

SCHEDULE OF ACTIONS MATTER 8: APPROACH TO SITE ALLOCATIONS AND GREEN BELT RELEASE (Action 8.12)

Exceptional Circumstances for Green Belt Release

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| 8.12 | Council to produce a note on exceptional circumstances for Green Belt release for housing and employment site allocations |
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1 Background

1.1 Introduction

1.1.1 This paper has been prepared in support of the emerging Rossendale Local Plan, prepared by Rossendale Borough Council (RBC) and which recently went through public hearings as part of the Local Plan Examination process. The Local Plan includes a number of proposed employment and housing site allocations, some of which are located in the existing Green Belt. The paper sets out the Green Belt context in the Borough, explains the process of site selection that the Council went through and then sets out the exceptional circumstances which are considered to exist which justify the release of Green Belt. Specifically, it provides the response to Action 8.12 and also on the Green Belt implications of the potential Edenfield Primary School expansion (see Action 14.3).

1.2 History of the Green Belt

1.2.1 Green Belt is a national policy designation introduced initially in the 1930's around London and then rolled out nationally by a government circular in 1955. There are currently 14 separate Green Belts in England of varying sizes. Green Belt aims to prevent urban sprawl and the merging of settlements, to assist in safeguarding the countryside from encroachment, to preserve the character of historic towns and to assist urban regeneration by encouraging development on derelict and other urban land.

1.2.2 Green Belt is not a landscape or natural heritage designation, nor is all land within the Green Belt necessarily "green" i.e. undeveloped, greenfield land. For example, it can include existing development, including villages, within it. Its main purpose is to preserve "openness" of the land.

1.3 Green Belt in Rossendale

1.3.1 The broad extent of the Green Belt in Rossendale was established in the 1979 North East Lancashire Structure Plan and the Lancashire Structure Plan of 1990. The Rossendale Local Plan (1995) defined detailed boundaries and only very minor boundary amendments have been made since then.

1.3.2 The main locations of Green Belt in the Borough are in the following places:

- Around Rising Bridge. This overlaps with Green Belt with Hyndburn Borough Council and is intended to prevent the merging of Rising Bridge with the settlement of Baxenden.
- Between Rawtenstall and Haslingden. The Green Belt in this area is intended to prevent the merging of the two settlements with the gap between them being narrow at this point.
- In the south west of the Borough, adjoining the Greater Manchester Green Belt within Bury. As well as protecting the identity of small settlements such as Irwell Vale and Chatterton, the Green Belt in this location helps to prevent settlements such as Edenfield and Stubbins from merging with Ramsbottom.
- Between Waterfoot and Stacksteads. This is a small, isolated area of Green Belt that keeps an area of open land between the two settlements, particularly in the area known as the Glen.
- Land around Britannia, Facit, Shawforth and Whitworth. The Green Belt in this location helps to prevent any further merging of these ribbon settlements and adjoins the Greater Manchester Green Belt in Rochdale.

1.3.3 Currently 3,177 hectares of land within Rossendale exists as Green Belt out of a total area of 13,800ha, equating to approximately 23% of the total land area of the Borough. The Plan proposes the loss of 27.54ha of Green Belt which amounts to less than 1% of the current Green Belt total. Overall less than 10% of the land in the Borough is within the urban area; the rest is made up of Green Belt and other countryside (including extensive moorland).

1.4 Housing Need in Rossendale

1.4.1 The emerging Local Plan sets out a housing requirement of 212 additional dwellings to be delivered per year, based on the Government's standard methodology for calculating housing need. This amounts to an overall requirement for the 15-year plan period of 3,180 dwellings. The Council must also demonstrate that it has a 5 year supply of land for housing plus a 20% buffer (the latter being required to help make good past under-delivery). This equates to a 5 year requirement of 1,272 dwellings (including the buffer). The Council is expected to identify enough land to provide a 5 year housing land supply and to deliver the overall housing requirement.

1.5 Employment land requirements in Rossendale

1.5.1 The Employment Land Review (ELR), undertaken in 2017, established a need for between 22 and 32 hectares (gross) of additional employment land up to 2034. More land is required to meet projected economic and jobs growth and to address the lack of good quality, small to medium-sized premises currently available and to meet high demand for employment space, particularly for B2 (General Industrial) uses. The Council took the decision to pursue a mid-range figure of 27 ha of B-Class land as the employment land requirement. This aligns with the housing requirement (i.e. the amount of land needed to provide for the number of jobs which would be required for the growing number of households).

