
ROSSENDALE LOCAL PLAN 2019 – 2034

EXAMINATION

MATTER 8 – HEARING STATEMENT

CLIENT:
B&E Boys Ltd.

DATE:
29 August 2019

RESPONDENT REFERENCE NUMBER:
5192

| Report Drafted By | Report Checked By | Report Approved By |
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Contents

| | PAGE NUMBER |
|-----------------------|--------------------|
| 1. INTRODUCTION | 3 |
| 2. QUESTION 8 D..... | 4 |
| 3. CONCLUSION | 7 |

1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by B&E Boys Limited having regard to their land ownership at Riverside Business park, Townsend Fold (site EE40) and its proposed expansion.

SCOPE

- 1.2 This Hearing Statement has been prepared in respect of Matter 8 of the Local Plan (LP) 2019–2034 Examination and responds to the Inspector’s questions regarding site allocations as set out in the Schedule of Matters, Issues & Questions.

FORMAT

- 1.3 Each of the Inspector’s questions (where relevant to our originally submitted written representations in respect of the Submission Local Plan) are dealt with in a separate chapter of this Hearing Statement. Accordingly, not all questions posed by the Inspectors are addressed in this Hearing Statement.
- 1.4 In the conclusion Chapter we address whether the Council’s approach to the site is sound in accordance with the Planning and Compulsory Purchase Act 2004 and associated regulations.
- 1.5 The National Planning Policy Framework (2019) (the “Framework”) sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.

2. QUESTION 8 D

ARE THE REASONS FOR SELECTING SITE OPTIONS, AND REJECTING OTHERS, CLEARLY SET OUT AND JUSTIFIED?

- 2.1 In respect of our client's submissions at the regulation 18 and 19 stages, we are concerned that the site was not assessed correctly and based on assumptions that do not take account of representations made. The site has been promoted at every stage of the Plan review process starting with the Call for Sites in March 2016, initially for housing development then subsequently as an extension to the existing Riverside Business Park, to the east, owing to the success of that location and in response to demand.
- 2.2 The site is identified as Land Behind K Steels (EMP71) in Appendix 5 to the ELR 2017 at pages 154 to 155 of that document. For ease of reference, the site is shown in Figure 2.1 below.

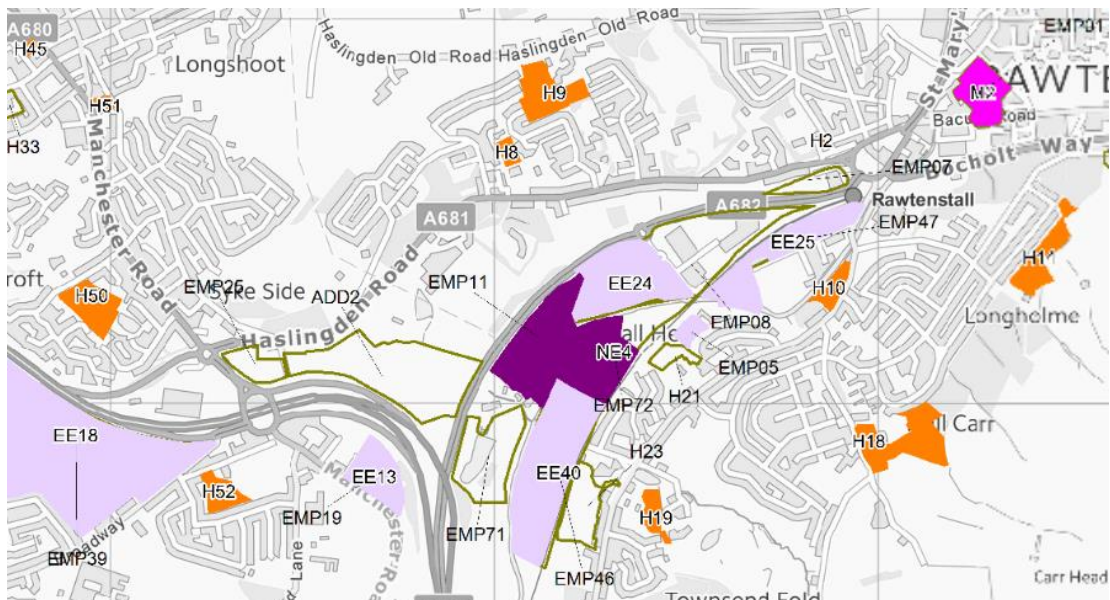


Figure 2.1 Site EMP71, Riverside, Townsend Fold

- 2.3 It is instructive that the ELR assessment was published in February 2017, following the Call for Sites exercise and prior to the October 2017 Regulation 18 consultation process and it is abundantly clear that representations made at Reg. 18 and 19 have not been properly considered. This is because assumptions made in the ELR have not been revisited and this has led to an incorrect assessment of the site's development capability.
- 2.4 We respectfully refer the Inspectors to our Reg. 19 submissions for our full assessment of the site and do not feel it appropriate to repeat that here in the interest of brevity. However, there are two specific points we would like to raise to correct mistakes made in the site assessment process, which have adversely influenced the assessment of the site such that its rejection is not justified.

