

ROSSENDALE LOCAL PLAN EXAMINATION

MATTER 8 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

Issue – Is the Plan’s approach to identifying site allocations (housing, employment and mixed use) and Green Belt releases soundly based and in line with national policy? Do the allocation policies provide a clear and effective framework for growth?

c) Is the site assessment methodology robust and based on an appropriate set of criteria? How have results from the Sustainability Appraisal, Green Belt Review and other studies been factored into the site selection process?

AND

d) Are the reasons for selecting site options, and rejecting others, clearly set out and justified?

- 1.1 The Council’s Housing Topic Paper¹ (HTP) confirms that the Strategic Housing Land Availability Assessment (SHLAA) is the starting point in selecting sites for allocation for housing. This provides a theoretical supply (in a ‘policy off’ scenario). This notes that Peel’s sites at Haslam Farm, Rawtenstall; Blackburn Road, Edenfield; Burnley Road, Edenfield; and Kirhill Avenue, Haslingden are all ‘developable’² during the plan period.
- 1.2 The HTP states that sites were then considered for allocation having regard to the proposed spatial strategy and by reference to the Sustainability Appraisal and other evidence base work.³ Pages 24 to 25 attempt to explain this process, setting out a sequential approach to site selection based on utilising urban area land first, followed by non-Green Belt land outside the urban area. The Paper then concludes that land is required to be released from the Green Belt to deliver the Borough’s development needs. This is drawn following an effort to exhaust the supply from other non-Green Belt sources.
- 1.3 It is noteworthy that the manner in which the intended spatial strategy has informed this process (as claimed by the Council) is unclear given that the selection process takes a sequential approach based on the baseline policy designation of sites (i.e. urban area, non-urban area and Green Belt) rather than their location within the Borough. Thus it would appear that the resultant spatial distribution of development is a by-product of a sequential approach designed to minimise Green Belt releases rather than reflecting the implementation of a pre-defined spatial strategy, as claimed. This matter is considered further in relation to Question k) and in Peel’s response to Matter 2.
- 1.4 Having revealed a need for sites to be released from the Green Belt, the HTP provides no indication as to how Green Belt sites were prioritised and selected for release and no assessment criteria is provided. The Council’s Green Belt Topic Paper⁴ (GBTP) (Document

¹ *Housing Topic Paper*, Rossendale Borough Council (March 2019) [EB006]

² NPPF Annex 2

³ *Housing Topic Paper*, Rossendale Borough Council (March 2019) [EB006], Annex 1

⁴ *Green Belt Topic Paper*, Rossendale Borough Council (August 2018) [EB023]

EB023) introduces the Local Plan Green Belt Study, and notes the basis on which sites previously proposed for allocation through the Regulation 18 Local Plan have been removed. However, it does not set out whether and to what extent the Council has rigidly applied the findings of the Green Belt Study in this regard nor the assessment criteria applied in determining which Green Belt sites should be taken forward as allocations.

- 1.5 The Council therefore cannot point to the results of a transparent and fair comparative assessment of sites. The only presentation of sites selected for allocation is contained in the Local Plan itself. There is no documented record or clear audit trail which reveals the basis for each site being selected, and no single appraisal of all candidate sites within the evidence base beyond the SHLAA, which itself does not provide a meaningful indicator of which sites should be allocated. Nowhere is a robust and appropriate set of criteria used to appraise and select sites set out. As a result, one is not able to verify that the sites selected are the most sustainable when benchmarked against reasonable alternatives.
- 1.6 The GBTP notes that a number of sites proposed for release from the Green Belt through the Regulation 18 Local Plan are now not proposed to be carried forward. The full reasons given for the removal of each site are unique to that site. For example, in respect of Haslam Farm (site HS2.60) the Housing Topic Paper records that the site is not taken forward for the following reasons:
- “Stepping stone habitat. Landowner wants expansion to south. Objection from ELR Ltd. Strong objection from residents and Friends of Townsend Fold (petition). Significant underground infrastructure limiting development. Green Belt”*
- 1.7 Thus, notwithstanding the SHLAA’s finding that this site is developable, the Council is now taking a diametrically opposed position in relation to this site. This reveals that the Council has selectively chosen to reverse from its original position in relation to some sites on the back of local opposition. The other identified constraints (infrastructure and ecology) are recorded in the SHLAA and were therefore known constraints deemed to be capable of being mitigated at the time of the SHLAA. It is unclear why it has changed its position on the significance of these constraints.
- 1.8 This brings into question the entire site selection process. Any such supplementary assessment of sites and ‘re-scoring’ cannot be undertaken on a selective basis. If the Council wishes to take the position that the type of infrastructure and ecological constraint identified in respect of Haslam Farm now warrants a change in its status from ‘developable’ to ‘not developable’ (or at least that such features should be given more weight in the selection process), then a consistent and complete supplementary assessment of all SHLAA sites must be undertaken, particularly as these features are not unique to this site.
- 1.9 The cumulative effect of these matters is that the Council is unable to robustly justify the allocations it has selected by reference to a proportionate evidence base. The Local Plan is unsound as a result.

e) Has the sequential test and exception test where necessary been correctly applied in the assessment of flood risk on potential development sites? Is this adequately evidenced? Are there any outstanding concerns from the Environment Agency?