1.6 National planning context

National Planning Policy Framework (NPPF) 2019

1.6.1 The NPPF sets out the Government's planning policies and how these should be applied, including national policy on Green Belt. Paragraph 133 of NPPF is clear that the Government attaches great importance to Green Belts, with the fundamental aim of this policy being to prevent urban sprawl by keeping land permanently open – this reflects the essential characteristics of Green Belts which are their openness and their permanence.

1.6.2 Paragraph 136 states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans (in this case, the Rossendale Local Plan). Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

1.6.3 Paragraph 137 goes on to state that, before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will take into account paragraph 136, and whether the strategy:

- makes as much use as possible of suitable brownfield sites and underutilised land;
- optimises the density of development in line with the policies in NPPF, including whether policies promote a significant uplift in minimum density standards in town centres and other locations well served by public transport; and
- has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

1.6.4 Paragraph 138 then makes clear that, where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or well-served by public transport. They should “set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land”.

1.6.5 This paper will now provide a summary of the “examination of all other reasonable options” that was carried out in preparation of the Local Plan and then goes on to set out the exceptional circumstances which are considered to exist for Green Belt release.

2 Examination of all other reasonable options

2.1 Introduction

2.1.1 Paragraph 137 of the NPPF specifies how strategic policy making authorities should establish the existence of exceptional circumstances to justify change to Green Belt boundaries.

2.1.2 The first consideration is that full use must be made of suitable brownfield and underutilised land. The NPPF does not define “underutilised” land or state whether it is distinct from brownfield land. The Council have interpreted this as prioritising the identification of suitable sites within the urban boundary first, before looking at countryside or Green Belt. This may involve, for example, reassessing existing employment sites to identify whether they are still being fully and appropriately utilised for economic uses. In relation to brownfield land, the approach was to focus first on brownfield sites or mixed sites. Greenfield sites were then identified as a last resort.

2.2 Housing site selection process

2.2.1 NPPF states that a policy-making authority should have a clear understanding of the land supply for housing within its area and that this can be achieved by producing a strategic housing land availability assessment (SHLAA). This provides an indication of how much land is suitable, available and achievable¹ for housing development. The SHLAA looks at a number of assessment criteria, including physical constraints such as flood risk, topography, access and compatibility with surrounding uses.

¹ Suitable: a site that would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated; Available: where there is confidence that there are no legal or ownership impediments to development; Achievable: where there is a reasonable prospect that the site can be developed at a particular point in time (the site is economically viable)

2.2.2 The site selection process for the emerging Local Plan started in 2016. It used, as a starting point, the work undertaken for the draft “Lives and Landscapes – Local Plan Part 2” DPD, which had sought to allocate sites in accordance with the 2011 Core Strategy. This document was prepared following a “Call for Sites” and consultation process. This provided a robust initial evidence base. The SHLAA was updated by a further housing land assessment. This was published in 2017 to inform the Regulation 18 stage Local Plan consultation. This is the point at which potential Green Belt release was first specifically identified.

2.2.3 Sites assessed in the SHLAA were identified from a number of sources, including sites taken from earlier SHLAAs, land suggested through the Call for Sites process and by identifying land in public ownership which may be available for redevelopment. As there was no restriction on what type of land could be considered in the initial assessment, the SHLAA included a mixture of locations and land types², including brownfield and greenfield land, sites in the urban boundary and those in the countryside and Green Belt (see Table 1 below).

2.2.4 Initially the SHLAA discounted all those small potential “windfall” sites which could not deliver at least five dwellings (in line with national guidance) and those that had an extant planning permission (as these would already be included in the housing land supply as commitments). Through the assessment of the remaining sites’ suitability, availability and achievability, the SHLAA determined whether they could be “deliverable”³ (i.e. homes could be provided on the site within five years) or “developable”⁴ (i.e. those sites deemed suitable for development but where homes could only start to be delivered between years five to fifteen).

