

# **Edenfield Community Neighbourhood Forum**

## **Rossendale Local Plan Examination Submission**

**29<sup>th</sup> August 2019.**

### **Hope View Market Street Edenfield**



# **Edenfield**

**Rossendale Local Plan Examination**

**Hearing Statement**

**Matter 8:**

**Approach to Site Allocation and Green Belt Release.**

**Alan G. Ashworth and Richard W. Lester.**

# Edenfield

## **Contents:**

### **Matter 8 - Approach to site allocations and Green Belt release.**

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?

[Policy HS2

Policy EMP2]

### **Questions, Responses and Comments.**

### **Suggested Revisions.**

## Alan G. Ashworth and Richard W. Lester. Questions, Responses and Comments.

### Site assessment:

- 1) **Question a:** How were potential site options identified as part of the preparation of the Plan?

**Response: Green Belt and Landscape Studies and a Call for Sites.** Rossendale Borough Council (RBC) used studies by Penny Bennett Landscapes in 2015 & 2017 and by LUC in 2016 in addition to their call for sites. RBC has been selective in which parts of the studies they have adopted, and they have overruled conclusions which do not justify using Green Belt, for example, in the main area A of Site H72. The reason provided for ignoring their Consultants' proposals was that "RBC had used its planning judgement in coming to an opinion on the impact of openness."

An example of the deficient identification process is the failure to select the site at Lindon Park Road **(ECNF – HLA 4.)**

- 2) **Question b:** What uses were the sites assessed for? Was mixed-use development routinely considered?

**Response:** RBC should respond.

- 3) **Question 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?

**Response:** In their initial call for sites RBC included land in the Green Belt and then compared the land available with the Green Belt and Landscape Studies. In the Regulation 18 Plan the target was 3,975 homes of which 786 were Green Belt. In the Regulation 19 Plan the number was reduced to 3,180 homes, some 795 less, which provided RBC with an opportunity to remove all of the homes planned in Green Belt. RBC claim (Green Belt Topic Paper, conclusion) to recognise the importance of the permanence of Green Belt, they advise they do not take its release lightly, yet they continue to propose it despite the serious inaccuracies of both their Housing and Employment Site Allocations reviews. They are aware of the majority of the points raised highlighting the inaccuracies of their housing evidence base through our previous representations but they just disregard them.

- 4) RBC comment on the exceptional high level of Representations by Edenfield residents, over 800 at the Regulation 18 Consultation and 1,235 during the Regulation 19 Consultation but in reality they have just disregarded them.

- 5) RBC know there is nearly thrice as much Countryside as Green Belt but they ignore this indisputable fact and continue to champion the use of Green Belt. They know we have identified a significant number of alternative housing sites which avoid the need to use any Green Belt. **(ECNF - GBP 1-7.)**

- 6) RBC refer to the importance of a balanced approach, which they incorrectly consider provides an exceptional circumstance to utilise Green Belt, yet with overall growth for the Borough at 10% their proposed use of Green Belt results in growth of 47% in Edenfield. 96% of the developments proposed on Green Belt is allocated to the south west of the Borough despite RBC's having identified a high level of housing need for the east of the Borough and for Rawtenstall. **(ECNF – GBP 1.)**
- 7) The only 100% Greenfield site in Green Belt Site (H72) retained for housing development was described by their own Landscape Consultants in both 2015 and 2017 as “Not suitable for development on Landscape grounds”. The Lives and Landscape Paper (2015) referred to the importance of long views and the need to protect them, along with development edges, contours, skylines and open countryside. Additionally, the Heritage Impact Assessment highlights that part of H72 needs to be excluded on heritage grounds but yet again these comments are disregarded. **(ECNF – GBP 4.2.)**
- 8) There are also significant Highways issues identified by Mott McDonald with respect to the mini-roundabout at Market Place. However, rather than commission their own independent survey, RBC rely on a Transport Study procured by a prospective developer, which minimises the issues.
- 9) The Highways evidence base provided by RBC and the Site Promoters fails to assess the impact of the H72 proposals, or consider the deliverability of access strategies and identify a robust mitigation package. There are significant issues with the mini-roundabout and all three proposed accesses to H72 **(ECNF –GBP 4.3 and ECNF-SKT.)**
- 10) The eight points which RBC highlight as Exceptional Circumstances have no real substance, again proving they have no justification to release any Green Belt for Housing or Employment. **(ECNF – GBP 6.)**
- 11) **Question d:** Are the reasons for selecting site options, and rejections, clearly set out and justified?
- Response:** There is little justification provided for specific site selection. Additionally, RBC have been selective as to which parts of their Consultants' Studies they adopt, overruling them by “using . . . planning judgement in coming to an opinion on the impact on Openness” **(Green Belt Topic Paper, page 12.)**
- 12) **Comment: ECNF-HLA2** gives examples where site rejection is not justified. **ECNF –GBP 6** shows the selection of green belt sites is not justified.
- 13) **Question 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?

**Response:** RBC and EA should respond.

14) **Question 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?

