

## ROSSENDALE LOCAL PLAN EXAMINATION

### MATTER 2 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

**Issue – Does the Plan set out a clear vision, strategic objectives and spatial strategy which present a positive framework that is consistent with national policy and will contribute to the achievement of sustainable development? [Policy SS; Policy SD1; Policy SD2]**

#### Introduction

#### **a) Does the Plan clearly articulate a vision and strategic priorities for the development use of land in Rossendale, in line with legislation and national policy?**

- 1.1 The National Planning Policy Framework (NPPF) makes clear that Local Plans “...*should provide a positive vision for the future...*”<sup>1</sup>.
- 1.2 Moreover, the Planning and Compulsory Purchase Act 2004 (“PCPA”) requires every authority to identify their “...*strategic priorities for the development and use of land...*” in their area<sup>2</sup>. These policies must then be addressed through “strategic policies” in the local development plan<sup>3</sup>. The NPPF sets out Government’s expectation as to how this statutory requirement should be met:
- “The development plan **must** include strategic policies to **address** each local planning authority’s priorities for the development and use of land.”*<sup>4</sup> (emphasis added)
- 1.3 The Council has not set out either a vision or strategic priorities, either in the Local Plan or the accompanying evidence base. It therefore fails to address key statutory and policy requirements identified above. It is inconsistent with the requirements of national policy<sup>5</sup>, such that it is unsound, and is legally deficient.
- 1.4 The Council’s failure to set out a vision and strategic priorities means that the very purpose of the Local Plan is absent. The Local Plan does identify “strategic policies” including in respect of, *inter alia*, the spatial strategy, the urban boundary and Green Belt, and the housing requirement (Strategic Policies SS, SD1 and HS1 respectively). However, these are not prepared either in response to or to address any strategic priorities, given that such priorities are entirely absent. It is therefore entirely unclear on what basis the strategic policies are established, what they are trying to achieve, or what issues they are seeking to address. As such, the strategic policies themselves are, as a principle, unjustified and without foundation.
- 1.5 The deficiencies of the Local Plan in this respect are indicative of the Council’s approach to its preparation, which has been somewhat directionless and lacking in ambition. It

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<sup>1</sup> NPPF, paragraph 15

<sup>2</sup> PCPA, Section 19(1B)

<sup>3</sup> PCPA, Section 19(1C)

<sup>4</sup> NPPF, paragraph 17

<sup>5</sup> NPPF, paragraph 35

reinforces Peel's concern that the Council's principal objective has been to frustrate the sustainable growth of those places in the Borough that need it most.

**b) What is the basis for the overall spatial strategy, as set out in Policy SS, which seeks to focus growth and investment in Key Service Centres, on major sites and on well located brownfield sites? Is the strategy and distribution justified and sustainable? What other strategies were considered, and why were they discounted?**

1.6 Peel considers that the basis of the strategy – focussing growth and investment in Key Service Centres, on major sites and on well located brownfield sites – is sound in principle. However, the strategy and distribution applied by the Council is not justified, will result in an unsustainable pattern of growth and will not meet the Boroughs needs for market or affordable homes (see Question 2c).

**c) Are the settlement groupings in the Development Hierarchy soundly based and supported by robust evidence?**

1.7 No. The Strategy Topic Paper<sup>6</sup> is the only document provided by the Council which relates to the overall spatial strategy and distribution of development. It provides limited evidence or assessment of the Borough's settlements, and no explanation about how the settlement hierarchy, spatial strategy and distribution has been determined. It makes reference to 'background work' which informed the development of the hierarchy<sup>7</sup> ('Draft Settlement Hierarchy Criteria', included as Appendix 1 of the Topic Paper). However, this comprises only one side of text. It sets out the five tiers of settlement which appear to be based on key characteristics of sustainability. There is no evidence or assessment of how the settlements perform against those criteria; no commentary or justification is provided either in the Local Plan or the Strategy Topic Paper which informs how these rankings were made or how it has impacted on the settlement hierarchy or distribution of development. This is an inadequate evidential base on which to make a key policy decision.

**i. Should Rawtenstall be identified in a different category to the other Key Service Centres?**

1.8 Peel considers that the identification of Rawtenstall, Haslingden, Bacup and Whitworth as "Key Service Centres" (KSC) is not soundly based. This in effect 'downgrades' the role of Rawtenstall, relative to the spatial strategy in the extant Core Strategy<sup>8</sup> (CS).

