

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Keighley Chapter 5 Economy and Employment

SD Ref UDP – Case Ref IR – Page No.	Inspector’s Recommendation	CBMDC Decision and Reasons	Mod Ref
<p>SD – SD/K/E/1</p> <p>UDP – K/E1.1 SOM/K/H2/227</p> <p>Site – Lyon Road, Eastburn</p> <p>IR – Keighley – Pages 43- 44,145</p>	<p>I recommend that the RDDP be modified by the deletion of the employment allocation and its substitution by a designation as safeguarded land.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	<p>Mod/K/E /2</p>
<p>SD – SD/K/E/2</p> <p>UDP – K/E1.3</p> <p>Site – Station Road, Steeton with Eastburn</p> <p>IR – Keighley –Page 44</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	
<p>SD – SD/K/E/3</p> <p>UDP – K/E1.4, SOM/K/GB1/17, SOM/K/E1/17, SOM/K/OS1/17,</p> <p>Site – Keighley Road/Belton Road</p> <p>IR – Keighley/Pages 44-46, 57, 182, 205-206,</p>	<p>I recommend that the RDDP be modified by the deletion of the employment allocation and designation of the site as Green Belt.</p>	<p>Decision : Accepted in part.</p> <p>Reasons :</p> <p>Refer to full statement of decision in Appendix X.</p> <p>Whilst the Council accepts the recommendation to delete the employment allocation E1.4, it does not accept the recommendation to add the land to the green belt, but instead proposes that the site be allocated as safeguarded land. The inspector has not demonstrated special circumstances to allocate the land as green belt in accordance with the “Copas” Principle.</p>	<p>Mod/K/E /3</p>

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Keighley Chapter 5 Economy and Employment

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<p>SD – SD/K/E/4</p> <p>UDP – K.E1.5, SOM/K/GB1/70</p> <p>Site – Belton Road, Silsden</p> <p>IR – Keighley, Pages 46, 215</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : Accepted</p> <p>Reasons : The site should remain allocated for employment purposes for the reasons stated by the inspector.</p>	
<p>SD – SD/K/E/5</p> <p>UDP - K/E1.6, SOM/K/CR7/71, SOM/K/CL3/71, SOM/K/GB1/71</p> <p>Site – Keighley Road North</p> <p>IR – Keighley/ Pages 46- 47, 154, 159, 215-216</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : The Council agrees with the inspector that no modification should be made to the plan.</p> <p>Reasons : The site K/E1.6 should remain allocated for employment purposes for the reason stated by the inspector.</p>	
<p>SD – SD/K/E/6</p> <p>UDP - K/E1.7, SOM/K/GB1/72</p> <p>Site – Keighley Road Centre</p> <p>IR – Keighley/ Pages 47- 48, 216.</p>	<p>I recommend that no modification be made to the RDDP</p>	<p>Decision : The Council agrees with the inspector that no modification should be made to the plan.</p> <p>Reasons : The site K/E1.7 should remain allocated for employment purposes for the reasons the inspector states.</p>	

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Keighley Chapter 5 Economy and Employment

