



## Edenfield Community Neighbourhood Forum Rossendale Local Plan Examination

30<sup>th</sup> August 2019

### 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]

#### Site assessment

#### a) **How were potential site options identified as part of the preparation of the Plan?**

##### **Response:**

Rossendale Borough Council (RBC) should answer this question in full.

As far as the Edenfield Community Neighbourhood Forum (ECNF) is aware, the site options arose from Green Belt and Landscape Studies (published between 2015 and 2017) that were undertaken for the Council, as well as an RBC-issued Call for Sites. ECNF's representations made in response to the Reg. 19 cover these reports and the Council's response to them extensively.

ECNF would point out that some - but not all - of the consultants' work for RBC has been taken on board, in terms of guiding and influencing the process of allocating sites and assessing the scope for their development – particularly on what are currently Green Belt sites. For example, and with reference to Site H72 (land west of Market Street, Edenfield) in the Local Plan, the main part of that site (area A) was considered by RBC's landscape consultants (in '[Lives and Landscapes](#)') to be unsuitable for development on landscape grounds. Yet RBC chose instead to reach the opposite conclusion, about the entire site, and reached its own opinion on the impact of openness; this led to the site being allocated for residential development and removal from the Green Belt.



ECNF has reached the conclusion that because extensive areas of land west of Market Street in Edenfield were brought to the Council's attention by landowner(s)/ prospective '*willing*' developer(s) in the Call for Sites, and because it is a large site that would quantitatively go far towards helping meet the Borough's housing requirements, RBC has chosen to disregard contradictory evidence that points towards it retaining Green Belt status.

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

**Response:**

ECNF is not in a position to provide the information requested – the Borough Council needs to answer this 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 answer to the first question, no. RBC's Call for Sites was 'policy off', hence Green Belt sites were submitted. These were reviewed against the findings of the Council's [Green Belt Review](#) but as referred to above, the Council was highly selective about what advice from that Review to follow in terms of the ensuing Green Belt releases. Despite their actions, the Council's 2018 [Green Belt Topic Paper](#) states to the contrary that the Review '*played a key role in informing the suitability of parcels of Green Belt land for release*' (page 26).

It would appear that there are no criteria that have been consistently and systematically applied to site selection for development allocations (see page 11 of the RBC [Strategy Topic Paper](#), 2018 that refers to one criterion being willing developers). ECNF has tried to ascertain how the sustainability appraisal, the RBC [Heritage Impact Assessment of Housing and Employment Sites 2018](#) and any other studies have influenced site selection Borough-wide; the 2015 Landscape Study is one that is summarised in the Topic Paper but not site specifically. It is similarly the case with the Paper's references to the employment land position and the Council's strategic housing land availability assessment (SHLAA). The Green Belt Topic Paper (page 17) is more helpful in discovering how land west of Market Street in Edenfield was assessed as being suitable for development, based on selective conclusions



drawn from the landscape study and the Green Belt Review (and the Council continuing to override local objections):

*“This is by some distance the largest housing site in Edenfield and has received a significant amount of local opposition due to its scale, location, infrastructure and visual impacts.*

*The site forms Parcels 39, 43 and 44 in the Green Belt Study. This suggests that in Green Belt terms the site performs relatively weakly, partly because the site is contained by the A56 (T) which forms a strong physical and visual barrier. The Study recommends that the site be developed from south to north. The Landscape Study does not consider that the central area of the site is suitable for development.*

*The site is in a viable location with willing landowners. It is recognised that a strategic Masterplan led approach is required, including landscaping and infrastructure provision, and this is set out in Policy HS3.”*

ECNF would also point out that H72 is the largest site in the Borough in one of the smallest villages.

**d) Are the reasons for selecting site options, and rejecting others, clearly set out and justified?**

**Response:**

On the basis of the above responses, it is clear that ECNF does not consider that the Council’s persistence in removing land from the Green Belt for development – and in particular allocating land west of Market Street for 400 homes – is reasoned and well-justified. Nowhere in the evidence base is it possible to find the logical and systematic reasoning underlying the selection or rejection of any site options, nor are any of the selections clearly justified.