1.9 Policy 3 of the CS confirms that the largest number of houses – c.30% of the overall requirement – will be built in the Rawtenstall area<sup>9</sup>, whilst a smaller number of houses will be built in Bacup, Haslingden and Whitworth<sup>10</sup>. This is articulated through Figure 1.1.

<sup>6</sup> Strategy Topic Paper (2018) [EB001]

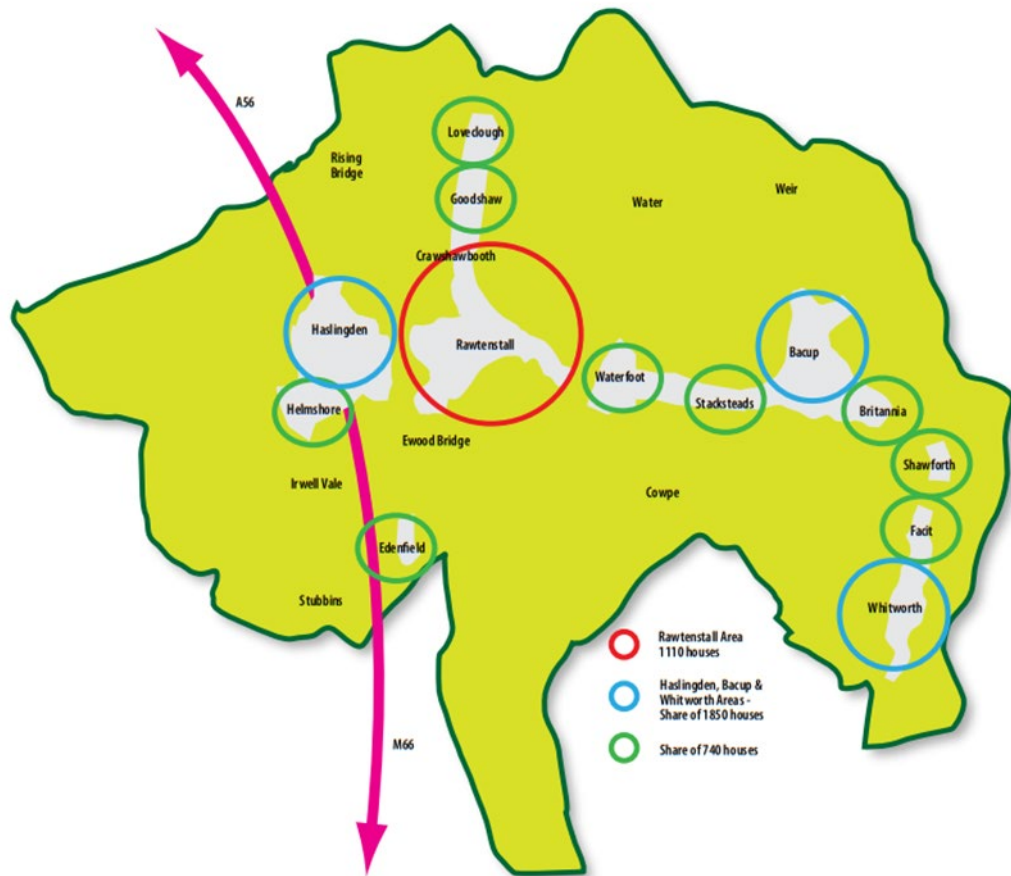
<sup>7</sup> 'Draft Settlement Hierarchy Criteria', which is included as Appendix 1 of the Topic Paper

<sup>8</sup> Local Plan Part 1: Core Strategy (2011-2026) [SU001]

<sup>9</sup> Equating to approximately 30% of the overall requirement (approximately 1,110 houses).

<sup>10</sup> Equating to approximately half of the overall housing requirement (approximately 1,850 houses).

