

Edenfield Community Neighbourhood Forum

Statement of Case

29th August 2019.

Hope View Market Street Edenfield



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ECNF - Soc

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Executive Summary:

We have examined the key aspects of the Local Plan Submission Version ("Local Plan") with particular reference to RBC's attempts to justify the use of Green Belt, the Housing Site Allocations and Numbers, and the Employment Sites and Calculation Methodology.

We have concentrated on the proposals with respect to the allocation of 456 homes in Edenfield which we believe is not justified or supported by sound evidence.

It is clear that all potential options on non-Green Belt land have not been positively assessed and that no valid exceptional circumstances have been demonstrated to justify the use of Green Belt.

The housing allocation for Edenfield is totally disproportionate; it represents growth of 47% in comparison with 10% for the Borough as a whole, with 87% of the housing proposed on Green Belt assigned to Edenfield.

There are significant infrastructure issues in Edenfield: local roads and the Strategic Road Network are congested at peak times, and the primary schools are close to capacity.

Landscape and Heritage Impact issues have been raised by RBC's own Consultants but are being overruled.

We note below the key facts relating to the three areas of our examination, and we attach full appendices with all relevant background information and sources:

Section 1 Green Belt: Key Facts:

- 1) Land Type Analysis.** In Rossendale there is nearly three times more countryside than Green Belt yet RBC prefer to allocate Green Belt. **(See Appendix ECNF- GBP 2.)**
- 2) National Planning Policy Framework.** The land in H72 meets the majority of the five purposes in the NPPF which Green Belt serves. RBC has failed to provide fully evidenced and justified exceptional circumstances which Paragraph 136 requires. **(See Appendices ECNF- GBP 3 & ECNF-GBP 6.)** Additionally, RBC have not complied with Paragraph 137a or provided the priority to sustainable sites required by Paragraph 138. Nor have RBC identified how they would begin to compensate in the remaining Green Belt the removal of a tract with the landscape value of H72. **(See Appendix ECNF-GBP 3.)**

3) Background Information.

- a) **Green Belt and Landscape Studies.** The main area of site H72 was described by their Landscape Consultants in both 2015 and 2017 as *“Not suitable for development on Landscape grounds”*. The Lives and Landscapes Paper (2015) referred to the importance of long views and the need to protect them, along with development edges, contours, skylines and open countryside. Despite these comments RBC have chosen to ignore their own Consultants’ statement that this development would have a *“Moderate to substantial adverse impact”*. Their Consultants’ recommendations were ***“the greater part of this site is unsuitable for development, because the effects on the landscape would be significant, and would be uncharacteristic of the local landscape character area, 8b Irwell Valley south. Nor could it be mitigated against because of the sites openness. Long views west from [Market Street] and eastwards from the far side of the valley would be affected and there would be significant adverse effects on attractive and well used walks in the area”***.
 - b) **Housing Land Availability.** Analysis reveals sites for 1,508 dwellings with at least another 439 becoming available from surplus employment land. **(See Appendices ECNF HLA 1-8.)**
 - c) **Employment Land Study.** The evidence provided by Lichfields’ Reports and the Employment Land Topic Paper is seriously unsound, creating a grossly inflated employment land requirement. Our analysis shows that the employment land requirement is at most 10.72ha, resulting in a surplus of over 20ha available for other purposes. **(See Appendix ECNF- ELR 1 Section 3.)**
 - d) **Transport Study.** The Highways evidence base provided by RBC and the Site Promoters fails to assess the impact of the H72 proposals, or consider the deliverability of access strategies and identify a robust mitigation package. There are significant issues with the Market Place mini-roundabout and all three proposed accesses to H72. **(ECNF –GBP 4.3 and ECNF-SKT.)**
 - e) **Heritage Impact Assessment.** RBC’s own Assessment concludes that approximately 50% of SHLAA 16262 should be excluded from development, providing further support for removing H72 from the Housing Site Allocation (HSA) list and retaining it as Green Belt. **(See Appendix ECNF-GBP 4.2.)**
 - f) **Duty to Co-operate.** It is noted that adjoining authorities are unable to assist, but this of itself is no justification for building in Green Belt. **(See Appendix ECNF- GBP 6, point 7 and Green Belt Topic Paper, page 26.)**
- 4) **Proposed Green Belt Changes.** RBC highlight that the proposals for housing in the Green Belt have been scaled back. RBC list the Green Belt sites removed which all have no brownfield content (Green Belt Topic Paper, page 20.) The only remaining site with no

brownfield content still allocated for housing is H72. **(Refer to individual site comments in Appendix ECNF-GBP5.)**