- 1.10 Residential development allocations H69 and H70 are located in Flood Zones 2 and 3. NPPF requires that Council to apply the sequential test. This states that:

‘Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.’⁵

- 1.11 The Council has provided no justification for the decision to allocate these sites ahead of those that are at a lower risk of flooding. The selection of these sites for residential allocation cannot be justified by reference to a proportionate evidence base. The Council has evidently not correctly applied the sequential approach and thus is at odds with the requirements of NPPF. This is discussed further in Peel’s response to Matter 2.

f) Are changes made to the list of proposed allocations between Regulation 18 and Regulation 19 Plan justified and supported by appropriate evidence? Are all de-selected sites unsuitable for development or not available?

- 1.12 The de-allocation of selected sites currently located within the Green Belt results in part from the Council’s claim that less Green Belt land needs to be released to meet the Local Plan’s development needs.

- 1.13 Peel’s Matter 2, 3, 5, 9-15 and 19 statements collectively reveal the need for significantly more land to be released from the Green Belt to meet the Local Plan’s proper housing requirement. To this end, those sites which are now not proposed to be included as allocations in the Local Plan are still required to meet the Local Plan housing requirement. The decision not to take these sites forward is not justified. Significant additional land is also needed for development as demonstrated through the aforementioned Matter statements.

- 1.14 The northern part of the site at Haslam Farm, Rawtenstall – which Peel has historically promoted for allocation through the Local Plan – was previously proposed for allocation in the Regulation 18 Local Plan (allocation HS2:60). The Council’s reasons for not carrying this forward are set out in the Housing Topic Paper (see response to questions c and d above). In addition to these points, it should be noted that nowhere has the Council presented a full assessment of the site nor has it considered whether the potential constraints identified can be overcome. It has taken the decision to ‘deallocate’ the site without express justification for this.

- 1.15 In response the plan at Appendix 1 of this statement shows:

- How this site could be delivered allowing for an easement requirement to avoid building over the Haweswater Aqueduct which runs beneath the site. This shows that a viable and appropriate development of 155 dwellings can still be achieved on this site.

⁵ NPPF Paragraph 158

- The site benefits from multiple options for achieving an adequate access, with an access of Holme Lane to the north of the site being equally viable and appropriate.

1.16 Objections from local residents and an adjacent leisure facility do not provide justified reason for discounting the site. The representations of the community and the East Lancashire Railway are relevant but should only be given weight insofar as they raise valid land use points, relevant to planning considerations. The existence of objections, however numerical, does not justify the Council's decision and is strongly challenged by Peel.

1.17 Subsequent to its comments on the Regulation 19 Local Plan, Peel has commissioned further work to demonstrate the deliverability of this site and evidence that the assumed constraints are not insurmountable and that through a considered design approach, these can be adequately mitigated. Updated evidence in relation to landscape, access, flood risk, ecology and arboriculture is provided at Appendix B to F respectively.

1.18 Reflecting the above, the full site (both north and south parcels) should be allocated for residential development through the Local Plan with a development capacity of approximately 155 dwellings.

g) Has a comprehensive assessment of capacity within built up areas been undertaken? Have all potential options on non-Green Belt land in the countryside been assessed?

1.19 See statements in respect of Matters 9 to 15 and 19.

h) Have all opportunities to maximise capacity on non-Green Belt sites been taken, including increasing densities?

1.20 See response to Question G above.

k) How have the conclusions of the Green Belt review informed the Local Plan? Have decisions on Green Belt release taken account of the need to promote sustainable patterns of development and given priority to Green Belt sites which are previously developed and / or well served by public transport (in line with the National Planning Policy Framework)? Where is this evidenced?

1.21 Paragraph 138 of the NPPF states that:

'When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.'

1.22 In effect, this means that, notwithstanding the policy protection afforded to Green Belt land, an approach of avoiding or minimising Green Belt releases at all costs should not be assumed to represent the most sustainable in all circumstances. Options should be

considered in the round and based on a broad spectrum of sustainability criteria (see response to Matter 2).