**Figure 1.1: Rossendale Core Strategy Figure 18: Proposed Residential Distribution**



*Source: Rossendale Borough Council 2011*

1.10 The CS spatial strategy was examined and concluded to represent a balanced approach, reflective of the relative sustainability of each settlement and their ability to accommodate growth. Little has changed in the intervening period to suggest that a fundamental shift in this strategy is appropriate. The Council has presented no evidence to justify amending the settlement hierarchy to include settlements other than Rawtenstall in the highest tier. Rather, the evidence suggests that the CS spatial strategy should be retained. In particular:

- In terms of population, Rawtenstall is over 50% larger than Bacup and over three times the size of Whitworth<sup>11</sup>.
- The 'Draft Settlement Hierarchy Criteria'<sup>12</sup> identifies Rawtenstall within sub-tier 1a of Level 1 with a note which states "higher order shops; greater range of bus services", whilst Bacup, Haslingden and Whitworth are included as sub-tier 1b.

<sup>11</sup> The RBC website ([https://www.rossendale.gov.uk/info/210200/town\\_centres](https://www.rossendale.gov.uk/info/210200/town_centres)) provides a profile of the four town centres, which estimates the settlement population as follows: Rawtenstall – 23,000, Haslingden – 16,000, Bacup – 15,000 and Whitworth – 7,500.

<sup>12</sup> Appendix 1 of the Council's Strategy Topic Paper [EB001].

- The bus network map for east Lancashire<sup>13</sup> confirms that Rawtenstall lies at the heart of the network with almost all major services (11 services in total). By contrast Bacup has only six services.
- The Town Centre Study confirms that Rawtenstall functions as a centre at a level higher than the other KSCs in terms of services and retail 'offer' (see Question 2c(iv) below).
- The Spatial Strategy Topic Paper<sup>6</sup> identifies that "*Bacup is relatively isolated...*" in transport terms, due to the character of the Borough's highway network.

1.11 The evidence clearly demonstrates that Rawtenstall is unique in the context of Rossendale, being by far the largest and most important service centre with all others being small in comparison. It is of Borough-wide significance serving the whole Local Authority area and is evidently the most sustainable location to accommodate the growth. This was clearly reflected in the CS spatial strategy and distribution.

1.12 There is no justified reason to deviate from this approach and the Council has not attempted to fully explain this fundamental shift in strategy. Strategic Policy SS is therefore unsound in its current form. It is not consistent with the NPPF in not representing the most sustainable approach to growth when compared to reasonable alternatives, and it is not justified insofar as it runs contrary to the prevailing evidence.

1.13 The CS spatial strategy and distribution should be retained, with Rawtenstall identified as a 'Strategic Service Centre' in a tier on its own above the remaining KSC's. This change will ensure that, through the implementation of the spatial strategy<sup>14</sup>, development is directed to the most sustainable locations where it will benefit from accessibility to services, employment and public transport connections. This is a core planning principle upon which the plan should be based<sup>15</sup>. Without this an unsustainable pattern of development will emerge, as discussed below in response to Question 2d).

## ii. What category does Edenfield fall under?

1.14 The Local Plan is unclear in this regard and clarification is required from the Council. However, the 'Draft Settlement Hierarchy Criteria'<sup>12</sup> identifies that Edenfield is commensurate with Helmshore and Stacksteads, indicating that it should be identified as an Urban Local Service Centres (ULSC). Peel considers that this would be appropriate.

## iv. How do the settlement groupings fit with the Retail Hierarchy in Policy R1?

1.15 The Retail Hierarchy highlights that, in the view of the Council, Rawtenstall functions as a centre at a level higher than the other KSCs in terms of services<sup>16</sup>. This is confirmed by

<sup>13</sup> Provided at Appendix 1 of The Peel Group's ('Peel') representations to the Pre-submission Publication of the Rossendale Local Plan consultation in October 2018.

<sup>14</sup> Including allocation of sites and determination of planning applications in accordance with the spatial strategy.

<sup>15</sup> NPPF paragraphs 7 and 103.

<sup>16</sup> i.e. Rawtenstall is identified as a Town Centre, whilst Bacup and Hasingden are identified as District Centres and Whitworth is identified only as a Local Centre.

the Town Centre Study<sup>17</sup> which identifies that Rawtenstall is the focus for all food and non-food trips<sup>18</sup>.

