

ROSSENDALE LOCAL PLAN EXAMINATION

MATTER 19 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

Issue – Does the Plan identify sufficient land to enable the housing requirement of 3,180 dwellings to be delivered over the Plan period?

a) Is the Council’s approach to estimating supply from existing commitments justified and robust? In particular:

i. Is the non-application of a lapse rate justified?

1.1 It is unrealistic to expect that every single site identified, either brownfield or greenfield, will be delivered or will provide the number of homes anticipated within the plan period. DCLG analysis¹ indicates that between 10-20% of planning permissions are not implemented due to unidentified constraints such as market demand, viability and / or technical constraints. The DCLG analysis also identifies that a further 15-20% are subject to a revised application process which delays delivery. It is reasonable to assume that a minimum of 15% of the total supply identified by the Council will not come forward within the plan period.

1.2 RBC has included several sites within the housing supply which have already obtained planning permission. Ten of the sites included within the supply are currently stalled such as Hall Carr Farm (reference H14) or the permissions have expired e.g the Magistrates Court, Rawtenstall (site reference H2). Several of these sites have made a commencement on site in order sufficient to make the permission extant but then no further development has taken and is not likely to. An example of this is Irwell Springs, Weir (Site reference H44). A reliance on delivery from these sites potentially over inflates the housing supply position and is likely to lead to unmet need.

1.3 It is therefore essential to identify a flexible supply, principle through additional provision, especially in areas of low market demand and/or poor viability. Paragraph 3.7 of Paper 3 of the Peel representations identify where other Local Plans have applied a lapse rate.

ii. Are the estimated lead-in times and build-out rates for each committed site, as shown in the housing trajectory, justified and soundly based? Where relevant, are the rates supported by clear evidence that sites are deliverable in line with the National Planning Policy Framework definition?

1.4 Please refer to Peel’s responses to Matters 9 to 14 which identify where Peel has concerns with the lead in time and build out rate anticipated in respect of specific sites.

¹ DCLG Presentations to the HBF Planning Conference (September 2015)

c) Has the Council undertaken a comprehensive assessment of housing capacity within the built-up settlement areas, and allocated all potential sites capable of accommodating 5 or more dwellings which are suitable, available and achievable?

- 1.5 Peel's responses to Matters 9 to 14 identify individual sites which Peel does not think are suitable, available and/or achievable.
- 1.6 RBC has undertaken a review of land to identify sites which are not constrained by Green Belt within the Borough's built up settlement areas. As identified in response to other Matters and within Peel's representations to the pre-submission Local Plan, the site identification process undertaken by RBC has led to an unsustainable and unjustified spatial strategy. As discussed within Peel's response to Matter 2; the spatial strategy overprovides housing within the eastern parts of the Borough, most notably at Bacup and Whitworth, at the expense of Rawtenstall, which is proven to be the most sustainable location to accommodate growth. The Council has therefore sought to identify and allocate all potential non Green Belt sites. However, the assessment undertaken is not realistic and the resultant housing supply will not be effective at meeting the identified needs.
- 1.7 The Council's own evidence (in form of the 2016 Keppie Massie Viability Study) indicates that the spatial distribution of allocations as proposed could undermine the delivery of the RLP's housing requirements and fail to optimise the level of affordable housing provided during the plan period. This study shows that development viability in Bacup is marginal. Moreover, affordable housing is not viable in Bacup at all in contrast with areas in the west of Borough. The spatial strategy advanced therefore undermines the achievability of the sites within the plan in placing an over reliance on development being brought forward in locations where viability is marginal. RBC has therefore failed to identify enough sites which are suitable, available and achievable to meet the identified need.
- 1.8 The spatial strategy allocates only 14% of residential dwellings in Rawtenstall, Peel strongly objects to this. The only attempt made by the Council to justify its approach is provided at page 10 of the Strategy Topic Paper which points to challenges in identifying a developable supply of land in Rawtenstall. However, in this instance Peel strongly challenges the Council's claims around the extent to which Rawtenstall is a constrained location, particular as the Council has decided not to allocate Peel's land at Haslam Farm in Rawtenstall for residential development. Peel's submissions in respect of this site throughout the progression of the Local Plan have demonstrated that this represents a sustainable and developable site. The technical reports submitted to RBC identify that there are no constraints which inhibit the development of Haslam Farm, as summarised within Peel's response to Matter 9.
- 1.9 As discussed within Peel's response to Matter 2, 18% of the sites within the housing trajectory coincide with Flood Zone 2 or 3. Peel has identified land at Burnley Road, Edenfield and land at Moorland Rise which also comprise suitable, available and achievable sites for development not at risk of flooding. These are sustainable sites, within the built-up settlement areas of the Borough which have not been allocated and

Peel advocates that RBC should allocate these sites for development in order to comply with Paragraph 157 of the NPPF.

d) Should an overall lapse rate be applied to allocations within the supply calculations?

