side of the consultation period to allow for preparation e.g preparing comments forms (paper/online, communications about where to view the plan, summaries etc. NOTE: Respondent details to questionnaires will be passed onto the Council and Independent Examiner so it needs to be made clear on communications that this will happen to ensure GDPR is met. It was further advised that additional time should be added to assess the responses and to consider whether further revisions needed to be made to the Mirfield NDP.  
**Action:** Advised Christine/Cheryl to speak to Rachel Hunter for advice on website and consultation materials.
- **Row 31:** Analysis of Regulation 14 Pre-submission Consultation comments.  
**Action:** Add a line on consultation outcomes/summaries to website.
- **Row 32:** Consultation statement and Basic Conditions statement. Good practice to think about as you go through the process and update at each stage.  
**Action:** The council can provide examples of this when the group has capacity
- **Row 33:** Revised draft Plan based on Regulation 14 Pre-submission Consultation comments produced and submitted to Mirfield Town Council for approval.

## 6. Design codes

Amanda lead the discussion on the design codes and the following is a summary of the issues discussed and things to consider.

1. Is there anything that the neighbourhood plan could add to design considerations that is not already set out in the Local Plan and other adopted council guidance?

Have a look at policy LP24 of the Local Plan (link below), but please have a look at the other policies contained in the Local Plan as many contain elements of design.

The Local Plan can be viewed at:

<https://www.kirklees.gov.uk/beta/planning-policy/pdf/local-plan-strategy-and-policies.pdf>

Also have a look the council's adopted Supplementary Planning Documents:

Housebuilders Design Guide:

<https://www.kirklees.gov.uk/beta/planning-policy/pdf/housebuilders-design-guide-spd.pdf>

House Extensions and Alterations:

<https://www.kirklees.gov.uk/beta/planning-policy/pdf/house-extensions-alterations-spd.pdf>

2. If after consideration of 1) above you still want to include policy on design, you need to decide where the policy should apply.
  - The policy could apply to the whole of the neighbourhood area; or
  - The policy could apply to one defined area, for example the 'historic core'. Local Plan policies are then relied on in the neighbourhood area outside the boundary of the designated area; or
  - Different considerations could apply to different parts of the neighbourhood area based on the areas identified in the design code document (decide how to refer to them, for example 'Character Areas' or 'Focus Areas' and then be consistent with the terminology).

If you want a policy to apply to an area other than the whole of the neighbourhood area, it must be identified on a map so that it is clear where the policy applies.

If the maps contained in the design code document are suitable (i.e. they are OS based at a scale that can be mapped accurately) then the council can replicate the boundary. At this stage we think the boundaries of the Character Areas are sufficiently accurate to allow us to map them, subject to closer scrutiny if and when required.

It was intimated at the meeting that you consider the 'historic focus areas' shown on Figure 33 page 41 (e.g. Little London City, Knowle etc), to have different vernaculars, meaning that their built characters vary one from the other. As stated at the

meeting, these areas are only indicative in Figure 33 so we would not be able to capture the boundary on a map base. **Action:** The council would need you to supply an accurate boundary for us to capture but that boundary would need to be supported by evidence.

### 3. What should a design policy look like?

A design code is a constraint on development or a set of parameters to achieve a result, or “A set of simple, concise design requirements that provide specific, detailed parameters for the physical development of an area”. Illustrations are also very helpful. To this end, phrases such as ‘have regard to nearby buildings’ are not sufficient as they do not give precise information about what is required.

In order to achieve a specific built design that design must be specified. This means that the policy should set out those aspects of built form or layout that would be required. Nothing in the bullet points below is compulsory but neither is the list exhaustive;

- Material of construction;
- Window shape and size;
- Window surrounds (heads and sills for example) and glazing style (e.g central glazing bar)
- Guttering – e.g supported on corbels or fascias and soffits and the use of bargeboards
- Angle of roof pitch
- Boundary treatment
- Plot size.

You will need to scrutinise the design code document for evidence for the use of any particular element of design. For example on page 105 in reference to the Northern Neighbourhoods it states “rear boundaries should be masonry; front boundaries should be low masonry wall with piers and/or railings and hedgerows.” If this is a detail you wish to perpetuate then it could form part of the policy or design code for that particular area.

If you decide that you want to include just one design policy, either for the whole of the neighbourhood area or for one specific area within it, then the detailed design requirements can be set out within the one policy.

If however you decide that you want different design requirements to apply to different areas, then to avoid multiple policies you can have one policy that directs applicants to another part of the neighbourhood plan, either a specific paragraph/s or section, or an appendix, where the detailed parameters for all the different areas are set out. Please do not refer applicants directly to the design code document. You need to carefully consider whether realistically there is sufficient variation in design across the neighbourhood area to warrant different design rules applying.

- ### 4. Many neighbourhood plans contain a design policy but often these are generic and add little or nothing to the design policies that already apply throughout the district.

The neighbourhood plan affords the opportunity to add meaningful detail, but this must be supported by evidence and ultimately must also be reasonable. It is unlikely for example that a policy that states “All new development must be built of locally sourced natural stone” would be deemed to be reasonable. Better would be if the policy stated that new development should have regard to the design code as set out at (paragraph number or section) of the neighbourhood plan, and the design code stated that the preferred material palette was stone, render, glass and slate (paragraph 4.12 of the design code document refers). It would also then be possible to have in the policy that deviation from the preferred palette would need to be justified. Without sufficient evidence/justification, the neighbourhood plan examiner is unlikely to allow the policy to proceed to referendum.

Also please note that in our comments from March 2022 we noticed that aspects of design referred to in the MNDP related only to housing. You will need to decide whether a design policy is intended only for new housing development or whether it is intended to apply to all new development.