

ROSSENDALE LOCAL PLAN EXAMINATION

MATTER 1 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

Issue – Has the plan been prepared in accordance with statutory procedures and regulations?

b) Has the Plan’s formulation been based on a sound process of sustainability appraisal (SA)?

In particular:

i. Does the SA work assess reasonable alternative site options, and set out clear reasons for their rejection? How has the SA work been fed into the site assessment process and informed the selection of site allocations

1.1 The Submission Local Plan Sustainability Appraisal 2018 (SA) assesses 92 site allocations (all uses). It therefore presents a comparative appraisal only of those proposed for allocation in the Local Plan. It does not present an assessment of ‘reasonable alternatives’ (i.e. potential alternative sites) as required. As such it is legally deficient.

1.2 The SA points to earlier work undertaken by the Council¹ in comparing different site options through the SA undertaken as part of the Regulation 18 consultation. It is noted that 228 ‘potential sites’ were assessed at this stage. Each such site is assessed individually against the defined Sustainability Objectives.

1.3 The Regulation 18 SA does not draw any conclusions as to the relative sustainability of each site. Instead it simply records the following:

‘In order to fulfil the current and projected future housing demands in Rossendale, as set out in the 5 Year Housing Land Supply Report (2014-2019), site allocations other than those identified as most sustainable will need to be taken forward. All other options perform similarly in terms of sustainability, thus it is not possible to identify a best performing option for a housing or employment site allocation. The findings presented in Chapter 3 should be considered and used to inform the on-going evolution of the Local Plan.’²

1.4 Having concluded that ‘all options perform similarly in terms of sustainability’ the Regulation 18 SA provides no meaningful direction as to which sites should be allocated. Candidate sites are also assessed in the 2018 SHLAA but this makes no reference to the findings of the SA and thus the SA hasn’t informed the conclusions of the SHLAA.

1.5 Clearly the SA is not the only informant of the allocations process but given the conclusions of the Regulation 18 SA, a long list of candidate allocations remains following this stage in the SA process. These sites then evidently need to be prioritised for allocation by other means, including through greater assessment of their technical

¹ See Table 2.4 of the Submission Local Plan SA

² Regulation 18 SA paragraph 6.1.13

constraints, availability and Green Belt contribution for instance. This has not been done through the SA process.

- 1.6 On review, it is apparent that, insofar as the appraisal of different site options is concerned, the SA has no direct influence over the selection of sites for allocation and the decision not to allocate other sites with no discernible difference in the sustainability performance across most site assessed. We comment on the manner in which sites have been selected in other Matter Statements, most notably Matter 4.
- 1.7 Beyond the appraisal of individual sites, the SA has an influence on the selection of sites for allocation insofar as the portfolio of allocations selected derives partly from the Local Plan housing requirement and the spatial strategy which the Local Plan pursues. Both of these aspects of the Local Plan are assessed through the SA process and a number of alternatives presented and considered. Out of this process an optimum 'Spatial Option' (combining a development quantum and distribution) is revealed. The SA's approach in this regard is considered in further detail below.

ii. Does the SA work assess reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the Plan?

- 1.8 The Regulation 19 SA acknowledges the Borough's housing needs identified in the 2016 SHMA as well as highlighting the standard methodology for calculating housing need in the revised NPPF. The following four alternative strategy approaches were considered for their impact on sustainability:

- Option A - 3,000 dwellings and 10ha of employment land;
- Option B - 7,000 dwellings and 24ha of employment land;
- Option C - 2,000 dwellings and 6ha of employment land; and
- Option D - 5,000 dwellings and 9ha of employment land.

- 1.9 The SA states that "Overall, Option D was considered to be the best performing option. It would allow the Council to deliver a scale of development which satisfies the local needs whilst also providing scope for mitigating the potentially adverse impacts of development."

- 1.10 At the end of Section 2, the SA provides further detail on the Preferred Approach and states:

"The Council are seeking to satisfy local development needs by delivering 27ha of employment land and 3,180 dwellings at 212 dwellings per annum. The Council's preferred spatial approach is Spatial Option D (see Appendix D), which seeks to meet the Borough's development requirements whilst protecting the natural and historic environment. Option D seeks to promote balanced housing growth by encouraging development in areas of the Borough that would benefit from regeneration as well as recognising high levels of market demand in the west of the Borough. This Option seeks to maximise use of brownfield land and higher densities on sites in accessible locations."

- 1.11 The commentary avoids mention of the fact that the PSLP fails to meet the amount of development which is considered as part of Option D (and indicated to represent the most sustainable through the SA process undertaken). The housing requirement

identified in Policy HS1 is nearly 2,000 dwellings less than the figure included within Option D.

1.12 It is evident that the SA has therefore been retro-fitted to meet the housing figure which the standard methodology has subsequently produced. Consequently, the SA has failed to assess the sustainability of not meeting the needs identified in the SHMA and the impact this will have out-commuting and affordability. Option D, as demonstrated to be the most sustainable, is not a true reflection of the strategy adopted in the PSLP. The Council has failed to explain the justification for selecting a growth option which deviates from the findings of the SA. It has also failed to present a comparative assessment of the option that it has ultimately selected (that being substantially different to D for the reasons noted) against the other Spatial Options to demonstrate that this is the most sustainable.