1.10 The Rossendale Local Plan (RLP) identifies a housing requirement of 3,180 additional dwellings for the plan period. Policy HS2 of the RLP allocates 77 sites for housing (including 3 for mixed use) with an overall estimated yield of 2,853 dwellings.

1.11 The NPPF requires² that *“strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area”*.

1.12 RBC has therefore made no allowances for any lapse or under-delivery on sites and there is therefore a very high degree of risk that the land supply identified will not be delivered. The Local Plans Expert Group³ (LPEG) identified this as a particular problem in maintaining the supply of homes which are required to meet needs:

“...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply...” (Paragraph 11.2)

1.13 This is a particular issue where, as in Rossendale, Green Belt boundaries are (and as proposed will be) tightly drawn around the urban area. The presumption in favour of sustainable development NPPF⁴ was revised to specifically identify that plans should be *‘sufficiently flexible to adapt to rapid change’*. In this instance the inclusion of developable ‘reserve sites’ equivalent to 20% of the housing requirement would provide sufficient flexibility and would comprise a positive approach to reducing the delivery risk which is currently inherent within it and will ensure that it meets the soundness test of being “effective”, i.e. deliverable over its plan period. Not providing flexibility within the RLP is not consistent with the NPPF and the RLP would not be ‘effective’ in accordance with the Framework⁵.

1.14 Peel’s responses to Matters 9, 10, 11, 12, 13 and 14 identify several sites which are not considered to be deliverable or developable due to unresolved physical constraints, land ownership or viability issues (not exhaustive). Peel is therefore of the view that allocations should not only fill the gap between the figure highlighted in Policy HS2 but exceed the overall housing allocated to reduce the risk of non-delivery. As set out within Peel’s Pre-submission Local Plan representations, flexibility is considered to be essential in Rossendale given the concerns about viability and market demand in the east of the Borough.

² MHCLG (2018) National Planning Policy Framework, paragraph 23

³ Report to the Communities Secretary and to the Minister of Housing and Planning, Local Plans Expert Group (March 2016)

⁴ Paragraph 11, NPPF.

⁵ Paragraph 35, NPPF.

- 1.15 To address this point of soundness, additional sites in strong market areas and the Borough's most sustainable settlements where housing need is higher around West Rossendale should be allocated for residential development. This should include seeking to distribute development according to a revised spatial strategy as discussed within Peel's response to Matter 2. This strategy would be reflective of the sustainability of Rawtenstall as a development location and its status as the dominant service centre within the Borough, as well as the viability of development in West Rossendale generally.
- 1.16 Peel considers it necessary for the Council to consider the need to designate safeguarded land (to be removed from the Green Belt) to meet potential development requirements beyond the plan period. The NPPF⁶ requires LPA's to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period, which the RLP does not currently demonstrate.
- 1.17 In respect of Rossendale, it is accepted by the Council that exceptional circumstances exist to justify the release of land from the Green Belt during the current plan period. This is necessitated by the imperative of meeting the Borough's development needs and the relative absence of non-Green Belt opportunities to achieve this in a sustainable manner. 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.
- 1.18 In this case, the specific circumstances of the RLP 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 that is available land beyond the Plan period. As is identified within Peel's response to Matter 11, Peel's land at Moorland Rise offers a suitable location for an immediate allocation or for identification as land to be safeguarded for future residential development.
- 1.19 In light of these conclusions, it is clear that the Council's failure to address the need for safeguarded land is contrary to the tests of soundness in the NPPF. The Council have failed to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period and is therefore not consistent with the requirements at paragraph 139 of the NPPF. Paper 1 of Peel's Pre-submission Local Plan representations identifies a need for a minimum of 31.03ha of safeguarded land to be identified within the RLP, 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.

e) Are all of the allocated sites confirmed as being available for development within the Plan period?

- 1.20 Please refer to Peel's responses to Matters 9, 10, 11, 12, 13 and 14 which identify concerns regarding the availability and subsequently the deliverability of specific sites.

⁶ paragraph 139, NPPF

- 1.21 The RBC SHLAA entries specifically highlight which round of consultation, or call for sites, a landowner may have provided representations, or confirmed an intention to develop. For several sites the latest evidence provided by a landowner is as far back as 2008. Ten years have elapsed since this point in time; a Core Strategy has been adopted, and the emerging Local Plan has reached pre-submission draft stage. This indicates that there have been several rounds of consultation and engagement with stakeholders within which the landowner has not participated. This lack of recent engagement does not demonstrate that the land is available for development in accordance with the parameters established within PPG⁷ but indicates the opposite; that the land owner or their intentions have changed. Sites where there has been no contact with the land owner to demonstrate that the intention remains to develop the site for residential development within the last three years should not be allocated as they cannot be considered available in accordance with the NPPF.

f) Does the Plan identify a sufficient supply of homes to meet identified requirements over the Plan period?