**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 should respond to these questions.



- 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?**

**Response:**

The Council's evidence base includes a [Strategic Housing Land Availability Assessment \(June 2017\) and an August 2018 Update](#). These (and other documents) have been scrutinised by ECNF; they include reference to potential housing sites that subsequently do not appear in the housing site allocation (HSA) list in the submission Plan (Table 1). Part 1 of Appendix ECNF - HLA 2 submitted by ECNF comprises a list of sites that in ECNF's view should have been allocated for residential development, before considering land removing from the Green Belt. The table provided by ECNF includes a summary of the reasons given by RBC for why each particular site was not taken forward, together with why ECNF considers that each one is deliverable. Very many of the sites identified are considered to be suitable and available, albeit there are identified constraints which may point to them coming forward potentially later in the Plan period. These sites are also mapped in ECNF Map 1.

Green Belt

- 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:**

ECNF has undertaken its own extensive research to answer these questions and in response to both, the conclusion has to be 'no'. The response to Matter 2 provides ECNF's views on how the scope for development in the countryside has not been taken into account in policy formulation.

It is also noted that para. 53 of the March 2019 submission version of the Local Plan states:

*"The overall brownfield delivery rate is expected to be higher than the 30% figure as most sites below the 5 dwelling threshold for inclusion in the Plan are on brownfield land, as are "windfall" sites."*



This explanatory text further indicates that the release of Green Belt land is ill-conceived, as there is likely to be further capacity for brownfield site development for new homes.

Several steps of analysis taken by ECNF have led to the conclusion that there are opportunities for at least 1508 dwellings on non-Green Belt land (in addition to further possibilities on excess employment land that could be allocated - if only 50% of these sites were determined to be eligible for housing, this could produce a net gain of up to 439 dwellings) – see Appendices ECNF ELR 1-7 and ECNF Map 1). This conclusion is based on the following:

1. Part 1 of Appendix ECNF - HLA 2 has already been referred to above. It tabulates sites that should have been taken forward for allocation before removing land from the Green Belt for development. These sites are mapped in ECNF Map 1.
2. Part 2 of Appendix ECNF – HLA 3 comprises a list of sites where the potential yield could be greater than that shown in the submission Plan’s Table 1. A site-by-site explanation of the differences is also given (the range of reasons is very varied and includes references to RBC’s own work and developers’ views). These sites are mapped in ECNF Map 1.
3. Part 3 of Appendix ECNF – HLA 4 lists those sites which have been omitted in error from the submission Plan’s Table 1. They have extant planning permission and have started on-site but were not due for completion by 31 March 2019. These sites are mapped in ECNF Map 1. However, it is also noted that RBC’s [EL1.002j\(iv\) Appendix C - Status of Allocated Sites](#) states that the number of dwellings to be completed during the plan period will be 78 less than shown in Table 1 because of completions prior to 1st April 2019. There may be a further reduction of 17, based on applications/ approvals for two of the sites, giving a total of 95.
4. Part 4 of ECNF – HLA 5 considers that small sites could contribute 25 dwellings per year or more, totaling a minimum 375 over the plan period.
5. The additional number of dwellings that the sites identified in 1-4 above would total 1,603 gross (1,508 net, i.e. excluding the 95 reduction).

ECNF has also considered how the removal of access constraints in Bacup could create additional housing potential (see Part 5 of Appendix ECNF – HLA 6).



ECNF's overall conclusion from their alternative analyses is that at least 1508 homes could be provided in ways that the BC has not taken into account, including sites that have been deselected during the plan making process, potential large windfall sites, and a contribution from empty homes (as confirmed by Appendices ECNF-HLA 1-8).

The Council should therefore review its capacity assessment - the outcome of which should be deleting the Green Belt sites that are being released for housing development.

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

**Response:**

As stated above, Part 2 of Appendix ECNF – HLA 3 provides a list of sites where yields could be greater than in the submission Plan's Table 1. A site-by-site explanation of the differences is also given (with the range of reasons being very varied and includes references to RBC's own work and developers' views).

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

**Response:**

As stated in the ECNF submission on Matter 1, the Forum would expect RBC to respond comprehensively to this question, setting out details of all of the meetings held and discussions undertaken with neighbouring councils.