2.2.5 The SHLAA process refined the site search, resulting in 92 sites being identified as “deliverable” and 138 as “developable”. Further details of this process can be found in the Housing Topic Paper:

<S:\Spatial Development\Forward Planning\LOCAL PLAN - REG 22\Topic Papers\Housing Topic Paper\Housing Topic Paper March 2019 update v2.docx>

² It is important to note that the SHLAA is a tool to help identify land and provide information on a broad range of sites which could have development potential. It does not in itself designate which sites should be developed; this is done through other processes, such as allocating a site in the development plan (when policies and evidence from other studies are taken into account). Therefore, the SHLAA takes a “policy-off” approach and so, for example, restrictive planning policies relating to the location of development are not necessarily used as a reason to deem a site to be unsuitable in the SHLAA if the land could otherwise be appropriate for development.

³ To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years (NPPF definition).

⁴ To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged (NPPF definition).

Table 1: Location of sites initially assessed as suitable in the SHLAA

| Dwellings expected from SHLAA Sites | Within existing Urban Boundary | Countryside adjoining Urban Boundary | Countryside not adjoining Urban Boundary | Green Belt adjoining Urban Boundary | Green Belt not adjoining Urban Boundary | Total |
|---|---------------------------------------|---|---|--|--|--------------|
| No. of dwellings on Deliverable sites | 665 | 384 | 68 | 105 | 44 | 1,266 |
| No. of dwellings on Developable sites | 578 | 2,148 | 316 | 1,810 | 304 | 5,156 |
| Land supply from deliverable and developable sites | 1,243 | 2,532 | 384 | 1,915 | 348 | 6,422 |

2.2.6 Table 1 above shows that, of the potentially deliverable and developable sites identified in the SHLAA, there was only enough land within the existing urban area to accommodate approximately 1,243 dwellings. The remaining sites were either in the existing countryside (with a potential capacity of 2916 dwellings) or in the Green Belt (2263 dwellings).

2.2.7 The SHLAA is not an accurate indicator of land supply as it assesses sites at a high level on a “policy-off” basis. The housing supply provided by the SHLAA was therefore refined using other evidence base studies including the Green Belt Review, Heritage Impact Assessment, Landscape Assessment, Strategic Flood Risk Assessment and the Employment Land Review to identify housing site allocations within the publication version of the Local Plan. Furthermore the SHLAA assessed each site in isolation, whilst the site allocations within the Local Plan considered the possible cumulative impact of development. Thus unsuitable sites had to be sieved out to deliver a final category of those which were considered suitable for allocation. Further details of the site selection process, giving reasons why particular sites were selected or rejected for allocation can be found in the note responding to Action 8.7.

Sites within the existing Urban Boundary

2.2.8 The number of units that could be delivered on sites within the Urban Boundary was insufficient to accommodate the housing need of the Borough during the plan period and therefore sites within the countryside had to be considered.

2.2.9 As previously noted, not all of the sites which were identified within the Urban Boundary are “suitable” for allocation. For example, some are in active use or protected for employment, development. The development of others could have significant impact on heritage assets or a community green space. Others might give rise to highways issues.

2.2.10 Once the whole site selection process had been completed, taking into account all the identified constraints and other considerations, land sufficient for a total of 1,337 dwellings was identified within the existing urban boundary. Land for a further 109 dwellings was found partly within the urban boundary.

Sites within the countryside

2.2.11 Relatively isolated sites in the countryside but not adjoining the Urban Boundary situated away from local services and public transport were discounted as unsustainable. Other sites which adjoin the Urban Boundary were however given careful consideration as potentially sustainable allocations.

2.2.12 The Landscape Assessment study was an important consideration when selecting sites for potential allocation within the countryside. The physical nature of the Rossendale valley means that many such sites are situated in locations within or close to the moorland fringe where development would not be appropriate.

2.2.13 Other sites within the countryside adjoining the existing Urban Boundary were also not proposed for allocation due to constraints such as access issues, unwilling landowners and findings from other studies.

2.2.14 In total, land in the countryside adjoining the Urban Boundary (but not designated as Green Belt) was found sufficient to provide a total of 940 dwellings. Taken together with the sites within the urban boundary, there was still an overall shortfall of the land required to meet the requirement. This led, as a last resort, to the consideration of sites within the Green Belt.

