

Dear Ms Child and Mr Flemming (Inspectors)

In response to the Matters Issues and Questions (July 2019); I would be most grateful if you will accept this feedback for your further consideration.

I would ask that the inspectors please consider the more detailed submissions that I have made as part of the first stage of this process as I feel that it contains information that is pertinent to the MIQs however I am trying not to replicate my previous entry in this response.

I do not have any experience, expertise or knowledge of planning and prior to last year I did not know what a draft local plan was, I would like to apologise for any misinterpretations of information and can assure the inspectors I have undertaken my response with the sole intent to represent my views as best as I can.

**Matter 1: Legal and Procedural Matters:**

**(bi)** It is my opinion that the recommendations, advice and guidance in The Sustainability Proposal of Rossendale was completed by Lepus in June 2017 have not been considered by the council in the preparation of the local plan and selection of employment land.

To provide an example; the proposal states that the land north of Hud Hey is located in the greenbelt and none of these sights were highlighted for release in the green belt review 2016; that the development of this land has the potential to to reduce the population of European Protected Species associated with woodland including bats and restricting wildlife. The report continues to identify the impact that this would have in the loss of woodland and bio diversity; that it is within a mineral safeguarding area and performs poorly against climate change adaption not to mention the increased flood risk and increase in waste production which will negatively impact the area. Overall this site performed poorly in comparison with others on the Assessment protocol criteria.

As a resident I have significant concerns that the council has not provided any narrative or reference to any consideration of the concerns raised in the Sustainability Proposal and undermines the soundness of this process.

**(ii)** The plan provides in my opinion a robust list of brown field sites which are considered to be less sensitive to development and likely to have no adverse impacts. Has Rossendale council exhausted the potential use of these sites before seeking to use employment land which sits within the greenbelt and is likely to have a significant impact to homeowners and residents.

**(iii)** I was unable to locate this document.

**(e) Councils Statement of Community Involvement**

It is my opinion that the councils consultation has fallen significantly short of the minimum consultation requirements, with respect any information that was provided on the draft local plan would have the potential to create the opposite effect but actually detract people from engaging due to the following:

- Information has not been sufficiently detailed as to enable consultees to understand the proposal and make meaningful representations from it. The documents that you need to read to form a meaningful response contain thousands of pages of very technical documents. No information that I am aware of contains 'easy to read' formats or any reasonable attempt to make these documents easier to understand to the general public.
- I have seen no evidence that the council in the development of the draft plan tried to consult with those whose first language is not English (5% of the population of Rossendale according to the Rossendale census 2017), or those who might have a disability and need support to participate.
- Edenfield Neighbourhood Forum has employed experts at the costs of thousand of pounds highlighting the level of knowledge and expertise that is required to make a meaningful representation on this process.

The council did not use any of methods listed as ways it uses to consult including.

- Other electronic media e.g. Twitter
- Leaflets brochures
- Notices of consultations on lamp posts
- Formal Written Consultation
- One to one meetings with stakeholders
- Public Meetings
- Area Forums
- Plannings Aids

I would ask why Rossendale council failed to use any of these measures?

I would ask why Rossendale Council made no effort to consult with home owners directly affected by the proposals e.g. those whose homes are at risk of being encapsulated by employment land? Did you want their views. Some sites have been removed from consideration due to the public's response from the consultation and this was due to interested local champions such as the Edenfield Neighbourhood Forum response rather than Rossendale Council seeking to engage. For areas that might not have known about the plan or not able to generate the same level of response they have been at a disadvantage in this process and I feel that Rossendale Council has not provided a level playing field.

The planning and compulsory purchase act Section 18 (2) states: " The statement of community involvement is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under sections 19, 26 and 28 of this act and part 3 of the principals act of persons who appear to the authority to have an interest in matters relating to development in their areas." I would strongly challenge the legality of the consultation process that has been undertaken and certainly that the minimum standard has been met.

I understand the preparation of the plan has followed the required regulations (Town and Planning regulations 2012) to the best of my knowledge and my concern is that much of the population of

Rosendale did not receive any information or details of the local plan and therefore the inspectors may only be seeing a very small representation in terms of residents views.

R V N E Devon HA ex p Coughlan [2001] QB 213. Lord Woolf MR specified that: "It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when the proposals are still at a formative state, it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response"

R (Barrow Borough Council) v Cumbria County Council [2011] EWHC 2051 (Admin) argues that they were not made aware of plans relation to an inclusion of a waste site and failed to adequately consult in the inclusion of the site.

I would also like to draw the inspectors attention to Appendix A and B.

Appendix A Is a letter from County Council informing me as a resident of changes to the East Lancashire Strategic Cycleway Network. It asks for my input and would be grateful if I could complete a questionnaire.

My question to the council is that if Lancashire County Council can send a consultation letter and questionnaire to seek my views to a cycleway why was Rosendale Council failed to make any attempts to engage or seek the views of residents in what has arguably dire consequences for some.

Appendix B is a document that has been sent to me as a resident seeking my views on the East Lancashire Cycleway.

My question to Rosendale Council is the same as above.

#### (g) Habitat Regulations Assessment

The Lupus Sustainability Proposal states that the development in Hud Hey has the potential to reduce the population of European Protected Species associated with woodland such as bats. It states that where habitat corridors exist including Hud Hey that development would reduce these corridors restricting movement of wildlife in these habitats.