- 1.16 The settlement hierarchy and spatial strategy set out in Strategic Policy SS is evidently inconsistent with the evidence prepared by WYG and the hierarchy established in Policy R1, which demonstrates that Rawtenstall functions as the Borough's principal centre and that Bacup, Haslingden and Whitworth are lower order centres which serve a much more localised catchment. This reinforces that the Council has sought to "downgrade" Rawtenstall in the settlement hierarchy and the scale of growth that it is proposed to accommodate, and that it should be identified as a 'Strategic Service Centre' above the remaining KSCs (see Question 2a(i) above).

**d) Is the predicted distribution of growth in line with the spatial strategy? To what extent is development focused on Key Service Centres rather than Major Sites? Does it represent an appropriate balance between locational sustainability, and other strategic factors and priorities?**

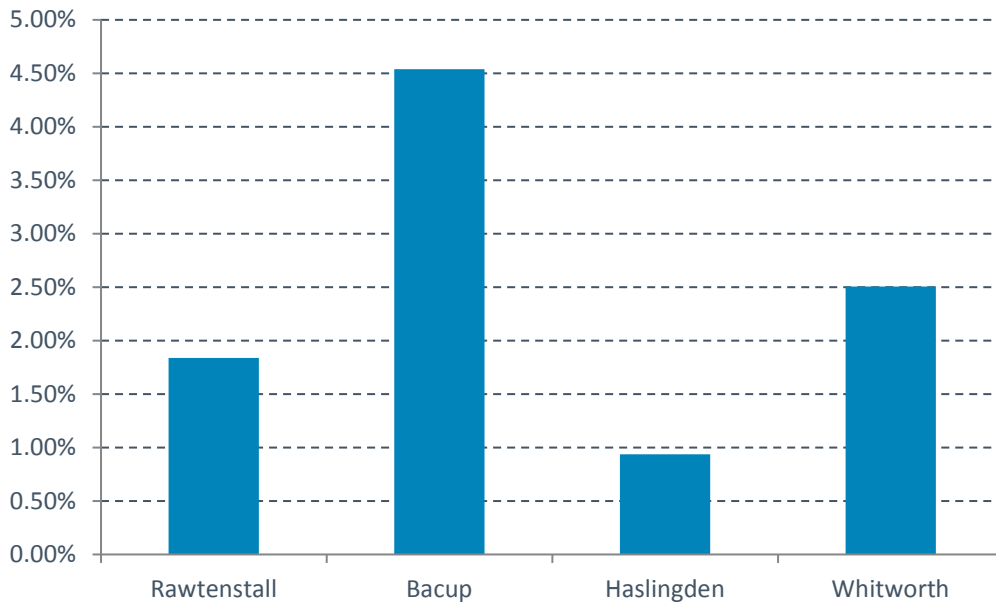
- 1.17 The deficiencies in Strategic Policy SS play out through the distribution of residential allocations in Policy HS2.
- 1.18 The largest proportion of development is to be delivered within Bacup 23%, with Rawtenstall accommodating just 14%. Figure 1.2 below shows the scale of growth in the proposed KSC's relative to their current population; it illustrates that growth is focussed to a very significant degree in Bacup and Whitworth, principally at the expense of Rawtenstall despite it being considerably greater in terms of its size, role, function, services, accessibility and profile.

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<sup>17</sup> *Town Centre, Retail, Leisure and Tourism Study* (2017) [EB037]

<sup>18</sup> A survey undertaken as part of this study confirmed almost 33% of all food trips made by respondents took place in Rawtenstall, 11.2% in Haslingden and only 7.9% in Bacup. In relation to non-food trips, only 20.4% were made to destinations in Rossendale, of which 63% were made in Rawtenstall, 19% in Haslingden and only 12% in Bacup.