2.2.15 The most recent SHLAA (2018), including a detailed description of the assessment methodology, can be found on the Council's website:

https://www.rossendale.gov.uk/downloads/download/10816/strategic_housing_land_availability_assessment_2018

Local Plan Allocations - location

2.2.16 In relation to the final set of proposed allocations, Table 2 below shows that the Council has still managed to ensure that most allocated sites are located within the existing urban boundary and has limited the amount of housing land on countryside and Green Belt as much as possible.

Table 2: Location of Local Plan housing allocations

| | Existing Urban Boundary | Existing Countryside | Existing Green Belt |
|--|--------------------------------|-----------------------------|----------------------------|
| No. of Housing / Mixed Use (inc. residential) Allocations | 52 | 20 | 5 |
| % of sites | 68% | 26% | 6% |
| No. of dwellings | 1,446 | 940 | 467 |
| % of dwellings | 51% | 33% | 16% |

2.3 Making use of Brownfield land

2.3.1 Suitable previously-developed land was prioritised for development during the site selection process. The reallocation of employment land to housing was also considered and a number of the brownfield sites looked at as part of the ELR have subsequently gone on to be recommended as housing allocations. However, it was recognised that even sites which were assessed as being relatively poor quality in relation to employment use, can be a valuable source of land for development which meets the needs of smaller businesses which can only pay modest rents and who wish to remain in the local area. There is also a lack of alternative (and affordable) sites and premises for these businesses to relocate to, even with the proposed allocation of new employment land. This resulted in only a limited potential to reallocate employment land for housing.

2.3.2 Table 3 below shows the number of dwellings on potential sites identified in the SHLAA and whether they were on brownfield, greenfield or mixed brown/greenfield sites.

Table 3: Brownfield status of land assessed as suitable in the SHLAA

| Dwellings expected from SHLAA sites | Brownfield | Greenfield | Mixed | Total |
|--|-------------------|-------------------|--------------|--------------|
| No. of dwellings on Deliverable sites | 248 | 887 | 131 | 1,266 |
| No. of dwellings on Developable sites | 143 | 4,109 | 904 | 5,156 |
| TOTAL | 391 | 4,996 | 1,035 | 6,422 |

2.3.3 Table 3 shows that brownfield land was judged as sufficient to accommodate only 391 dwellings. Whilst there is a perception that there is a large amount of brownfield land available, the Borough does not actually have a great deal of previously-developed land, compared with some of the larger urban authorities. The SHLAA also shows that much of this land is not necessarily suitable due to the particular constraints typically associated with the development of brownfield sites, such as lack of economic viability, flood risk and land contamination. For example, many of the vacant mill sites which characterise the borough are in locations that suited the historic industrial use but which may now not be appropriate because of constraints such as flood risk.

Local Plan Allocations – brownfield status

2.3.4 Table 4 below shows that 30% of allocations are on brownfield land. This will accommodate approximately 22% of all dwellings. Around 15% of new homes will be provided on mixed sites. The remainder will be built on greenfield land.

Table 4: Brownfield status of Local Plan allocations

| | Brownfield | Greenfield | Mixed |
|---|------------|------------|-------|
| No. of Housing & Mixed Use/Housing allocations | 23 | 46 | 8 |
| % of allocations | 30% | 60% | 10% |
| No. of dwellings to be provided on allocations | 603 | 1639 | 611 |
| % of dwellings | 21.2% | 57.4% | 21.4% |

2.4 Optimising Density

2.4.1 The NPPF is clear that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

2.4.2 During the site selection process and the identification of the housing land supply, density was carefully considered by the Council. This took account of the need to optimise density wherever possible but was also mindful of other considerations, such those set out in paragraph 122 of NPPF. This states that development that makes efficient use of land should be supported, taking into account issues such as local market conditions and viability, the capacity of existing infrastructure and services, including sustainable travel modes, the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places.

2.4.3 With this in mind, the Council have maximised density wherever it was felt appropriate to do so (for example in the most sustainable locations or on existing heavily developed land, such as former mill sites) but have not assumed a high density is appropriate for every site if this would have an adverse impact on the surrounding character or would create a disproportionate amount of new housing in an area (in relation to existing services). This is especially the case in an area such as Rossendale where, aside from the traditional terraced areas around the centres and along the urbanised valley bottoms, it is not typically characterised by high density development.