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<p>SD – SD/K/E/7</p> <p>UDP - K/E1.8, SOM/K/GB1/73</p> <p>Site – Keighley Road South, Silsden.</p> <p>IR – Keighley/ Pages 48, 216-217</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : The Council agrees with the inspector that no modification should be made to the plan.</p> <p>Reasons : The site K/E1.8 should remain allocated for employment purposes for the reasons the inspector states.</p>	
<p>SD – SD/K/E/8</p> <p>UDP - K/E1.9, SOM/K/UR7/18, SOM/K/OS1/18, SOM/K/GB1/18</p> <p>Site – Sykes Lane, Silsden</p> <p>IR – Keighley, Pages 49- 52, 39, 182-3 & 206</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[a] delete allocation K/E1.9</p> <p>[b] locate a phase 1 housing allocation on the eastern part of the site, utilising the previously-developed land in that area, the precise boundaries of the allocation to be decided by the Council</p> <p>[c] locate a phase 2 housing allocation on the central part of the site</p> <p>[d] designate the western part of the site as Green Belt, with the Green Belt boundary running along the eastern hedge of the south-western field of the site, thence eastwards along Sykes Lane for a short distance to the next field boundary on the north side of the lane, and thence northwards along the wall and then the hedge constituting that field boundary.</p>	<p>Decision : Recommendation (a) is rejected in part, recommendation (b) is accepted, recommendation (c) is rejected and recommendation (d) is rejected.</p> <p>Reasons :</p> <p><u>Recommendation (a).</u> It is considered that the central area of the Sykes Lane site should be retained for employment purposes for local need and expansion of existing employers and operators in Silsden rather than for phase 2 housing. This will help to maintain Silsden as a more sustainable settlement.</p> <p>Recommendation (b) is accepted for the reasons set out in the Inspector’s report.</p> <p>Recommendation (c) is rejected. The land should be retained for employment purposes for the reasons indicated above.</p> <p>Recommendation (d) is rejected . The site should be retained as safeguarded land as the Inspector has not demonstrated special circumstances in accordance with the ‘Copas’ principle. See the full ‘Statement of Decision’ in Appendix 3.</p>	<p>Mod/K/E /6</p>

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	implemented. The site may be contaminated and will require a full contamination survey. Provision of an appropriate surface water drainage scheme will be required.	mitigation measure the inspector should have followed the precautionary principle.	
SD – SD/K/E/11 UDP – K/E1.22 SOM/K/H1/20, SOM/K/H2/20 SOM/K/UR7/20 SOM/K/OS6/20.1 Site – Station Road, Oxenhope IR – Keighley – Pages 40, 56-57, 75, 143-4, 194	I recommend that the RDDP be modified by the deletion of allocation K/E1.22.	Decision : Accepted. Reasons : For the reasons set out in the Inspector's Report	Mod/K/E /9
SD – SD/K/E/12 UDP - SOM/K/E1/238, SOM/K/GB1/238 & SOM/K/NR15/238) Site – Land at Bradford Road, Crossflatts, Bingley IR – Keighley Proposals Pages 59 – 60 & 230	I recommend that the RDDP be modified as follows: [a] The site should be allocated for employment use under Policy E1. [b] The designations of Green Belt and washlands on the Proposals Map should be deleted.	Decision : Accepted. Reasons : The Council accepts the recommendation though it does not fully accept that the reasoning given by the Inspector in paragraph 5.81 of his report, as written, represents exceptional circumstances for the removal of land from the Green Belt. The Council does, however, consider that exceptional circumstances exist for making the proposed Green Belt change. In paragraphs 3.19 and 3.20 of his report into the Policy Framework volume of the Plan, the Inspector points out the two main exceptional circumstances which could justify Green Belt deletions. These are firstly the removal of land to meet the district's development needs and secondly to remove anomalies in the original delineation of Green Belt boundaries or anomalies which have arisen since the boundaries were first defined. The latter circumstance applies in this instance as it is clearly an anomaly that the current Green Belt boundary cuts across the central section of the site and does not relate to any identified feature on the ground.	Mod/K/E /10

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Keighley Chapter 5 Economy and Employment