- 1.22 Peel's responses to Matters 9, 10, 11, 12, 13 and 14 identify concerns regarding the deliverability and developability of certain sites and should be read in conjunction with this Statement. These responses identify constraints which will likely result in non-delivery or reduced delivery of allocated sites. As is identified in response to Question d) of this Statement, RBC has allocated the minimum amount of land required to meet the identified housing need, and therefore any non-delivery or under delivery will result in RBC failing to meet the identified housing need.
- 1.23 The need for a flexibility allowance to account for under delivery is being pursued in a number of Local Plans within the wider region and is emerging as good practice to provide certainty that plans will be delivered as required by Paragraph 11 of the NPPF and was supported by LPEG³. This can be achieved through making allocations above the housing requirement or allocating 'reserve sites' which can come forward in the event of non-delivery. This is especially relevant in Rossendale where the Local Plan will be reliant upon delivery in a number of weak market areas.
- 1.24 Peel's response to Matter 3 identifies that Council's own recently prepared evidence confirms that the full need for housing is significantly higher than the starting point minimum need figure calculated through the standard method. This recognises that in order to support economic growth and create the conditions for businesses to invest, expand and adapt, the Council will need to see a greater growth in its working age population than projected under the official household projections which form the basis for the standard method calculation.
- 1.25 Through the provision of just 212 dwellings per annum, the Council has sought to constrain the economic growth it plans to provide for in both the level of need for housing and employment land. This approach is not supported by the evidence it has published, and is not considered to represent an appropriate strategy for Rossendale. Crucially it will not deliver sufficient affordable housing to meet its needs or address worsening affordability. In advancing a 'minimum need' and 'starting point' need figure

⁷ National Planning Practice Guidance Reference ID: 68-007-20190722

as its housing requirement, the Council has failed to positively plan for the needs of its residents or local economy. The PPG⁸ is clear that the standard method identifies a minimum annual housing need figure and *'it does not produce a housing requirement figure'*. The provision of just 212 homes per annum is evidently not a sustainable approach to the growth of the Borough taking account of reasonable alternatives available to the Council. The low rate of provision will exacerbate the continued under supply and under delivery of affordable housing across the Borough.

- 1.26 As is discussed within Peel's response to Matter 4, Policy HS6 of the PSLP seeks to ensure that 30% of homes delivered on larger sites are affordable. On this basis, planning to provide 212 dwellings per annum could at best deliver up to 64 affordable homes each year, which equates to less than half of the affordable homes evidenced as being needed annually in Rossendale.
- 1.27 Paper 3 of Peel's representations to the Pre-submission Local Plan estimates that only 291 affordable homes could be provided across the plan period based on developable supply based on RBC's own evidence (in form of the 2016 Keppie Massie Viability Study). This equates to only 19 affordable homes each year, which represents a fraction of the need for affordable housing in Rossendale and less than half the average level of delivery over recent years (45pa; 2010 – 2017). This would not meet the identified affordable housing need.
- 1.28 RBC's proposed distribution of residential allocations is exacerbating RBC's ability to meet identified needs. 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 evidence base. There is also a strong likelihood that many of the sites will not be delivered based on viability constraints. This aspect of the plan is at not consistent with paragraph 61 of the NPPF.

h) Is the Council's approach to calculating five year housing land supply, as set out in the Council's response to the Inspector's Pre-Hearing Note (Question 13), robust and in line with national policy and guidance? In particular:

ii. Is there clear evidence to support the inclusion of sites which fall under category b) in the National Planning Policy Framework's definition of deliverable? E.g. sites which have outline permission for major development, are allocated in the Plan, have a grant of permission in principle or are identified on a brownfield register.

- 1.29 Peel has undertaken a review of the sites included within RBC's housing supply, including those which are identified as being deliverable within 1-5 years. The individual assessment of sites is identified within Peel's response to Matters 9, 10, 11, 12, 13 and 14. This identifies that several of the sites without planning permission have significant unresolved constraints and no clear evidence is provided to demonstrate how these constraints can be overcome.
- 1.30 RBC provided additional information on the status of the allocated sites and an updated housing trajectory (Examination Library: EL1.002j iv and EL1.002j iii). These documents

⁸ National Planning Practice Guidance Reference ID: 2a-002-20190220

provide only the planning permission status for the sites and provide no clear evidence to demonstrate that the sites in question are deliverable. The housing trajectory document (Examination Library: EL1.002j iii) includes comments such as “*Developer Interest*” to demonstrate the deliverability of the site; this actually provides no clear evidence as to whether the site is controlled by the developer, whether there are technical constraints for delivery or that the site is viable with a realistic prospect that housing will be delivered on the site within five years.

- 1.31 To include these sites within the five year housing supply inflates the supply artificially and will result in RBC failing to meet identified needs. To ensure a deliverable supply of housing RBC should allocate additional deliverable sites to ensure that the supply is flexible, especially in areas of low market demand and/or poor viability. RBC should support the inclusion of these sites with clear evidence that housing completions will begin on site within five years in accordance with the requirements of the NPPF.