2.4.4 Therefore, rather than applying a blanket density multiplier for all sites, the potential capacity of each allocated site was identified by first estimating the net developable area of the site (taking account of the need to avoid flood risk, areas of habitat etc.) and then applying other considerations. These other considerations included the location of the site in relation to access to public transport and other services, density of the surrounding area, potential effect on landscape, the setting of heritage assets etc. Keeping the density to a moderate level also reflects the need identified in the Strategic Housing Market Assessment (SHMA) to provide a wider range of dwellings, including larger, lower density homes, to provide greater choice within the housing market. This is especially the case as there is a predominance of small, high density terraced properties. In relation to brownfield land, however, the Council took the view that the density of development should be maximised as much as possible to reduce the need to allocate more greenfield land. Generally speaking the economic viability of brownfield sites is also improved by increasing the density of development.

2.4.5 The average density of development on the 23 proposed brownfield sites allocations is approximately 100 dwellings per hectare (dph). This includes sites up to 550dph on development involving conversion of existing buildings such as H2 Magistrates Court, Rawtenstall. Even if the highest density sites are removed (i.e. all those over 100dph), the average still emerges at around 50dph which is relatively high for a borough such as

Rossendale. The average density on the remaining mixed greenfield / brownfield and fully greenfield sites is just over 30dph, which again is a reasonable density given the character of the borough.

Further information on density is set out in the note responding to Actions 8.3 and 8.4.

2.5 Employment site selection process

2.5.1 The allocation of employment sites was informed by the Employment Land Review (ELR) which identified the amount of employment land required to meet future needs, made an assessment of existing sites and identified and assessed potential new employment sites.

2.5.2 The main conclusions from this analysis were:

- Future realisable demand may be restricted by the current poor and ageing existing stock, particularly in the east, which no longer meets the needs of modern businesses; this is compounded by the lack of infrastructure investment, limited number of industrial estates/business parks, and weak inward investment (relative to neighbouring areas such as Greater Manchester and other parts of East Lancashire);
- In particular, there are several old mill buildings, many of which are in need of renovation or replacement. The poor quality of existing premises supports the case for allocating new land in areas of stronger demand so that new premises can be built and better respond to market demands;
- There are high levels of demand for employment space from smaller businesses across the Borough and ensuring a supply of flexible space suited to the needs of Small to Medium Enterprises (SMEs) will be important to help them grow.

2.5.3 In relation to specific employment land types:

- Gross annual take-up of B-class employment uses have been relatively low with the main cause identified as a lack of suitable sites (largely due to steep topography and flood risk in the area). There has also been a corresponding loss of employment space, leading to a net reduction since 2005-06;
- There is a lack of good quality, small to medium-sized industrial premises, which is suppressing demand – in particular, for local businesses wishing to expand;
- There is an underlying demand for B2 (General Industrial) premises and, to a lesser extent, B8 warehousing;
- Whilst there is a short-term oversupply of office accommodation, the quality of much of the existing stock does not meet the expectations of most businesses. Therefore, to meet the forecast growth in the services sector, there will be a need to supply new, good quality office accommodation.

2.5.4 The assessment of existing sites revealed that the spare capacity on existing employment land (5.46ha) was insufficient in itself to meet the employment land requirement of 27ha. This is coupled with the fact that the total amount of existing land is made up of small, piecemeal areas spread across several existing employment sites, which may not be high quality.

2.5.5 The lack of sufficient land to meet the employment requirement in the urban boundary, the need to avoid further loss of existing space and the need for high quality, large sites in the parts of the Borough most attractive to potential new investors (i.e. the west of the Borough closest to the strategic road network) meant that Green Belt releases had to be considered for employment land.

Table 5: Location of Local Plan employment allocations

| | Existing Urban Boundary | Existing Countryside | Existing Green Belt |
|--|--------------------------------|-----------------------------|----------------------------|
| No. new and existing Employment / Mixed Use Allocations | 54 | 4 | 3 |
| % of sites | 88% | 7% | 5% |
| Amount of available floorspace (ha) | 4.84 | 10.56 | 12.07 |
| % of floorspace | 18% | 38% | 44% |

2.6 Discussions with neighbouring authorities

2.6.1 Throughout the preparation of the Local Plan, the Council has actively engaged with adjoining authorities and other Duty to Co-operate consultees. 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. The Greater Manchester Combined Authority (GMCA) have asked if this Council could meet their development requirements. No Councils have they offered to meet any of Rossendale's needs. This applies to housing and employment land. Further discussions took place in January 2019 on the use of the 212 dpa requirement with adjoining authorities (Bury and Rochdale), as well as with the Greater Manchester Combined Authority (GMCA). GMCA has not objected to Rossendale's approach and only reiterated its earlier position that it was unable to provide for any of Rossendale's development requirements.