**Figure 1.2: Residential development as a percentage of existing population**



- 1.19 This distribution contrasts greatly with the approach taken by the CS – which was examined and found ‘sound’ – and with the evidence base (see Question 2c(i)). This deficiency originates from the “downgraded” definition of Rawtenstall in the settlement hierarchy which, as outlined above, has placed Bacup in the same tier despite its clear differences in size, role, accessibility and sustainability.
- 1.20 The Strategy Topic Paper<sup>19</sup> points to challenges in identifying a developable supply of land in Rawtenstall. Peel strongly challenges this claim – there are additional developable sites in Rawtenstall, including Peel’s landholdings at Haslam Farm, which could be released for development through the Local Plan. Peel’s submissions have demonstrated that this site is sustainable and developable. This includes the submission of technical evidence to demonstrate that it is deliverable and that a scheme which responds positively to any identified constraints can be achieved<sup>20</sup>. In this context, the proposed distribution of allocations cannot be justified and is unsound; it does not represent an appropriate strategy or a sustainable means of meeting the Borough’s development requirements compared to reasonable alternatives. It presents a clear conflict with NPPF<sup>21</sup>.
- 1.21 Moreover, the Council’s own evidence<sup>22</sup> shows that development viability in Bacup is marginal and that affordable housing is not viable in at all. This contrasts with some areas in the west of Borough, including parts of Rawtenstall, Edenfield and Haslingden, where the Council’s evidence indicates that up to 40% affordable housing is viable. This indicates that the proposed distribution could undermine the delivery of the Local Plan’s housing requirements and will fail to optimise the level of affordable housing provision. The allocation of sites in weaker market areas means there is no prospect of delivering affordable housing on the majority of proposed allocations based on the Council’s own

<sup>19</sup> Strategy Topic Paper [EB001], Page 10.

<sup>20</sup> See Peel’s response to Matter 9.

<sup>21</sup> NPPF, paragraph 35.

<sup>22</sup> In form of the 2016 Keppie Massie Viability Study [EB021].

evidence base. This aspect of the plan is not consistent with national policy<sup>23</sup> and is unsound.

- 1.22 Peel considers that the spatial distribution of allocations is not sustainable or justified, will not meet identified housing needs, and will evidently not deliver sufficient affordable housing. As a combined result of these points, the spatial strategy is evidently not the most sustainable compared to reasonable alternatives. It is fundamentally unsound as a result. Additional sites in strong market areas around Rawtenstall and West Rossendale should be allocated for residential development. Rawtenstall should accommodate in the region of 30% of housing. This would align with the CS and is therefore recently proven to be a sound and sustainable strategy. It would be reflective of the sustainability of Rawtenstall as a development location and its status as the Borough's dominant service centre.

**f) To what extent does the spatial strategy seek to focus development on non-Green Belt sites in the countryside rather than Green Belt land?**

- 1.23 As set out above (see Question 2d), the Council has provided limited evidence, explanation or rationale regarding the spatial strategy. Peel therefore reserves the right to provide further comment in respect of this issue in due course, once the Council's response to the MIQ's has been published.
- 1.24 The Green Belt is not an environmental designation. It is a strategic planning tool which exists to secure sustainable development and manage the growth of urban areas. The protection of Green Belt is not an end in itself; the end is to secure sustainable patterns of development. Where the presence of Green Belt constrains the sustainable growth of settlements or where it is promoting unsustainable patterns of development – for example the housing needs of Rossendale being provided for beyond the Green Belt but in weak market areas which are less accessible and have fewer services/facilities – the Green Belt has outlived its purpose and review is necessary.
- 1.25 Peel does not consider that a focus on development on non-Green Belt sites to the east of the Borough – around Bacup and Whitworth in particular – is a sustainable or appropriate strategy relative to the alternatives (i.e. Green Belt release around Rawtenstall and West Rossendale). It is inconsistent with the requirement of the NPPF to achieve sustainable development<sup>24</sup> and will not be effective at meeting housing needs.

**g) How has flood risk been factored into decisions about the spatial strategy and distribution of growth?**

- 1.26 The SHLAA<sup>25</sup> identifies the flood zone within which particular sites are located and the Strategic Flood Risk Assessment<sup>26</sup> (SFRA) forms part of the evidence base. However, flood risk has not been sufficiently taken into account in selecting sites for allocation.

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<sup>23</sup> NPPF, paragraph 61.

<sup>24</sup> NPPF, paragraph 7.