- 5) **Exceptional Circumstances.** It is clear that RBC are unable to provide any real evidence or justification for taking Green Belt for housing purposes. **(See Appendix ECNF-GBP 6.)** RBC claim **(Green Belt Topic Paper, page 21)** a grossly inflated housing density figure of 100 for Brownfield sites when the figure is actually 44 and make similar erroneous claims for their mixed site figures. **(See Appendix ECNF- GBP 7.)**
- 6) **Representations.** RBC have commented on the exceptional level of representations about the proposals for Edenfield, over 800 at Regulation 18 stage and 1,235 during the Regulation 19 Consultation, but in reality they have disregarded them.

Section 2 Housing Sites and Numbers: Key Facts:

Examination of the SHLAAs (June 2017 and August 2018) and other documents reveals a number of sites which could be developed for housing but which do not appear in the HSA list in Table 1 of the Local Plan (Table 1). We have analysed fully the sites we consider are viable and deliverable and comment below on the key facts:

- 1) **Sites Rejected by RBC.** **Appendix ECNF-HLA 2** summarises the sites RBC rejected, with their reasons for not carrying the sites forward and the reasons why Edenfield Community Neighbourhood Forum (ECNF) considers them to be both viable and deliverable. In total these sites would provide a minimum of 918 extra dwellings.
- 2) **Yield Improvements.** **Appendix ECNF-HLA 3** identifies sites where the potential yield is greater than shown in Table 1. There is a site-by-site explanation of the difference. In total these provide **40** more dwellings.
- 3) **Early completions and reductions.** RBC's document *EL1.002j(iv) Appendix C - Status of Allocated Sites* suggests that, because of completions prior to 1st April 2019, the number of dwellings to be completed during the plan period will be 78 fewer than in Table 1. There might be a further reduction of 17 based on the applications/approvals for sites H12 & H13. In the worst case, the reduction would be $78 + 17 = 95$.
- 4) **Extant Planning Permissions.** **Appendix ECNF-HLA 4** lists sites wrongly excluded from Table 1, being sites with 'extant planning permissions which have not started or are still being built out, and are not expected to be completed [by 31st March 2019]'. Additional dwellings in this category number 270.
- 5) **Small Sites.** **Appendix ECNF-HLA 5** looks at small sites and suggests that small sites alone can be expected to contribute a minimum of 25 dwellings per annum, or 375 over the plan period. This figure does not include windfall sites for 5 dwellings or more.

- 6) **Empty Homes.** It is noted that there were 1,207 empty homes on 1 October 2018, of which approximately 640 would be normal transactional vacancies and 570 would be longer-term. A contribution from this source towards the housing target appears not to have been considered. **(See Appendix ECNF-HLA 7.)**
- 7) **Regeneration of Sites no longer suitable for Employment Use.** Numerous sites are currently treated as employment land but are no longer suitable for employment use. These could provide at least 439 more dwellings during the plan period. **(See Appendix ECNF- HLA 8 and ECNF - ELR 1.)**
- 8) **The total number of dwellings** identified in our Housing Land Availability Analysis is $918 + 40 + 270 + 375 - 95 = 1,508$. To this should be added 439 dwellings which can be built on the surplus land from our Employment Land analysis giving a grand total of 1,947 **dwellings**.
- 9) **Appendix ECNF-HLA7** considers the potential for further development in Bacup if RBC were to provide a pro-active resolution to access constraints. Not included in the above totals is the opportunity for a minimum of 128 extra dwellings in an area of need.

Section 3 Employment Land Study.

1) **Key facts:** Inaccuracies in the Employment Site Allocations List.

In the Local Plan there are significant inaccuracies in the Employment Site Allocations List (Table 2, pages 51-53).

Appendix ECNF – ELR 2 Table A shows 12 examples of sites omitted, some of many years' standing. These constitute over 6ha of Employment Land in addition to the totals in Table 2. These examples are drawn from local knowledge; there is little doubt there may be many more.

Appendix ECNF – ELR 2 Table B shows two examples of discrepancies in the estimated net developable areas. It is therefore likely there is a significant amount of developable land on other sites recorded as having zero developable land.

Appendix ECNF – ELR 2 Table C. The omission of a figure for the net developable area at Futures Park means the total net developable area is understated by approximately 2.8ha, (approximately 10% of the total.)