It is acknowledged that the Council published the '[Rossendale Draft Local Plan Duty to Cooperate Statement incorporating Statement of Common Ground](#)' in August last year but this only confirms the ECNF's position. The 'Statement' document does not provide evidence that the Council has cooperated/ collaborated with other authorities and bodies on the detail of strategic matters that should have been critical to its Plan making process – such matters include the release of large tracts of land from the Green Belt for housing.

ECNF has not seen any information or evidence that the Council investigated the issue of whether all of the Borough's development needs could be met within its boundaries or not, and if they could not be, whether there would be scope for a neighbouring authority to help meet those needs. The Statement simply notes (paragraph 5.8):



*“All adjoining authorities have been asked if they could consider taking any of Rossendale’s housing requirement, or if they were expecting Rossendale to meet their housing needs. No authority came back to Rossendale specifically asking this Council to meet their development requirements, neither have they offered to meet any of Rossendale’s needs. This applies to housing and employment land.”*

ECNF consider that this exploration should have been undertaken comprehensively, prior to RBC pursuing changes to the boundary of the Green Belt in the Borough, which should of only be contemplated in ‘exceptional circumstances’, consistent with the [\(February 2019 revised\) 2018 National Planning Policy Framework](#) (NPPF, paragraph 136). The above-cited ‘exchange’ cannot be described as constituting an investigation and was certainly not exhaustive.

In this regard, the Plan is viewed to be unsound, for being inconsistent with national planning policy, as set out in NPPF, paragraphs 11, and 24 to 27.

- 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?**

**Response:**

ECNF is of the view that RBC should respond to the first and second questions.

With regard to the third question, basing the assessment of harm on the existence of one ‘strong’ score instead of on a number of ‘strong’ and ‘medium’ scores is certainly questionable. A more suitable approach would have been to assess how each of the Green Belt parcels functions in relation to settlement patterns and Green Belt purposes; each should then have been scored numerically, based on professional judgment. One scoring method for assessing the relative strengths for each of the Green Belt purposes would have been where 4-5 is for an area that strongly fulfils the purpose, 3 represents a parcel that moderately fulfils the purpose, and 1-2 represents one that weakly fulfils a purpose.



- 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?**

**Response:**

The first question has already been covered by ECNF's answers above; the short answer is yes, but only selectively.

The response above to question c) makes it clear that the Plan's proposed Green Belt releases have not been influenced by the evidence base, whether that be in terms of landscape analysis or Green Belt review, or heritage or transport assessment. The IDP's omission of any reference to public transport is indicative of the Council's approach; while the Council's Strategy Topic Paper makes reference to the National Planning Policy Framework (NPPF), this does not mean the Plan's policies are consistent with it. This is certainly the case with the sites being removed from the Green Belt; the land west of Market Street in Edenfield is greenfield.

There is no evidence that ECNF is aware of, that demonstrates how RBC has sought to promote sustainable patterns of development - despite the fact that the submission Plan includes Strategic Policy SD1: Presumption in Favour of Sustainable Development, a generic 'copy' of national policy (ECNF comments extensively on the unsoundness of Policy SD1 in relation to Matter 2).

The consequences of the Council's approach to Green Belt release to enable such major development allocations are severe. While priority has clearly not been given to promoting development on previously developed Green Belt sites, the Council is proposing the removal of an extensive area of land from the Green Belt in Edenfield, to create site H72. It is widely acknowledged that this allocation is inconsistent with NPPF policy, as the site clearly fulfils the majority of the five Green Belt purposes highlighted in the NPPF (para. 134).

It is clear to ECNF that RBC has not taken the necessary steps outlined in the NPPF (para. 136) for altering the Borough's Green Belt boundaries; to date, RBC has failed to demonstrate the exceptional circumstances that are required by the NPPF if Green Belt boundaries are to be changed (para. 137). ECNF has pieced together extensive evidence to support this statement (see Appendix ECNF-GBP 6) and has been able to highlight a great many residential development opportunities within the Urban Boundary, on brownfield land and on countryside sites before resorting to Green Belt release (see above, and Appendices ECNF-HLA 2 to 5 and ECNF Map 1).