The habitats regulation assessment states if no suitable alternative exists, plan makers must demonstrate under the conditions of Regulations 103 of the Habitats regulations that there are imperative reasons of overriding the public interest to continue with the proposal.

I have seen no evidence that Rosendale council have considered this.

Mr Alwyn Davies

## **Matter 2**

### **Employment Need and Supply:**

**(iii)** In 2017 the population growth in Rossendale was only 2.1%

The only information that I could find on unemployment rates for the population of Rosendale was from the 2011 census which suggests that there is only a 4% unemployment rate for economically active residents. This undermines the suggestion that 27 hectares of development land is required. There is a suggestion that employment levels have declined (2017).

The information that Rossendale Council has supplied in Employment Growth and Employment has not been carefully considered and much of the information is contradictory in terms of what could loosely be described as a strategy in the draft local plan. I feel that the council should remove the employment section from the draft local plan and instead engage with the population of rossendale as to what employment opportunities need to look like in the future including consulting with schools colleges and children and young people as these plans will have a significant bearing on future populations.

There is no indication of what the employment landscape will look like and at this stage there are more questions than answers in terms of employment land and therefore, apart from location and how many hectares what are we consulting on as there is no strategy, data or vision?

Mr Alwyn Davies

## **Matter 15**

### **NE2 Land North of Hud Hey, Haslingden**

(a) The field on Hud Hey Road identified as employment land has not been agreed by the owners for release for Rossendales Draft Local Plan and therefore I am unsure as to why the site has been proposed for use.

The field has a steep incline and is currently used as part of a riding school and horses graze in the field.

I submitted an FOI to Rossendale Council to ask how many companies has expressed an interested in the uptake of employment land in the area and was informed that this could not be released as it was commercially sensitive.

Is it appropriate at this stage to identify if there are companies or 'employers' that want to base their business within new employment land in Rossendale – if this is the case why have they not considered the vast examples of unoccupied units, offices and buildings that already exist and are already built in the borough.

I have attached a pictures of the current industrial unit in Hud Hey Rd which is predominantly vacant. It is insulting to the residents to suggest that there is a great need for employment space on our door step (literally) when this is staring us in the face (appendix 3)

The council has not demonstrated that proposals are:

- Sympathetic to surrounding land uses and occupiers
- Ensuring that the amenities of the occupiers of the new development will not be adversely effected by neighbouring uses and vice versa.
- There is not adverse impact to the natural environment, biodiversity, and green infrastructure unless suitable mitigation measure are proposed,

The land was not identified for release in the Green Belt review and the LEPUS Sustainability proposal highlighted several factors that suggested that the land at Hud Hey was not suitable for employment use therefore Rossendale Council has not acted upon the independent advice and guidance that has been provided.

In the 2010 Report the planning inspectorate disagreed with the councils plans to remove land from the green belt – I honestly and not wanting to sound flippant - it would appear that not having gained a favourable response 9 years ago the council are trying again so to speak.

Appendix 1



Dear resident,

I am writing to let you know about the East Lancashire Strategic Cycleway Network.

The aim of the East Lancashire Strategic Cycleway Network is to create a joined-up network that provides access to workplaces, schools, colleges, shops and other services. The routes will be based on old disused railway lines and will mainly be off road 'greenways'.

You can view the plans of the routes on the website [www.lancashire.gov.uk](http://www.lancashire.gov.uk) – search East Lancashire Cycleway. We will also be holding drop in sessions towards the end of May where you will be able to find out more about the project. Details of these sessions will also be published on the website when they are finalised.

We value your input and would be grateful if you could complete the questionnaire included with this letter and return it to us in the pre-paid envelope provided. Alternatively, you can complete the questionnaire online at [www.lancashire.gov.uk/haveyoursay](http://www.lancashire.gov.uk/haveyoursay).

If you have any queries about the questionnaire please contact Tony Lund by phone on (01772) 5376923 or email [haveyoursay@lancashire.gov.uk](mailto:haveyoursay@lancashire.gov.uk).

Yours sincerely

*A Mullaney*

Andrew Mullaney  
Head of Planning and Environment  
Planning and Environment



## EAST LANCASHIRE GREENWAY

The cycleway itself will be 3m wide and surfaced using a flexible surfacing material. This surfacing is a mix of recycled tyres and aggregate, which is porous and has been used successfully on other sections of the cycleway in Rossendale. The surfacing has a softer feel than tarmac and has received positive feedback from walkers, runners, cyclists and horse riders.

Below to the left is a picture of a vegetated retaining wall similar to that proposed and to the right an image of a recently improved section of Greenway near Bacup where flexible surfacing has been laid.



Planning permission is required for these works so in advance of a planning application being submitted in September, we would welcome any views that you have on the draft proposals. The plans of the proposed works are all available on our website, please visit and search **East Lancashire Cycleway**.

Once you have had the opportunity to view the plans, if you have any comments please submit them to [eastlancscycleway@lancashire.gov.uk](mailto:eastlancscycleway@lancashire.gov.uk) by **30th August 2019**. There will also be further opportunity to comment on the proposals once the planning application has been submitted to Lancashire County Council.

If you have any queries on the wider project or want a paper copy of the plans please contact [eastlancscycleway@lancashire.gov.uk](mailto:eastlancscycleway@lancashire.gov.uk) or call 07791 465587.