Appendix ECNF – ELR 2 Table D provides six examples of Small Employment Sites which are not listed. Presumably, as with Tables A and B above, there are many more, providing valuable employment space.

The cumulative effect is that there is a minimum of 6ha not included which increases the existing employment land total to 160.78ha. Additionally, there are 2.8ha of net developable land not included taking the total for this to 30.77ha. The new employment land allocation figure should therefore be at least $160.78 + 23.01$ from New Employment + 8.23 from Mixed

Sites = 192.02ha. (See RBC SD001 Policy EMP 2 Table 2 pages 51-53 and Appendix ECNF – ELR 2.)

2) Rossendale Employment Projections from 2014-2034. The latest employment projections in the Employment Land Topic Paper highlight a further reduction in manufacturing jobs of 119. Updated to reflect this change, the Floorspace requirement is reduced from 5,432sqm to 2,755sqm. When this is then subjected to the Plot Ratio calculations, the gross land requirement figure is reduced from 1.36ha to 0.69ha. (See Appendix ECNF- ELR 3 for the Employment projection figures and Appendix ECNF- ELR 4 for the space calculation details.)

3) Calculation Methodology. (See Lichfields' Employment Land Review Final Report, 17.02.17.)

- a) **Employment Projections:** Due to the contraction projected for manufacturing and the trend to service-orientated businesses the space requirements from the employment projection itself will be 0.69ha over the plan period. (See Appendix ECNF - ELR 6, point 1.)
- b) **Safety Margin:** There is no reason to change the 2-year safety margin assumption; however, the area involved should be based on the average from the ten year completion figures. (This equates to 0.39 ha per annum giving a total requirement of 0.78ha.) (See Completions Calculations in Appendix ECNF - ELR 5.)
- c) **Land Loss Allowance:** The background is fully reviewed in Appendix ECNF - ELR 6, point 4. On this basis the average 10-year loss figure should be multiplied by the number of years of the Local Plan. ($0.617\text{ha} \times 15 = 9.25\text{ha}$.)
- d) **Corrected Employment Land Requirement.** The final Employment Land requirement is made up from points 3a, 3b and 3c above; $0.69 + 0.78 + 9.25\text{ha} = 10.72\text{ha}$, not the 27ha in the Local Plan.
- e) **Employment Land Allocated.** The Local Plan identified 27.97ha of developable land. With the 2.8ha of additional developable land highlighted in Appendix ECNF - ELR 2-Section C, the total increases to 30.77ha. When this is compared with the recalculated requirement figure in paragraph 3d above, there is a surplus of employment land available of 20.05ha.
- f) **RBC's Policies.** (See Appendix ECNF-ELR7.) These policies would significantly reduce the employment land requirement by reducing the annual land losses which in turn should allow for more of the previously developed land to be allocated for housing.
- g) This eliminates the need to take land from the Green Belt for housing.

Conclusions:

1. Section 2 indicates that there are sites with capacity for 1,947 dwellings over and above the number in the Local Plan, none of which is in Green Belt. There can be no justification for removing land from Green Belt for residential development, when the supply of land elsewhere which is suitable for housing has not been exhausted.
2. The issue of past under-delivery is addressed by the Housing Trajectory data showing a sufficiency of sites in the first five years of the plan period. Appendix 4, Local Plan shows 1,640 dwellings (1,060 + 54.7% buffer) to be completed in Years 1-5, against a requirement of 1,272 (including 20% buffer).
3. The employment land requirement figure is not justified or supported by evidence. ECNF analysis identifies the need as 10.72ha, not 27ha as reported by RBC. Nor is Policy EMP 3 justified; land losses have been significantly reduced over the past 10 years and there is a need to release employment sites with buildings that are no longer fit for purpose and allow them to be allocated for other uses including housing to drive regeneration.
4. RBC's Employment Land calculations are inaccurate: the requirement is inflated by more than 20ha, and, if half of this were reallocated for housing, it would create 439 additional homes based on the housing density figures for Brownfield sites. With the recalculation of the requirements based on the most recent figures and the proposed policies EMP3, EMP4 and EMP5, the surplus of employment land will enable the sites that are less suited to employment use to be used for housing.
5. In the Green Belt Topic Paper conclusion RBC claim to recognise the importance of the permanence of the Green Belt and not to take its release lightly, yet they continue to propose it despite serious inaccuracies in both their Housing and Employment Site Allocations reviews. They have been made aware, and should have been aware in any case, of virtually all the points highlighting the inaccuracies of their housing evidence base through ECNF's previous representations. However, they disregard it.
6. RBC commented on the exceptionally high level of Representations made against the proposals for Edenfield, but in reality they have disregarded it.
7. RBC are aware there is nearly thrice as much Countryside as Green Belt but they continue to champion the use of Green Belt. They know of the significant number of alternative sites which avoid the need to use Green Belt but again they disregard it.
8. RBC see the importance of a balanced approach, yet with overall growth for the Borough at 10% their use of Green Belt results in growth of 47% in Edenfield despite this scale of development being totally disproportionate and unsustainable in terms of infrastructure. 87% of the developments proposed on Green Belt are allocated to Edenfield despite RBC's having identified a high level of housing need for the east of the Borough and Rawtenstall (Green Belt Topic Paper, page 21), where no Green Belt is being allocated.