2.7 Reasonable options conclusions

2.7.1 As is set out above, the site allocation process focussed first on sites within the urban boundary and on brownfield sites before considering sites in the countryside/Green Belt and greenfield sites. Wherever a brownfield site was assessed to be suitable, this land has been allocated or, if too small to be allocated, has been included in the Brownfield Land Register. Rossendale is a small Borough with a limited amount of brownfield land and of this total supply, even less could be considered appropriate for redevelopment.

2.7.2 Density has also been optimised as much as possible and the average density achieved on all proposed site allocations is high. It must be recognised, however, that the scope for maximising density is limited by the prevailing character of the area. A balance was considered to be necessary to avoid the increase in density starting to negatively impact on the character of the area, especially as the Borough does not have many locations which naturally suit very high density development (i.e. large urban areas with high public transport accessibility and a large concentration of services).

2.7.3 The lack of brownfield and other suitable land within the urban boundary has resulted in the need to consider sites beyond the urban boundary. Much of the non-Green Belt land

outside the urban boundary is also unsuitable for development, due to topography, natural heritage and other constraints, including flood risk and accessibility.

2.7.4 Discussions with neighbouring authorities has concluded that no other authority was able to accommodate any of Rossendale's housing or employment needs, particularly given the challenges faced in meeting their own needs.

2.7.5 The Council considers that it has examined all other reasonable options for meeting its identified need for development as required by Paragraph 137 of the NPPF. The assessment of all other options did not identify sufficient suitable land to meet needs. It was therefore considered necessary for Green Belt land to be proposed for development, especially where this land met the expectation of NPPF paragraph 138 and was relatively free of other constraints.

3 Exceptional Circumstances

3.1 Calverton test - background

3.1.1 Having been satisfied that the requirements of NPPF Paragraph 137 had been met, the Council went on to consider the exceptional circumstances for Green Belt release. In the case of *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin), ("the Calverton case"), Mr. Justice Jay set out five considerations that ought to be addressed to ascertain whether 'exceptional circumstances' exist to justify releasing land from the Green Belt for development. Paragraph. 51 of the judgment states that:

"... the planning judgements involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2)5 should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/ intensity of the objectively assessed need (matters of degree may be important);

(ii) the inherent constraints on supply/ availability of land prima facie suitable for sustainable development;

(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;

(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed; and

(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent."

3.1.2 Taking account of these considerations, the Council considers that there are exceptional circumstances which justify release of Green Belt sites for development. They are as follows:-

3.2 Acuteness/ intensity of the objectively assessed need

⁵ Section 39(2) of the Planning and Compulsory Purchase Act 2004

Housing need

3.2.1 The housing requirement figure of 212 dwellings per annum (212dpa) has been derived using the standard methodology for calculating housing need. This is the Government's preferred method to identify housing need unless exceptional circumstances exist to justify another approach. The Government see the figure this produces as a starting point and, whilst there is scope within the guidance to increase the requirement if certain circumstances exist, the Council do not have any evidence to suggest that the requirement should be any lower than this.

3.2.2 Therefore, the Council must find enough housing land to deliver a minimum of 212dpa. Whilst this is lower than the previous Core Strategy requirement of 247dpa, historic data on housing completions shows that, since 2011, the authority has only once been able to exceed this annual target (in 2013/14). The remaining years have generally produced fewer than 200 dwellings with the average overall number of completions being just over 170 dpa.

3.2.3 The Strategic Housing Market Assessment (SHMA) also highlighted that the housing need may be even greater if the need for affordable housing was to be met in full and in order not to constrain economic growth. Whilst the Council considers that its current requirement of 212dpa is appropriate, the SHMA recommendations further demonstrate the intensity of the need for housing delivery.

3.2.4 The identified housing requirement, which is acknowledged as a minimum, and the continuing failure to deliver enough homes (now measured through the Housing Delivery Test which imposes sanctions on local authorities who fail to meet housing targets), including enough affordable homes, means that the Council is under a great deal of pressure to provide enough land to meet identified needs.