<sup>25</sup> *Strategic Housing Land Availability Assessment 2018 Stage 1 & 2*, Rossendale Borough Council (2018) [EB004]

<sup>26</sup> *Rossendale Hybrid Level 1 and Level 2 Strategic Flood Risk Assessment*, JBA Consulting (November 2016) [EB032]



- 1.27 A significant proportion of the proposed allocations (c.26%) are at risk of flooding<sup>27</sup>. The Flood Risk Topic Paper<sup>28</sup> includes a section entitled “Applying the Sequential Test”; however, this is simply a descriptive overview of the proposed allocations in Flood Zones 2 and 3 – it does not seek to consider, assess or discount alternative sites at lower risk of flooding. It does not therefore constitute a sequential test. It reinforces Peel’s concern that the Council’s process of selecting allocations has been somewhat arbitrary and has sought to frustrate the sustainable growth of those places in the Borough that need it most. This is particularly the case given that the Council’s sequential test<sup>28</sup> was prepared and published in March 2019 when the Local Plan was submitted; it cannot therefore have informed its preparation and has not been subject to public consultation, in conflict with the requirements of the NPPF and PPG<sup>29</sup>.
- 1.28 Peel is promoting the allocation of several sites which have been ‘discounted’ by the Council despite being located in Flood Zone 1 and being suitable and available for development. They are sequentially preferable to several of the proposed allocations. Peel does not therefore consider that the Council has applied or passed the sequential or exception tests<sup>30</sup>, such that the Local Plan is inconsistent with the requirements of national policy, is not justified and is does not present an appropriate strategy relative to the reasonable alternatives<sup>31</sup>.

**h) Does Policy SS provide sufficient clarity on the degree of concentration and the distribution of growth?**

- 1.29 No. Policy SS does not identify the broad scale or type of development to be accommodated in the different tiers of the settlement hierarchy. References to growth being “concentrated” in the KSCs and to a “level of growth” being accommodated in the ULSC’s are vague, unclear and open to significant interpretation. There is a significant contrast with Policy 3 of the CS in this regard, which quantified in broad terms and with a degree of flexibility the amount of development to be provided in particular tiers of the settlement hierarchy<sup>32</sup>. The Local Plan should be modified to provide a similar level of clarity.

**j) Is the approach to development in the countryside, as set out in the first paragraph of Policy SD2, justified? What type of development needs to be in a countryside location?**

- 1.30 Peel strongly objects to the statement of Policy SD2 that: “*The Council will expect that the design of development on the above sites minimises the impact on “openness” to the satisfaction of the Local Planning Authority*”. The NPPF<sup>33</sup> notes that ‘openness’ and ‘permanence’ are the essential characteristics of the Green Belt. Once released, sites will no longer form part of the Green Belt and will not be subject to Green Belt policy controls

<sup>27</sup> See Peel’s response to Matter 19 and the Flood Risk Topic Paper [EB033].

<sup>28</sup> *Flood Risk incorporating Sequential Test Topic Paper*, Rossendale Borough Council (March 2019) [EB033]

<sup>29</sup> For example paragraph 16 of the NPPF which states that Local Plans should be “...shaped by early, proportionate and effective engagement...” and paragraph 31 which states that “...all policies should be underpinned by relevant and up-to-date evidence...”. The PPG makes clear that evidence base and assessment work should started early in the plan-making process and be subject to consultation (paragraph 038, Reference ID: 61-038-20190315).

<sup>30</sup> As required by and set out at paragraphs 157 to 159 of the NPPF.

<sup>31</sup> NPPF, paragraph 35.

<sup>32</sup> i.e. approximately 30% of the housing requirement in Rossendale.

<sup>33</sup> NPPF, paragraph 33.



and restrictions. There is no justification for seeking to minimise the impact of their development on openness, since they will not form part of the Green Belt; indeed, this would place a significant constraint on the development capacity of these sites, undermining the Local Plan's ability to deliver its development requirements. Other design and landscape policy considerations will apply to these sites which will ensure that the schemes brought forward are appropriate to their setting and context, including their relationship with retained open land in the wider area.

**I) To what extent does the Plan seek to reduce out-commuting and promote greater self-containment? Is a significant shift in commuting patterns attainable?**

- 1.31 The submitted Plan expresses only a vague aspiration to reduce out-commuting from Rossendale, with this ambition also largely absent from the Strategy Topic Paper beyond its description of the net outflow of commuters as "...a concern..."<sup>34</sup>. Indeed, the principal references to commuting within this document concern the ambition to implement a "...commuter rail link..." and a recognition that the "...regionally significant Northern Gateway development in Bury/Rochdale...is likely to attract Rossendale residents to its employment opportunities..."<sup>35</sup>. The Employment Land Topic Paper further states that:

*"Rossendale's Economic Strategy recognises that it is important to ensure that the borough's residents have the right education and skills and **the ability to commute to the Northern Gateway (and also to Manchester city centre) so they are able to access job opportunities here**"<sup>36</sup> (emphasis added)*

- 1.32 Such a strategy appears unlikely to reduce out-commuting, and arguably is not aiming to do so.
- 1.33 In its explanation of employment land policies, the submitted Plan does note that:

*"Providing suitable employment land within Rossendale to increase the number and quality of jobs in the borough will assist in reversing [commuting trends] and 'claw-back' out-commuters, reducing out-commuting rates"<sup>37</sup>*

- 1.34 This statement appears to be directly drawn from the Employment Land Review<sup>38</sup> and is somewhat at odds with the wider strategy described above. Had this ambition been integral to the wider strategy, the Council would be expected to have fully explored the impact of reduced out-commuting within its evidence base, rather than assuming no change in the balance of commuting within its recent SHMA Update and indeed the original SHMA<sup>39</sup>. Given its wider impact, it would also be expected to have agreed such a strategy with neighbours through the Duty to Co-operate, to ensure that they plan to

<sup>34</sup> *Rossendale Local Plan Strategy Topic Paper*, Rossendale Borough Council (2018) [EB001], page 4

<sup>35</sup> *Ibid*, page 8-9

<sup>36</sup> *Employment Land Topic Paper*, Rossendale Borough Council (2019) [EB018], paragraph 2.2.4

<sup>37</sup> *Rossendale Local Plan Submission Version Written Statement*, Rossendale Borough Council (2019) [SD001], paragraph 115

<sup>38</sup> *Rossendale Employment Land Review*, Lichfields (2017) [EB017], paragraph 9.89 (5)

<sup>39</sup> *Rossendale Borough Council Strategic Housing Market Assessment Update*, Lichfields (2019) [EB002], paragraph 4.53, third bullet; *Rossendale Strategic Housing Market Assessment*, Lichfields (2016) [EB003], paragraph 7.20

replace and accommodate the labour previously provided by Rossendale. The Council has not done so<sup>40</sup>.

- 1.35 As such, there is a concerning degree of ambiguity around whether the Local Plan is actually seeking to reduce out-commuting. Any such strategy, if it exists, has not been adequately justified by evidence or agreed with neighbouring authorities that would likely be affected. It is also highly questionable whether such a strategy is attainable, given that economic growth in adjacent areas will continue to draw commuters to certain types of jobs that are rarely available in Rossendale<sup>41</sup>. Indeed, the Council appears to be *supporting* this, rather than preventing it, and has explicitly recognised that “...it may be difficult...” to fully “...‘claw back’ out-commuters...without strong policy intervention...” that has not been put forward<sup>42</sup>. The SHMA has equally cautioned that some of the measures required to “...deliver a reduction in net out-commuting...may be beyond the scope of the Local Plan to control...”<sup>43</sup>.

**m) Does Policy SD1 adequately reflect the presumption in favour of sustainable development?**

- 1.36 Peel welcomes the inclusion of Policy SD1, which outlines the Council’s overall approach to the determination of planning applications in accordance with NPPF.
- 1.37 However, the detailed wording of Policy SD1 is not consistent with the presumption in favour of sustainable development set out in the NPPF<sup>44</sup>. The third paragraph of the policy should be amended as follows:

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission ~~unless material considerations indicate otherwise, taking account whether~~ unless:*

- (a) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole; or*
- (b) *specific policies in the NPPF relating to the protection of areas or assets of particular importance indicate that development should be restricted.*

<sup>40</sup> *Duty to Co-operate Statement incorporating Draft Statement of Common Ground*, Rossendale Borough Council (2019) [SD008]

<sup>41</sup> Paper 2 of Peel’s Regulation 19 submission representations: *Assessment of Housing Needs*, paragraphs 4.7 – 4.11

<sup>42</sup> Rossendale Draft Local Plan: Employment Land Topic Paper, Rossendale Borough Council (2019) [EB018], paragraph 4.3

<sup>43</sup> Rossendale Strategic Housing Market Assessment, Lichfields (2016) [EB003], paragraph 7.35, fourth bullet

<sup>44</sup> NPPF, paragraph 11.