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<p>SD – SD/K/E/13</p> <p>UDP – SOM/K/E1/352</p> <p>Site – Royd Ings Avenue, Keighley</p> <p>IR – Keighley/ Pages 60-62</p>	<p>I recommend that the RDDP be modified by the allocation of the site for employment use under Policy E1, and that the supporting text make it clear that development is subject to the implementation of agreed flood mitigation measures.</p>	<p>Decision : Rejected</p> <p>Reasons :</p> <p>The Inspector accepts that the site is within the functional floodplain of the River Aire and has been subject to flooding on a number of recent occasions. He also accepts that locations like the objection site fall within high risk zone 3c, as set out in paragraph 30 of PPG25, where built development should be wholly exceptional and limited to essential transport and utilities infrastructure that has to be there. However, in his report the Inspector placed a great deal of emphasis on the contents of paragraph 31 of PPG25, which refers to locations where extensive areas of land fall into the high risk zones and further development may be needed in order to avoid social and economic stagnation or blight. The Inspector considered that development on the site could be justified as seeking to prevent social and economic stagnation. He was of the opinion that social and economic blight could occur in the area because some alternative sites allocated in the Replacement UDP for employment are in less strategic locations and/or are not able to provide for a variety of individual user needs. The Council considers that the following issues have not been given appropriate weight by the Inspector, and therefore rejects his recommendation.</p> <p>Precautionary approach</p> <p>PPG25 advises local authorities to apply the 'precautionary principle' when considering issues of flood risk. The Inspector recognised this in paragraph 5.85. However, the Inspector in considering the objection seems to have failed to fully address the precautionary approach and erroneously applied the test of 'demonstrable harm' instead, when considering the flood risk issues.</p> <p>Mitigation</p> <p>While the Council agreed in principle the impact of the mitigation measures were in theory within the tolerances of current best practice modelling techniques, the Council still had questions and uncertainties with respect of the robustness of the recommended mitigation scheme and the resulting changes to the system dynamics. The Inspector does not appear to have fully reflected this position in his reporting or considered it in the light of the precautionary principle. In the face of such uncertainties it is considered that the precautionary principle should have been applied in line with PPG25.</p> <p>Demonstrable Harm</p> <p>At paragraph 5.90 the inspector applies the demonstrable harm test rather than the precautionary principle in context of impacts of the development due to flood risk. As</p>	

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UDP – Keighley Chapter 5 Economy and Employment

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		<p>set out above the Council still have questions about the impact of the proposed mitigation in practice which could have an impact on the flooding regime of the system. In line with guidance in PPG25 the decision should be based on the precautionary principle.</p> <p>Uncertainty of information on flood risk At paragraph 5.92 of his report the Inspector points to uncertainties in the extent of the washland and flood plain maps and advocates that such uncertainties add to the case for the allocation of the site. This reasoning conflicts with the precautionary approach advocated in PPG25. This assertion also conflicts with paragraph 5.84, which points to the acceptance of all parties that this land as washland and that the land has been subject to several recent observed flooding events. Following the inquiry the Council has evidence that the site has been subject to further incidents of flooding including that on 9 August 2004.</p> <p>Social and Economic Stagnation Since the base date of the Replacement UDP a number of windfall sites have been granted planning permission and/or developed within the area. In total these sites amount to a further 3.55 hectares of land committed for employment use. All these approvals are on previously developed land within the Strategic Development Corridor, and are not in the high risk flood zone. At the Inquiry it was also stated that site K/E1.12 was severely constrained due to access and contamination constraints; and therefore was unlikely to be developed unless supported by a significant level of public subsidy. However, a planning application for a mixed use development of offices and car showrooms has recently been approved on the site, and remedial sites works are currently being undertaken, thus illustrating developer interest and commitment to the site. This site is adjacent to and has direct access from the Aire Valley Trunk Road, and covers an area of approximately 4.5 hectares. The development is supported by the Airedale Partnership, which has commissioned Arups to produce a Masterplan for Airedale. One of the key projects being considered by the Masterplan is the land use implication of the move of Keighley College to a site off Dalton Lane. As well as having implications for Keighley town centre, this move will also release sites within the strategic employment zone in Keighley. Thus further previously developed sites will be become available for employment uses. All these opportunities are available without the need for development on greenfield sites in the functional floodplain. In total nearly 17 hectares of land are currently allocated or committed for employment use in the strategic employment area of Keighley. Therefore it is considered that there are no grounds to state that social and economic blight will prevail in Keighley if this site is not developed.</p>	

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<p>SD – SD/K/E/14</p> <p>UDP - SOM/K/E6/74 SOM/K/CR7/74 & SOM/K/CL3/74</p> <p>Site - Land at Hard Ings Road/Alston Road, Keighley</p> <p>IR – Keighley, Page 63 & 155</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : Accept</p> <p>Reasons : For the reasons set out in the Inspector's Report</p>	