Employment land needs

3.2.5 The Council has identified a need to allocate 27 hectares of employment land to provide for future requirements. This is a mid-range figure between simply providing enough land to reflect past employment land delivery (which has been constrained by lack of suitable sites) and more ambitious growth targets which, whilst providing economic benefits, would also require much higher overall growth (including increased housing) and could start to create unsustainable patterns of development. The requirement for new employment land is considered essential in order to attract new business growth to the area, which currently suffers from a lack of good quality, large, accessible, fit for purpose sites and premises.

3.2.6 As with housing, the Employment Land Review identifies that the employment land requirement may be even greater. Again, whilst 27 hectares is still considered appropriate, the fact that it could be viewed as a minimum (assuming that the Local Plan does not want to stagnate further growth), demonstrates the intensity of the need for new employment land.

3.2.7 The needs for both housing and employment land are intensified by the necessity for them to be met in full entirely within the Borough boundary.

3.3 Constraints on supply / availability of land suitable for sustainable development

3.3.1 This note has shown that the supply of suitable, available and achievable non-Green Belt land is insufficient to meet identified development needs. This is due to a number of factors including the inherent lack of a large supply of brownfield land and other physical and economic constraints such as topography, flood risk, transport infrastructure, landscape and constraints on viability due to low land value and the cost of infrastructure. All of these lead to the need to consider the release of Green Belt land with development potential. Specifically in relation to employment land, the ELR identifies that there is a lack of good quality small to medium-sized industrial premises, (particularly in the west where many business wish to be located) and this is suppressing demand. Together with a limited number of industrial estates/business parks, this means the Borough cannot accommodate new, modern business opportunities.

3.3.2 The spare capacity on existing employment land (5.46ha) is insufficient in itself to meet the employment land requirement of 27ha. This is coupled with the fact that the total amount of existing land is made up of several small, piecemeal areas spread across existing employment sites, which may not be high quality and where there are difficulties in accessing the strategic road network.

3.4 Difficulties in achieving sustainable development without impinging on Green Belt

3.4.1 Without the release of Green Belt for development, all development would need to take place within the existing urban area or the countryside. It is not considered that there are enough suitable sites within these areas. Without Green Belt release, as there is a need to meet the housing requirement, there may be pressure to accept development in less sustainable locations which, in other circumstances, would not be supported. This could be on open space and playing fields, on more isolated countryside on the edges of urban areas or on countryside which may have greater landscape or heritage value than Green Belt. The development of such sites may actually cause more harm and be less sustainable than development on Green Belt.

3.5 Nature and extent of harm to Green Belt (or those parts of it which would be lost)

3.5.1 The Green Belt Review, carried out in 2016 and which informed the Local Plan, assessed the potential harm to the Green Belt (which it split into parcels for the purposes of the study) if it were to be developed. The review firstly made an assessment of each parcel against each of the five purposes of the Green Belt and whether it continued to perform strongly against these. Based on this, it then identified the degree of harm (low, medium or high) which would be caused if the parcel were to be developed. For parcels where a high or medium degree of potential harm was identified, consideration was given to whether any sub-areas within the parcel existed that may have less harm to the Green Belt. The review then recommended whether the parcel, or sub-area, had potential to be released from the Green Belt.

3.5.2 The largest proposed Green Belt release site is the housing allocation H72 (land west of Market Street, Edenfield). The Green Belt review concluded that the three parcels which made up the allocations could be released from the Green Belt. It suggested 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.

3.5.3 Both H69 (Cowm Water Treatment Works, Whitworth) and H70 (Irwell Vale Mill) were also both recommended for release. In relation to H71 (land east of Market Street, Edenfield) and H73 (Edenwood Mill), whilst the study did not recommend the entire parcel for release from

the Green Belt, it is recognised that the allocated sites themselves only make up a small part of the much larger Green Belt parcel assessed. Both of these sites are previously developed, with H73 containing a large, dilapidated mill building where redevelopment would not necessarily have a greater impact on openness than the existing building. Further information on the suitability of these sites in relation to the harm to the Green Belt can be found in the response to Actions 14.2-14.4.