- 1.23 To this end, the Council's approach to site selection is at odds with paragraph 138 of the NPPF. As noted above, a sequential approach is taken whereby the Council first seeks to exhaust urban area sites, followed by land outside of the urban area but also located outside of the Green Belt and then, and only then, relying on Green Belt sites. This approach does not reflect the guidance in paragraph 138 insofar as it does not allow the Council to consider and compare the wider sustainability credentials of individual sites. A consideration of Green Belt harm (and avoiding Green Belt releases) has dictated the Council's entire process.
- 1.24 This is one of the reasons why the Local Plan proposes a spatial distribution of development which is clearly unsustainable, with an under provision of development in the largest and most sustainable settlement of Rawtenstall and an over provision in settlements within the east of the Borough, particularly Bacup (See Matter 2 Statement). This arises as the latter yields more non-Green Belt sites which are deemed to be preferable.
- 1.25 The resultant spatial distribution is not a planned and intended strategy; rather it is a consequence of the Council's sequential approach to the selection of sites based on their baseline policy designation (as confirmed in its HTP) and the failure to consider the broader spatial context to sites as part of this process. The Council has retrospectively attempted to justify the resultant spatial strategy as being the most sustainable through a retro-fitted Sustainability Appraisal process. The claim that this distribution is most sustainable flies entirely in the face of logic (see response to Matter 2).
- 1.26 Peel's case for a greater share of the overall development requirement being directed to the western part of the Borough, and particularly Rawtenstall, is set out in its Matter 2 statement. The implementation of this recommendation would result in an increase in the overall level of Green Belt being released given the relative absence of non-Green Belt alternatives in the west of the Borough. However, a more sustainable distribution of development would result, as sought by paragraph 138 of the NPPF and for the reasons outlined in Peel's Matter 2 statement.
- 1.27 The Council's failure to define a specific spatial distribution of development and then deliver this through the site selection process means that the resultant spatial distribution arises purely by chance. Determining and then implementing the appropriate spatial distribution of development is an important aspect of the Local Plan process. Leaving this to chance and allowing it to be a by-product of a site selection process which has no regard to overall distribution is the antithesis of positive and sustainable plan-making and runs contrary to the requirements of paragraph 20 of the NPPF.
- 1.28 Further, the Council's GBTP⁴ confirms that in seeking to identify which sites previously proposed for release from the Green Belt should now not be carried forward, it has sought to remove sites which are deemed to be at odds with the Green Belt Study (i.e. those which the Study indicates not to be suitable for release from the Green Belt based

solely on their Green Belt contribution)⁶ where possible. Again this approach is contrary to paragraph 138 of the NPPF. Mere identification of some level of Green Belt harm should not be permitted to dictate the entire process; rather, it is necessary to assess the merits of individual sites based on broader sustainability considerations and the extent to which an individual site contributes to the functions of the green belt. It is clear that the Council has not taken this approach in deciding which sites should not be carried forward, contrary to the requirements of paragraph 138 of the NPPF. The selection of such sites should therefore be reconsidered based on broader sustainability criteria.

n) Is the requirement for development on Green Belt release sites to minimise the impact on openness, as set out in Policy SD2, justified and consistent with national policy?

- 1.29 Upon release from the Green Belt, sites are no longer subject to restrictions imposed by national Green Belt policy. Their development should be appropriate to their setting and landscape character and the means by which this is achieved will be unique to each site and determined through the design process.
- 1.30 There is no national policy requirement for openness to be protected in respect of proposed allocations. This requirement of Policy SD2 should therefore be removed.

p) Did the Council consider whether to designate safeguarded land in the Plan? Should it be identified?

- 1.31 In accordance with paragraph 139 of the NPPF, it is necessary for the Council to “demonstrate”⁷ that Green Belt boundaries as proposed will not need to be altered after the plan period. This requires a consideration of the need to safeguard land to meet development needs beyond the plan period and thus to avoid the need for a Green Belt review beyond the plan period. Only in the unlikely event that the Borough’s future housing requirements fall substantially below the current plan requirements would the need to call on further Green Belt land to meet development requirements beyond the plan period be avoided having regard to the relative paucity of the developable urban land supply.
- 1.32 In this case, the specific circumstances of the Local Plan justify a further release of land from the Green Belt to be safeguarded specifically to meet development needs beyond the current plan period. Most notably, the Council’s strategy to ‘focus first’ on brownfield sites within the urban capacity is likely to exhaust ‘developable’ reserves during the Plan period, which will only serve to reduce the supply of non-Green Belt land beyond the Plan period. Such land supply is finite and the Council is seeking to ‘ring the towel’ in order to minimise the need for Green Belt releases during the plan period.
- 1.33 Nowhere within its evidence base has the Council attempted to demonstrate that safeguarded land is not needed, as required by NPPF. The current plan proposes the release of Green Belt land, out of necessity, and thus it is highly likely that further land

⁶ *Green Belt Topic Paper*, Rossendale Borough Council (August 2018) [EB023], page 20

⁷ NPPF, paragraph 139.

currently designated as Green Belt will be needed to meet development needs during the next plan period.

- 1.34 Additional land should be removed from the Green Belt and allocated as safeguarded land. The calculation of the safeguarded requirement may be based on rolling forward the housing need figure which is adopted as part of the emerging Local Plan and replicating the Green Belt and non-Green Belt split. Using the housing requirement and allocations favoured by the Council, this is set out as follows:

Annual housing requirement (based on SOAN)	212
Housing requirement over a 15 year period based on SOAN	3,180
Housing land requirement in Green Belt (PSLP proposal)	18.61 ha
Employment land requirement in Green Belt (PSLP)	12.42 ha
Total safeguarded land requirement	31.03ha

- 1.35 This is discussed further in response to Matter 19.

x) What site specific viability work has been undertaken in support of the proposed site allocations?

- 1.36 See Peel's statements in respect of Matters 19 and 20.