9. RBC have utilised the information from studies by Penny Bennett Landscapes in 2015 and 2017 and by LUC in 2016, but have been selective as to which parts they adopt and which parts they overrule. RBC disregards the consultants' conclusions where those do not justify the use of Green Belt in the main area of Site H72. RBC's reason, that they had "used . . . planning judgement in coming to an opinion on the impact on Openness" substitutes the partisan opinion of generalists for the disinterested opinion of landscape specialists. (See RBC's Green Belt Topic Paper, page 12.)

10. Additionally, RBC's Heritage Impact Assessment highlights that half of SHLAA 16262 within H72 would need to be excluded. RBC's own document, which is contemporaneous with the Regulation 19 Local Plan, shows that the current H72 allocation will have an injurious impact on heritage.

11 There are significant issues with the Market Place mini-roundabout and all three proposed accesses to site H72. **(ECNF –GBP 4.3 and ECNF-SKT.)**

12 The eight points which RBC highlight as Exceptional Circumstances have no real substance, only proving once again they have no evidence or justification to release any Green Belt for Housing or Employment.

13. RBC have not identified how they would begin to compensate in the remaining Green Belt the removal of a tract with the landscape value of H72. Obviously it is impossible to compensate, as RBC implicitly acknowledge. In a wholly inadequate nod to the NPPF, the Green Belt Topic Paper, page 26, does no more than offer platitudes: "Exactly how this will be implemented is still an area for consideration" and "Working with a range of partners is likely to be necessary to effectively implement [a SANG]".

14. It is not exceptional for a road to run through Green Belt. That is no justification for re-aligning the Green Belt boundary with the road. It should be noted that the Green Belt boundary was first established in 1982 (Green Belt Topic Paper, page 6) more than 12 years after completion of the A56 Edenfield bypass.

15. Any large site can be masterplanned. The potential for masterplanning is not an exceptional circumstance justifying removing Green Belt protection.

16. There is little doubt that in its current form the Local Plan is not compliant with the NPPF, and is seriously unsound, in that it:

- is contrary to NPPF, paragraphs 134, 136, 137 and 138 **(See Appendices ECNF - GBP3 and GBP 6).**

- does not bring forward available housing sites outside the Green Belt **(See Appendix ECNF - HLA 2)**.
- exaggerates the employment land requirement based on an incomplete assessment of existing sites and inaccurate calculations. **(See Appendix ECNF - ELR 1, Section 3)**.
- disregards or fails to give proper weight to the landscape consultants' advice **(See Appendix ECNF - GBP1, paragraph 3a)**.
- fails to make a thorough assessment of highway infrastructure improvements required by the large-scale site allocations in Edenfield **(See Appendix ECNF – GBP 4.3)**.
- will, with the allocation of site H72, have a detrimental impact on heritage, as RBC's own report shows **(See Appendix ECNF - GBP, 4.2, SHLAA 16262)**.
- provides a disproportionate scale of development in Edenfield despite professed balanced delivery of housing **(See Appendix ECNF - GBP 6, paragraph 1)**.

17) Suggested remedies:

- remove site H72 from the Housing Site Allocations and retain it in the Green Belt
- replace H72 with as many sites as necessary, to be selected from surplus employment land or the list in Appendix ECNF - HLA 2.
- amend the Policies Map accordingly.
- re-calculate the Employment Land Requirement as indicated in Appendix ECNF - ELR6 , re-assess the need to allocate Green Belt land for employment, provide fully evidenced justification for any such allocation and release surplus land and/or decayed, unsuitable or unattractive sites for residential redevelopment.
- delete Policies EMP3, EMP4 and EMP5.

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