ACCESS

- 2.5 The ELR wrongly assumes direct access from Holme Lane and that the site is constrained by the lack of an appropriate access point. This assumption skews the associated assessment of Market Attractiveness, Delivery Barriers, Accessibility and subsequently the overall site rating.
- 2.6 In fact, the proposed expansion of Riverside Business Park (EE40) would be accessed through the Business Park itself, as shown in Figure 2.2 below, taking advantage of existing infrastructure, via small connecting bridge linking the existing estate road into site EMP71 beyond.



Figure 2.2 Existing Access Road and potential point of access.

- 2.7 The inspectors will be aware that site proposed allocation NE4 immediately to the north of our client's site requires the construction of a bridge to facilitate access to the eastern part of that allocation.
- 2.8 We would argue that the actual success of the Business Park is a far better indication of its market attractiveness, accessibility and deliverability than any assessment in an ELR can be. Clearly, the site is attractive, is accessible and can be delivered in principle.

GREEN BELT

- 2.9 Again, the site appears to have been dismissed out of hand by the ELR, at least in part, because of its current Green Belt location. Again, we have presented a full assessment of the site's green belt credentials at the reg. 18 and 19 stage and would contend that the subject site, which comprises part of the land included within Parcel 19, to be flawed as it overestimates the value of the Green Belt in this location. There are distinct differences between the land included in the northern part of the parcel and that in the south, with the north more akin to Parcel 18 in terms of its relationship to existing built development.
- 2.10 We advocate that our client's land makes no contribution to four of the purposes of including land in the Green Belt and the remaining purpose 5 cannot be used for assessment purposes as all of the sites in the Borough are given equal weighting.

- 2.11 In summary, we consider the subject site as an appropriate site for release from the Green Belt as it is adjacent to the settlement boundary and is controlled by defensible boundaries and has existing development on 3 sides.
- 2.12 The exceptional circumstances for its release from green belt are that the site does not perform a Green Belt function.
- 2.13 The site would form a logical extension to the south of Rawtenstall and in particular to the established employment site at Townsend Fold and that the site would make a valuable and readily deliverable contribution to the supply of employment land in the Plan.

3. CONCLUSION

3.1 In our view the LP is not sound as submitted.

POSITIVELY PREPARED

3.2 The Plan as drafted currently improperly considers the Green Belt credentials of the subject site by failing to assess the discrete characteristics of the relevant Parcel. In doing so it fails to plan for the expansion of a successful employment area in a sustainable location

3.3 The Plan also identifies certain other employment allocations, such as Wavell House in Helmshore, which, on the evidence now before the Council, will plainly not come forward, or be retained, for employment use.

3.4 With this in mind, the Local Plan in its current form is not positively prepared and the Council must consider the discrete elements of the identified Green Belt parcels in more detail to identify additional development opportunities that may well be currently within the Green Belt but nonetheless represent opportunities for sustainable development.

3.5 Similarly, the Plan includes several employment sites with questionable delivery credentials and therefore may fail to meet objectively assessed development needs. Opportunities to provide new employment land in successful, market-attractive and sustainable locations have been missed. In that regard, the subject site is available and deliverable

JUSTIFIED

3.6 Consequently, the LP fails to plan for the proper growth of the Borough as it does not identify all available opportunities to meet employment requirements on land that may currently lie outside of the Urban Boundary. This does not represent an appropriate strategy in the case of the subject site and its continued inclusion within the Green Belt is not justified.

EFFECTIVE

3.7 As set out above, the approach to the Green Belt fails to effectively consider the subject site. The approach may lead to an under supply of employment land and the failure of the Plan to deliver. Furthermore, the LP includes sites that, on the evidence available, will not come forward, or be retained, for employment use. The Plan fails to identify sufficient sites to allow for this potential under delivery, which may lead to an under supply of employment land and the failure of the Plan to deliver and be effective.

PROPOSED MODIFICATION

- 3.8 To be consistent with national policy, we respectfully ask that the site be considered for removal from the Green Belt and that it be allocated for Employment use.