3.5.4 In relation to the proposed employment allocations on Green Belt, NE1 (Mayfield Chicks, Ewood Bridge), was recommended for release in the review and is identified as having defensible boundaries. Neither NE2 (Land N. of Hud Hey) nor NE4 (New Hall Hey Extension) were recommended for release. Both of these sites are in the west of the Borough with access to the A56, where there is an identified need to provide large, more attractive employment sites to satisfy demand. No other non-Green Belt land could be identified in this part of the Borough which could provide a suitable alternative.

3.6 Extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced

Please also refer to the response to Action 8.10 on Compensatory Measures.

3.6.1 Paragraph 138 of NPPF states that ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land should be set out. Recently issued PPG expands on this and provides a number of suggestions on how this may be achieved. For example, through the provision of new or enhanced green infrastructure, woodland planting, new or enhanced walking and cycling routes and so on.

3.6.2 In a similar vein, paragraph 141 states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

3.6.3 Policy HS3 (Edenfield), which sets out site specific criteria for H72, includes the need for the development to identify mechanisms to enhance the quality of, and access to, Green Belt in the area between the site and Rawtenstall/Haslingden. The policy also sets out a number of other mechanisms by which any impact of the development on the existing nature and character of the area could be mitigated, including the need to carefully consider landscaping and boundary treatments. The developers are working with the Council through pre-application discussions to demonstrate how this can be achieved.

3.6.4 The Council are currently identifying potential compensatory sites, and devising a mechanism by which they can be funded and brought forward. This will include provision for securing developer contributions from planning obligations. This work will also include identifying potential opportunities for enhancing these sites and improving access to them.

3.6.5 The Green Belt Review has also identified a number of mitigation measures which could be implemented, particularly for those sites where a greater degree of potential harm has been identified if the site were to be developed. This involves avoiding certain parts of the site, retention of existing woodland and landscape features and increased planting to screen and soften the visual impact of development.

3.6.6 All of these recommendations can be incorporated into additional site specific planning guidance in the Local Plan.

3.7 Other requirements of NPPF

3.7.1 Paragraph 138 of NPPF also states that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well served by public transport.

3.7.2 Previously developed sites situated within the Green Belt were considered first. Four of the five housing allocations in the Green Belt are wholly or partly brownfield:

- H69 Cowm Water Treatment Works, Whitworth – this small site is on land previously used as a water treatment works which is being decommissioned;
- H70 Irwell Vale Mill – this site is partly within the existing urban boundary and partly contains existing built development and partly greenfield Green Belt;
- H71 Land east of Market Street, Edenfield – this is a small existing brownfield site, used for storage and is close to public transport;
- H73 Edenwood Mill – this site contains a large existing mill building and is close to public transport.

3.7.3 H72 Land west of Market Street, Edenfield is not previously developed but it is on the edge of an existing settlement, adjoining the A56, and is relatively well served by public transport.

3.7.4 None of the new employment allocations on Green Belt are previously developed, and they are all considered to have reasonable access to public transport.

4 Edenfield Primary School Expansion

4.1 In order to accommodate the increase in primary school age children which would be generated by the proposed housing allocations in Edenfield, it has been identified that it would be necessary to provide additional school places. One option to address is for the expansion of the existing Edenfield Primary School and an area of land which could accommodate this has been identified in the emerging Local Plan Policies Map. As the school buildings are immediately adjacent to the Green Belt boundary, any expansion of the existing footprint of the school would necessitate a small amount of development in the Green Belt.

4.2 Part of the response to Action 14.3 provides an assessment of the harm to the Green Belt if this land were to be developed and concludes that the school expansion would not cause significant harm.

4.3 Whilst the potential land required for this has been identified on the Policies Map, as expansion of Edenfield Primary is only an option (along with expansion of Stubbins Primary or a new school elsewhere, including within the allocation itself), the land required for this expansion was not specifically proposed for Green Belt release. Rather, it is envisaged that if any development were considered necessary in future, this would constitute “very special circumstances” and would be dealt with under the provisions of paragraph 144 of NPPF.

4.4 Further information on the various school options are also to be provided as part of the response to 14.3.

5 Conclusion

5.1 This note demonstrates that, in Rossendale, the overall supply of housing land to meet both the requirement and provide a 5 year housing land supply together with a 20 per cent buffer, and a sufficient supply of employment land, can only be satisfied by the exceptional release of land from the Green Belt in accordance with the NPPF and PPG.