15) **Response:** The answer to both parts of question f is No. ECNF –HLA 2 refers to various sites, including HS 2.54 (two adjacent sites with same reference) HS2.66, HS2.64, HS2.44 (two adjacent sites with same reference), HS2.84, HS2.98, HS2.99, HS2.29 and HS 2.68. Those 11 sites are in document *EL1.002(e)(iii) List of Sites Rejected after Regulation 18*, but it is clear that the reasons for their rejection are inadequate (**ECNF – HLA 4.**)

### **Green Belt:**

16) **Question 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?

**Response:** Examination of the SHLAAs (June 2017, August 2018) and other documents reveals a number of developable sites which do not appear in the Housing Site Allocation (HSA) list in Table 1 of the Plan. Paragraphs 17 to 21 below give examples and highlight opportunities for at least 1,508 dwellings on non-Green Belt land. In addition there are possibilities on excess employment land for up to 439 dwellings. (**ECNF – ELR 1-7 & ECNF – HLA 1-8.**)

17) **ECNF - HLA 2** Lists sites that should have been allocated before considering land from Green Belt. These are tabulated in Figure 1, after which is a summary for each site of RBC's reasons for not carrying it forward and the reasons why we consider that it is viable and deliverable.

18) **ECNF – HLA 3** lists sites where the potential yield of housing units is greater than shown in Table 1. This is followed by a site-by-site explanation of the difference.

19) **ECNF – HLA 4** lists sites wrongly excluded from Table 1, being sites with 'extant planning permission which have started or are still being built out, and are not expected to be completed this financial year', *i.e.*, by 31st March 2019. On the other hand, it is noted from RBC's document *EL1.002j(iv) Appendix C - Status of Allocated Sites* that, because of completions on sites H9, H11, H26, H53 and H67 prior to 1st April 2019, the number of dwellings to be completed during the plan period will be 78 fewer than shown in Table 1. There might be a further reduction of 17 based on the approvals for H12 and H13.

20) **ECNF – HLA 5** suggests that small sites can be expected to contribute minimum 25 dwellings per year, 375 over the plan period.

21) The additional number of dwellings that the sites in paragraphs 17 to 20 provide is 918 + 40 + 270 + 375 = 1,603 gross, or 1,508 net if 95 are excluded.

22) **Appendix ECNF – HLA 6** considers the potential for further development in Bacup, were there to be pro-active resolution of access constraints.

23) **Comment:** There are many sites (which could deliver up to 1,508 dwellings) which RBC omitted. This confirms that not all the rejected sites have been positively considered. **(ECNF-HLA 1-8).** RBC should review their assessment and eliminate the use of Green Belt.

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

Response: RBC should respond. However, some sites have been reduced and a small number have been increased when Developers have made formal applications. **(ECNF – HLA 3.)**

25) **Question i:** Have discussions taken place with neighbouring authorities about whether they could accommodate some of the identified housing need?

**Response:** RBC should respond.

26) **Question j:** What methodology has been applied in the Green Belt Review (2016), and is it soundly based? Does the assessment process give sufficient recognition to the strategic role that some sites play in preventing the unrestricted sprawl of Manchester (purpose 1a and 1b)? Is the framework for assessing harm, based on the existence of one 'strong' score (rather than the number of strong/medium scores), robust and appropriate?

27) **Response:** RBC should respond.

28) **Question 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?

29) **Response:** Priority has not been given to previously developed Green Belt sites; a good example is Lindon Park. **(ECNF – HLA 4.)**

The proposed release of Green Belt in Edenfield for H72 conflicts with the majority of the five purposes in NPPF Paragraph 134.

With respect to Paragraph 136 RBC have not produced any cogent evidence or justification or Exceptional Circumstances. **(ECNF- GBP 6.)**

With respect to Paragraph 137a RBC have failed to identify all the opportunities of land availability in Urban Boundary and Countryside sites before turning to Green Belt **(ECNF-HLA 2 to 5.)**

With respect to paragraph 138 RBC have failed to priorities sustainable sites - a good example is Lindon Park. **(ECNF-HLA4.)**

RBC has not identified how they would begin to compensate in the remaining Green Belt for the removal of a tract with the landscape value of H72. Obviously it is impossible to compensate, as RBC implicitly acknowledge. In a wholly inadequate nod to NPPF, the Green Belt Topic Paper, page 26, does no more than offer platitudes: “Exactly how this will be implemented is still an area for consideration” and “Working with a range of partners is likely to be necessary to effectively implement [a SANG]”. See also paragraphs 35 and 36 below.

30) **Comment:** With nearly thrice as much Countryside as Green Belt and in view of the conflict with NPPF, the major Green Belt allocations should be withdrawn.

31) **Question I:** Do exceptional circumstances exist in principle to alter Green Belt boundaries in Rossendale for housing and employment development? If so, what are they? How many hectares of allocated housing and allocated employment/mixed-use sites are proposed on current Green Belt land?

**Response:** See paragraph 10 above and **ECNF – GBP 6**. RBC proposes, according to Tables 1 and 2 in the Plan, to release 18.61ha for housing and 10.71ha for employment, none of which is justified. Those figures may not be accurate - see paragraph 38 below.