1.13 It has attempted to address this through the SA Addendum (Core Document SD005.1). Paragraph 2.8.6 states that:

“The Council has confirmed that whilst aspiring to the principles of Option D in designing their preferred option, the estimated figures provided at the time of the preparation of the spatial options were based on land supply. During the selection of the most suitable sites for development, certain sites were not brought forward due to a variety of constraints and therefore the housing figure in the emerging Local Plan is smaller than the figure originally anticipated in Option D.”

1.14 Thus the deviation from Option D is explained purely as a land supply constraint. The inference being that if unconstrained land were available, the Council would seek to deliver 5,000 residential units in accordance with Spatial Option D.

1.15 At the time of the SA being developed, the Council, and the authors of the SA, were in possession of the 2018 SHLAA, which identified a potential developable housing land supply of some 6,650 units. The 2018 SHLAA is noted as being a ‘policy off’ assessment and thus, other than potential policy constraints (principally Green Belt) the supply identified in the SHLAA is judged to be free from insurmountable technical constraints and therefore developable.

1.16 Aside from the identification of a number of sites proposed for allocation in the Regulation 18 Local Plan, and with a cumulative residential capacity of 891 dwellings which the Council does not propose to carry forward (and thus which are not reflected in the Regulation 19 Local Plan) and the provision of reasons for this, the Council has provided no evidence as to why Option D of the SA cannot be delivered, as would appear to be its aspiration. There has been no supplementary assessment of SHLAA sites presented which reveals the claimed additional constraints. The Council’s claim of a land supply constraint to the delivery of 5,000 units, as identified as the most sustainable option through the SA process, is wholly unsubstantiated.

1.17 Furthermore, the appraisal of options for the spatial distribution of development within the SA is deficient insofar as these are not considered in isolation. Instead each is tied to a different housing requirement figure. For example, the option of a more equal distribution between Bacup and Rawtenstall (Option A) is considered but only in the context of a housing requirement figure of 3,000 units. Conversely, an option whereby

Bacup accommodates more residential development than Rawtenstall is also considered (Option D) but only in the context of an overall housing requirement figure of 5,000 units. This means that the true sustainability of each spatial distribution is not properly or adequately understood as there are other variables (namely a variable housing requirement) influencing judgements on the relative sustainability of each.

1.18 In this regard, it is noted that Spatial Option D (which includes Bacup accommodating approximately 40% more residential development than Rawtenstall) is deemed to represent the most sustainable option, principally because of the positive score in respect of the 'housing' criteria of the assessment framework (due to it including 5,000 houses rather than Option A for example which includes only 3,000 as per the PSLP). Had the housing requirement aspect of Spatial Option D been combined with the spatial distribution aspect of Option A (which sees Bacup and Rawtenstall accommodating a more equal level of development), this may have scored more favourably than Option D as presented.

1.19 Again, the Council has attempted to retrospectively address this point through the SA Addendum (Core Document SD005.1). In relation to the selection of Option D, paragraph 2.8.2 states:

"This conclusion was made for two reasons. The first was the need to meet the target housing number. The second reason concerned the spatial flexibility of Option D"

1.20 In respect of the second point, paragraph 2.8.4 states that:

"...the SA Report records that "Option D combines some of the key elements of Options A, B and C. There is considered to be greater scope for avoiding and mitigating adverse and sustainability impacts under Option D because of the proposed quanta and distribution of development. As such, it is likely that the adverse impacts currently anticipated under a worst-case scenario of Option D would deliver development which satisfies the local OAN and overall is considered to be the best performing spatial option"

1.21 The above statement is wholly unsubstantiated and makes little rational sense. It is unclear what point is being attempted to be made. This provides, at best, a weak basis on which to conclude that the spatial distribution dimension of Spatial Option D is the most sustainable. In reality, it is evident that this was found to be the most sustainable due to the housing requirement component of this Option being in line with the findings of the SHMA. The spatial distribution component of this option has not been proven to be the most sustainable approach to distributing this requirement. The definition of Spatial Options is contrived and has been purposely developed with the objective of demonstrating that a spatial option characterised by higher levels of growth within Bacup is the most sustainable. This is done by linking this distribution profile with the only housing growth option that, at the time of the SA being produced, represented a credible proposal.

1.22 The SA is fundamentally deficient on this point alone. This is compounded by an effort to backtrack from Option D in respect of the housing requirement without re-testing this against the other spatial options. The Council has sought to address this by testing the selected approach through the SA process (section 4 of the SA Addendum (Core

Document SD005.1). However, this assesses Strategic Policy SS: Spatial Strategy. Policy SS is solely concerned with spatial distribution at a broad level. It does not set out a quantified expression of the development needs of the Borough. It is therefore impossible to consider the Policy SS appraisal alongside the Spatial Options appraisals in the 2018 SA as the SA Addendum is apparently seeking to do. The output of any such assessment is meaningless and as such, the selected Spatial Option (combining the spatial distribution characteristics of Spatial Option D but a 40% reduction in its housing requirement) has not been subject to robust SA testing, undertaken on a fair, equal and comparable basis. The Council's SA process has wholly failed to prove that the pursued spatial option represents the most sustainable relative to reasonable alternatives.

iii. Has the SA Addendum 2019 been published for consultation?

1.23 Peel is not aware of any such consultation being undertaken. The addendum is a critical part of the SA and should be subject to full consultation.

Questions c – h

1.24 No response at this stage.