A further omission from the submission Plan is any policy identifying exactly how the removal of a site such as H72 from the Green Belt (and its development entirely for housing) can be offset by 'compensatory improvements to the environmental quality and accessibility of remaining Green Belt land' (NPPF, para. 138 and national Planning Practice Guidance, July 2019)). The site has landscape value because of its location therefore it is impossible for ECNF to understand how the value it has can be recreated by way of offsetting elsewhere. Neither the submission Plan nor the Green Belt Topic Paper provide any certainty that offsetting is implementable.

- 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:**

ECNF has consistently maintained that there are no exceptional circumstances to alter Green Belt boundaries in the Borough, simply to meet housing and employment needs. Case law confirms that these needs do not of themselves constitute 'exceptional circumstances'; simply because there is an emerging local plan is not enough to justify a boundary change.

It is also ECNF's view that the local authority has not made all reasonable and acceptable efforts to maximise the amount of development within the Urban Boundary, nor on previously developed land in the Green Belt, or in suitable locations in the countryside. Proposed densities have not been clearly optimised, and ECNF's analysis of the employment land allocation has shown it to be excessive. A proportion of that allocated employment land could be better-used for housing – as part of the plan making process RBC needs to ensure that all land is appropriately used.

ECNF has a further concern that the Council seems to be using general planning merits as a means for demonstrating exceptional circumstances: this is not acceptable, as it is insufficient for RBC to consider that the H72 site would a sustainable location for development, and that the Green Belt boundary should, or could now be the A56. Nothing has occurred since the Green Belt boundary was defined in the Borough, that justifies such a change.

In reply to the third question, ECNF confirms that RBC is intending to release 18.61ha of Green Belt land for housing and 8.01ha for employment/ mixed use.



- 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?**

Exceptional circumstances are explained in the submission Plan for making any amendments to the Green Belt boundary. There is likewise no evidence base justifying any changes.

- 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:**

No, it is not justified and is inconsistent with the NPPF; the NPPF reference to impact on the openness of the Green Belt relates to development proposals within the Green Belt, not land that has been released from it (para. 145 g).

- 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 in Rossendale? Does the Council intend to use additional funding sources or delivery methods, and to bring forward an overall strategy?**

**Response:**

Policy SD2's reference to compensatory improvements elsewhere is not deliverable or justified, as demonstrated above with reference to site H72. Neither the Council nor the prospective developer for the site would be able to compensate for the site's intrinsic landscape value that can only be ascribed to its particular location.

ECNF cannot comment further on Policy SD2, except to say that as for Policy SS, it is entirely inadequate and unsound for the Plan to simply recite national policy, not apply it to the specific local circumstances of the Borough, and not give detailed indications for how, where and when the policy would operate.



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

**Response:**

RBC should reply to this question.

Allocation policies

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

**Response:**

The site boundaries should not just be described but should also be shown in plan form, to ensure clarity.

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

**Response:**

RBC should reply to this question, although ECNF observes that the housing density figures in the Green Belt Topic Paper (page 21) for brownfield and mixed sites appear to be greatly inflated. It refers to average densities of 100 dwellings per ha for brownfield sites and 75 per ha '*combining the brownfield and mixed sites*'. In reality, ECNF has assessed the correct average densities as being 44 per ha and 39 per ha respectively (See ECNF – GBP 7).

- 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?**

**Response:**

RBC should reply to the third question.



ECNF's view otherwise in relation to the first and second questions is that the submission Plan is entirely deficient in providing land use and development site-specific policies in sufficient detail, to ensure that the Council's intentions for new development will be achieved.

- 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 reply to this question, in terms of how the 50 dwellings' threshold was selected.

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

**Response:**

ECNF's view is that Policy EMP2 in the submission Plan is entirely deficient in providing detailed policy requirements; its wording will not ensure that the Council's intentions for new development will be achieved.

- 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 reply to both of these questions.

- 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 reply to these questions.



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

**Response:**

RBC should reply to this question; ECNF is not aware of any site-specific viability work having been undertaken for the allocated residential land west of Market Street, Edenfield (site H72), other than the generic assessment undertaken in the Council's [2019 Viability Assessment](#). It is relevant to note that the local community and ECNF are aware that Taylor Wimpey carried out site investigation works commencing in June 2019 on their land west of Market Street, following the Forum's advance notification by the housebuilder's planning consultants.

Yours sincerely,

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