**Comment:** We review the sites listed in the Green Belt Topic Paper in **ECNF – GBP 5**. RBC have provided no cogent evidence justifying use of Green Belt for major housing or employment development now or in the foreseeable future. **(See ECNF – GBP 1-7.)**

32) **Question m:** Are the other (non-allocation site) changes to Green Belt boundaries, as set out in document EL1.002d, justified? Have exceptional circumstances been broadly demonstrated?

**Response:** RBC should respond.

33) **Question 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?

**Response:** The RBC Landscape Consultants concluded that the main area of Site H72 was “**Not suitable for development on Landscape grounds**” and commented that “**The greater part of this site, Area A, is unsuitable for development, because the effects on the landscape would be significant, and would be uncharacteristic of the local landscape character area, 8b Irwell Valley south. Nor could it be effectively mitigated against because of the sites openness. Long views west from [Market Street] and eastwards from the far side of the valley would be affected and there would be significant adverse effects on attractive and well used walks in the area. (Pages 127-132, 2015 report.) As regards National Policy, see paragraph 29 above.**

34) **Comment:** RBC disregard the consultants' conclusions where those do not justify the use of Green Belt in the main area of Site H72. RBC's reason, that they had "used . . . planning judgement in coming to an opinion on the impact on Openness" substitutes the partisan opinion of generalists for the disinterested opinion of landscape specialists. (**Green Belt Topic Paper, page 12.**) Minimising impact is a vague term, whose uncertainty is only increased by the addition of the requirement of the LPA's satisfaction. It is unclear and inconsistent with NPPF paragraph 16d. Only Green Belt protection can maintain openness.

35) **Question o:** Is the requirement for development on Green Belt release sites to contribute to compensatory improvements to land elsewhere in the Green Belt, as set out in Policies SD2, justified and deliverable? Does the policy provide sufficient guidance on the scope/form of developer contributions? Would this affect scheme viability? How would off-site improvements be co-ordinated, facilitated and delivered? Does the Council intend to use additional funding sources or delivery methods, and to bring forward an overall strategy?

**Response:** RBC has not identified how they would begin to compensate in the remaining Green Belt for the removal of a tract with the landscape value of H72. Obviously it is impossible to compensate as RBC implicitly acknowledge. (**See Paragraph 9 above and ECNF – GBP 1 Conclusion 12.**)

36) **Comments:** Policy SD2 completely fails to set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt. It is therefore non-compliant with NPPF, paragraph 138. The absence of detail as to calculation of contributions or what works will be carried out, where, and by whom, on whose land and at whose cost and how they would be co-ordinated, facilitated and delivered renders Policy SD2 so vague as to be undeliverable. The Explanation refers to SANGs, but RBC presents no policy on these.

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

**Response:** RBC should respond.

#### **Allocation policies**

38) **Question q:** Do Policies HS2 and EMP2 provide sufficient clarity regarding the location of the proposed site allocations?

**Response:** RBC should respond. With H72, every RBC map falsely includes SHLAA 16358 Horse & Jockey site. The figure of 15.25ha contradicts total net developable area of 13.53ha in component SHLAAs 16256, 16262 and 16263.

39) **Question r:** Are the housing density figures in Table 1 in the Plan based on the gross or net site area?

**Response:** RBC should respond. The housing density figures in their Green Belt Topic Paper (page 21) both for Brownfield and mixed sites are inaccurate, they claim 100 and 75 respectively and in reality they are 44 and 39. **(See ECNF – GBP 7.)**

40) **Question s:** Does the Plan provide sufficient detail on site-specific requirements, constraints and mitigation measures relating to housing, employment and mixed-use allocations in order to effectively guide development? Is it clear what developers are expected to provide and when? Why are detailed site allocation policies only provided for sites H72, H13, H5, M4 and NE4?

41) **Response:** RBC should respond. Paragraph 34 to 36 above suggest it is not clear to either Developers or RBC what is required.

42) **Question t:** Is the proposed Masterplan threshold of 50 dwellings for housing site allocations, as set out in Policy HS2, justified and reasonable?

**Response:** RBC should respond.

43) **Question u:** Are the masterplanning/development brief requirements for employment allocations, as set out in Policy EMP2, adequately defined and justified?

**Response:** RBC should respond.

44) **Question v:** Are the identified B Use Classes on the employment allocations (as set out in Policy EMP2) justified and supported by robust evidence? How does the Council intend to deal with office proposals outside identified centres?

**Response:** RBC should respond.

45) **Question w:** Are the identified Use Classes on the mixed-use allocations (as set out in Policy EMP2) justified and supported by robust evidence? Should Policy EMP2 clarify the proportion of uses on each site and the amount of housing permitted

**Response:** RBC should respond.

46) **Question x:** What site-specific viability work has been undertaken in support of the proposed site allocations?

**Response:** RBC and the Developers should respond.

### **Suggested Revisions.**

The release of any land from Green Belt needs to be reassessed both for housing and employment purposes when there are a significant number of alternative non-Green Belt sites and the employment land requirement has been substantially overstated. All related policies should be revised accordingly **(See ECNF – SoC.)**

A.G.Ashworth and R. W. Lester.

29.08.19.